

The Prevention Of Cruelty To Animals Act, 1313 F

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India

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Act 1 of 1313

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The Prevention Of Cruelty To Animals Act, 1313 F[Act No. 1 of 1313 Fasli][9th Farwar, 1313 Fasli]Whereas it is expedient to enact a law for the protection of animals from cruelty; it is hereby enacted as follows.-

1. Short title, commencement and extent

(1)This Act may be called the "Prevention of Cruelty to Animals Act" and shall come into force within the municipal limits of the city of Hyderabad on the 1st day of Khurdad, 1313 Fasli.(2)The Government may by notification enforce this Act in any other local area from such date as may be specified in the notification.(3)In the areas of H.E.H the Nizam's Dominions where this Act is in force or may be enforced under sub-section (2), all orders for the prevention of cruelty to animals which are inconsistent with the provisions of this Act or a mere repetition thereof shall be repealed

2. Definitions

In this Act unless there is something repugnant in the subject or context:(1)'Animal' means every domestic or captured animal or bird;(2)'Street' shall include every high-way, road, lane and every open place where the public are permitted to enter.

3. Penalty for cruelty to animals in public places

Any person who in any street-(a)beats, drives or loads any animal with unnecessary cruelty or otherwise ill-treats it, or(b)binds or carries any animal in such manner as to subject it to unnecessary pain, or(c)mutilates any animal which is in his possession for any reason other than treatment or willfully keeps it starving or thirsty, or(d)kills any animals in a cruel manner other than that accepted and recognized or ill-treats it,shall be punished with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month or with both.

3A. Penalty for causing birds or animals to fight

Any person who in any street or open space or in any other place or in his house causes birds or animals to fight or for the purpose of pigeon-flying keeps pigeons hungry and thirsty to cause them to fly or hang them head downward to make them disgorge their grain and water, he shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

4. Penalty for killing any animal with unnecessary cruelty

Any person who in any street kills any animal with unnecessary cruelty, he shall be punished with fine which may extend to two hundred rupees.

5. Penalty for employing animals unfit for work

Any person who employs in work in any street any animal in his possession or under his control which by reason of any disease, infirmity, wound or any other cause is unfit for any particular work or permits any such unfit animal in his possession or under his control to be so employed, he shall be punished with fine which may extend to one hundred rupees. Explanation - For the purposes of this section if the owner or the person in possession of such animal or the person having control of such animal does not take sufficient care for the protection of that animal or fails in its supervision, it shall be presumed that he has permitted an offence to be committed.

5A. Penalty for baiting animals to fight in street

Any person who incites or baits in the street any animal to fight or abets any person in inciting or baiting, he shall be punished with fine which may extend to fifty rupees.

5B. Penalty for permitting diseased animal to go at large

If the owner or person in charge of an animal which is affected with contagious disease willfully permits it to go at large in any street or without reasonable excuse permits such animals to die in any street or abandons any such animal without providing for its food, he shall be punished with fine which may extend to fifty rupees.

5C. Loading buffalo during prescribed hours

Any person who employs any buffalo for driving burden in such hours or during such period as may be prescribed by rules made under this Act, he shall be punished with fine which may extend to fifty rupees.

5D. Penalty for using prohibited bit or harness

Any. person who uses or causes to be used or with intent to use has in his possession any bit or harness for animals the use of which has been prohibited by rules made under this Act, he shall be punished with fine which may extend to fifty rupees.

5E. Power of search and seizure for certain offences

(1)If a Magistrate of the First Class or Sub-Divisional Magistrate or Commissioner of City Police or District Superintendent of Police upon information in writing and after necessary inquiry believes that an offence under this Act has been or is being or is about to be committed in any place, he may either himself enter and search such place or by warrant of arrest empower any Police Officer not below the rank of Officer-in-charge of police station to enter and search such place.(2)The provisions of Chapter VII of the Hyderabad Criminal Procedure Code shall, so far as they can be made applicable, apply to search under this section.

6. Proceeding in regard to animals mentioned in Section 5

(1)The Government may by general or special order appoint suitable places for the care, treatment and protection of animals in respect of which an offence under Section 5 has been committed.(2)Every police officer or every officer of the Veterinary Department not below the rank of an Inspector, may direct that any animal in respect of which the said offence is alleged or proved to have been committed, be sent to any place referred to in sub-section (1) for treatment and protection and shall be detained therein until, in the opinion of the doctor or person in charge, it is fit for the work for which it is usually employed.The cost of treatment, maintenance etc., of the animal shall be recovered from its owner in accordance with such scale of rates as may be prescribed from time to time in the districts by the Taluqdar and in the City, by the Commissioner of Police and the Government may, for any place to which an animal is so sent, empower any Veterinary Officer to issue certificates in respect of the animal to the effect that the animal has become fit for work. The animal shall not be released from the said place without such certificate. It may, however, be released without certificate if the Taluqdar or the Commissioner of Police orders that it shall be killed or sent to a pinfold.If the owner refuses or neglects to pay the cost mentioned in subsection (3) and take back his animal within such time as the Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of sale be applied to the payment of the aforesaid cost.The surplus, if any, of the proceeds of sale of such animal after payment of the cost shall, on the application of the owner made within two months from the date of the sale, be paid to him but no money shall be demanded from him in respect of the cost in excess of the proceeds of sale.

7. Order for destruction of suffering animals if having regard to it is proper

When any Magistrate of the First Class has reason to believe that an offence against this Act has been committed in respect of an animal that is suffering he may direct its immediate destruction, if

he is of the opinion that such direction is proper.

7A. Provisions relating to diseased animals

When any Police officer finds that any animal is diseased seriously or severely injured or is so weak that to remove it would amount to cruelty and if the owner thereof is not present or the owner does not consent to the destruction of the animal, he may immediately call the Veterinary Inspector of that area and if the said Inspector certifies that the animal has been fatally or seriously injured or it is suffering from such disease or pain as to render its keeping alive cruelty, the Police Officer shall without the consent of the owner or person in charge of such animal kill it or order it to be killed.

7B. Examination of offence

Any police officer or any other person authorised by the Government in this behalf who has reason to believe that an offence against this Act has been or is about to be committed in respect of an animal shall, if the circumstances so require, take possession of the animal and produce it before the Veterinary Inspector of that area for examination. Such officer or authorised person may require the owner or person in charge of the said animal to accompany it to the place of examination.

8. Bar of proceeding against Government servant and limitation for prosecution

(1) Every person who is or may be employed under this Act shall be deemed to be a Government servant and no prosecution or any other proceeding shall lie against any Government servant with respect to an act or anything done or intended to be done under this Act or the rules made under this Act. (2) No prosecution or proceeding against any person for contravention of the provisions of this Act shall be instituted after one month from the date of contravention.

9. Offences under this Act shall be cognizable and bailable

Offences of contravention under this Act shall be cognizable and bailable. The police shall not be empowered to detain in their custody for more than 24 hours any accused failing to furnish bail. Explanation.- For the purposes of this section the words 'bail' shall include every arrangement whereby the police is satisfied that the accused will appear when summoned.

10. Offences under this Act shall be tried by First Class Magistrate

No Magistrate below the rank of a Magistrate of the First Class shall be competent to try the offences mentioned in this Act.

11. Saving with respect to religious rites and usages

No act done as required by religion or on the basis of the religious rites and usages of any race, sect or class shall be an offence under this Act.

12. Rules

(1)The Government may for the purposes of this Act make rules generally.(2)Without prejudice to the generality of sub-section (1), the Government shall make rules with respect to the following matters.-(a)the maximum weight to be drawn by an animal;(b)preventing the overcrowding of animals in any place;(c)prescribing the period during which and the hours between which buffalo shall not be employed for draught purposes;(d)the application of fines realised under this Act;(e)registering fairies and awarding them licence;(f)prescribing the bit and harness involving cruelty to animals.(3)Any person who contravenes the rules made under this Act shall be punished with fine which may extend to fifty rupees.