

Jammu and Kashmir Prevention of Cruelty to Animals Act, 1990

JAMMU & KASHMIR

India

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Act 13 of 1990

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Jammu and Kashmir Prevention of Cruelty to Animals Act, 1990(Act No. 13 of 1990)(Published in the Government Gazette, dated 7th of April, 1990)

1. Short Title, Extent and Commencement.

(1)This Act may be called as the Jammu and Kashmir Prevention of Cruelty to Animals Act, 1990.(2)It extends to the whole of Jammu and Kashmir.

2. Definitions.

- In this Act, unless there is something repugnant to the context :-(a)"Animal" means any domestic or captured animal or bird;(b)"street" includes any road, way, lane, square, court, alley, passage or open space, whether a thorough fare or not, to which the public have access;

3. Penalty for cruelty beating, etc., animals in a public place, etc.

- If any person :-(a)overrides, beating or otherwise treat any animals so as to subject it to any unnecessary pain or suffering, etc.(b)binds, keeps, carries or consigns for carriage any animal in such manner or position as to subject it to unnecessary pain or suffering, or(c)offers for sale or without reasonable cause has in his possession any live animal which is suffering pain by reason of mutilation, starvation, overcrowding or other ill treatment, or(d)offers for sale any dead animal or part of a dead animal which he has reason to believe has been killed in an unnecessary cruel manner or,(e)without reasonable cause abandons any animals in circumstances which render it likely that it will suffer pain by reason of starvation or thirst,he shall be punished, in the case of a first offence, with a fine which may extend to fifty rupees, or with imprisonment with a term which may extend to one month and in the case of, a second or subsequent offence committed with in three years of the

previous offence, with a fine which may extend to one hundred rupees or an imprisonment of three years or with both.

3A. Penalty for overloading.

(1) If any person overloads any animal, he shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month. (2) If the owner of any animal, or any person, who either as a trader, carrier or contractor or by virtue of his employment by a trader, carrier or owner is in possession of, or in control of any animals, permits the overloading of such animals, he shall be punished with a fine of Rs 100.

4.

If any person uses a cow for dragging the plough, he shall be punished with simple imprisonment which may extend to one month or with a fine of Rs. 50, or with both.

5. Penalty for performing Phooka operation on any animal.

- If any person performs upon any cow or milch animal the operation called phooka or permits such operation to be performed upon any such animal in his possession or under his control, he shall be punished with a fine of Rs.500 or with imprisonment for a term which may extend to six months, or with both. Explanation. - Phooka includes any process of introducing air or any substance into the female organ of a milch animal with object of drawing off from the animal any secretion of milk.

6.

Any person who in street with in the limits of the towns of Jammu or Srinagar or on the roads to which this Act is applicable commits any of the following offences, shall on conviction before a judicial Magistrate be liable to the fine which may extend to one thousand rupees and in default of the payment there of to simple imprisonment which may extend to three weeks, namely :-

1st. :- Any person who rides or drives any animal recklessly or furiously and thereby is likely to cause cruelty to said animal;

2nd. :- Any person who wantonly or cruelty , beats, abuses or tortures any animal;

3rd. :- any person who keeps any animals or conveyance of any kind driven by animal standing harnessed longer than is required for loading or unloading or for taking up or setting down passengers and thereby is likely to cause suffering to any animal;

4th. :- any person who incites any animal to fight or baits any animals or abets or aids any animal such incitement or baiting.

7.

If any person kills any animal in an unnecessary cruel manner, he shall be liable to be punished with fine extending to rupees one hundred and in default of its payment to simple imprisonment for a term which may extend to three weeks.

7A. Penalty for being in possession of the skin of the goat killed with unnecessary cruelty.

- If any person, has in his possession the skin of a goat, and has the reason to believe that the goat has been killed in an unnecessarily cruel manner, he has been punished with a fine which may extend to one hundred rupees, or with imprisonment which may extend to three months. Or with both, and the skin has been confiscated.

7B. Presumption as to possession of the skin of a goat.

- If any person is charged with an offence of killing up of a goat contrary to the provisions of section 7, or with an offence punishable under section 7A, and it is provided that such person had in his possession, at the time of the offence alleged to have been committed, the skin of the goat at any part of the skin attached thereto, it shall be presumed, until the contrary be proved that such goat was killed in an unnecessary cruel manner, and that the person in possession of such skin had reason so as to believe.

8.

If any person employs in any animal in any work or labour which by reason of any disease, infirmity, wound, sore or other cause is unfit to be employed or permits any such animal in his possession or under his control to be so employed, shall be liable to be punished with a fine of Rs 50 and in default of its payment, to imprisonment for two weeks. In such cases the judicial Magistrate may direct that the animal in respect of which the offence is proved to have been committed shall be sent for treatment and care to the state veterinary Hospital and be there detained until it is in the provision of a veterinary doctor or Medical Authority of the Hospital.

8A. Person in possession liable in certain cases.

- For the purpose of section 3A and 8, an owner or other person in possession or control of an animal shall be deemed to have committed an offence. If he has failed to exercise reasonable care and supervision with a view to prevention of such offence, and for the purposes of section 5, If he has failed to prove that he has exercised such care and supervision.

9.

The cost of feeding and treatment of the animal shall be payable by the owner of the animal according to such scale as the veterinary or (where there is no veterinary Hospital) the Municipal authorities from time to time prescribe.

10.

If the owner refuses or neglects to pay such cost and to remove the animal within such time as the veterinary or, (where there is no veterinary Hospital) Municipal Authorities may direct, the animal will be liable to sold and the proceeds of the sale applied to the payment of such cost. The surplus, if any, of the proceeds of the sale shall be paid to the owner on application made by him. Within one month after the date of the sale, but the owner shall not be liable to make any payment in excess of the proceeds of the sale. The deficiency, if any, will be made good by the municipality, by the Veterinary Department.

11.

No person shall willfully permit any animal of which he is an owner to go at large in any street within the town of Jammu and Srinagar or on the roads to which this Act is applicable while the animal is affected with contagious or infectious diseases or is suffering from infirmity or disabled by disease otherwise, or without reasonable excuse permit any diseased or disabled animal of which he is the owner to die in the street. Any person, found guilty of above offence shall be liable to fine which may extend to Rs 50.

12. Protection.

- No suit, prosecution or other legal proceedings shall lie against any person, who is or who is deemed to be, a public servant within the meaning of section 21 of the Ranbir Penal Code, in respect of anything done or intended to be done in good faith under this Act.

13.

All trials for offences against this Act shall be summoned.

14. The following is the authorized maximum weight to be loaded on the animals and vehicles specified below

(a) Pack pony to carry a load not more than 1-1/2 Kharwar or 2-1/2 maunds in weight. Pack Ponies under Employment on Ladakh Treaty Road to carry a load of not more than 2-1/2 maunds. (b) Pack bullock to carry not more than 2-1/4 to 3 maunds. (c) An ekka not to carry more than four passengers excluding the driver and 2-1/2 maunds in weight. (d) A tonga drawn by one pony or horse not to carry more than four passengers excluding the driver and 1-1/2 maunds in weight. (e) A tonga drawn by two

ponies to carry not more than 4 passengers including the driver (but excluding the syce) and 3 maunds of luggage.(f)A mule to be treated as a pony for carrying weight.(g)A camel not to carry more than 6 maunds.(h)A donkey not to carry more than 1 Kharwar or 2 maunds.(i)A Bareilly Cart or Tumtum drawn by one pony not to carry more than 5 passengers including the driver and 2-1/2 maunds of weight.(j)A phaeton or Landau drawn by two horses not to carry more than 5 passengers excluding the driver and the syce and 2 maunds of luggage.(k)A cart drawn by 2 bullock shall not carry more than 20 maunds.(l)A cart drawn by 3 bullocks shall not carry more than 30 maunds.(m)A cart drawn by 4 bullocks shall not carry more than 40 maunds.(n)A rehra drawn by one horse shall not carry 9 maunds.(o)A rehra drawn by two horses shall not carry more than 16 maunds.Nothing contained in this Act shall be constructed to prevent any person from being prosecuted under any law for any offence made punishable by this Act or from being liable under any other law to any other high penalty or punishment that is provided under this Act.