

CONFIDENTIAL

to

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT)
BILL, 1981

[To be/As introduced in Lok Sabha]

1. Page 5, line 14,-
 after "Committee" insert "or"
2. Page 12, in the marginal heading to section 11,-
 for "cruely" read "cruelly"
3. Page 13,-
 for last line read -
 "32.(1) * * * * *"
4. In the Pocket page, in last line,-
 for "Civil Supply" read "Civil Supplies"

NEW DELHI,

November 26, 1981
Agrahayana 5, 1983 (Saka)

30 NOV 1981

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Bill No. 140 of 1981

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT)
BILL, 1981

A
BILL

to amend the Prevention of Cruelty to Animals Act, 1960.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 1981. Short title.

59 of 1960. 5 2. In section 2 of the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted, namely:— Amendment of section 2.

‘(b) “Board” means the Board established under section 4, and as reconstituted from time to time under section 5A;’.

10 3. In the principal Act, in Chapter II, for the heading, the following heading shall be substituted, namely:— Substitution of new heading for heading of Chapter II.

“ANIMAL WELFARE BOARD OF INDIA”.

4. In section 4 of the principal Act, in sub-section (1), for the words “Animal Welfare Board”, the words “Animal Welfare Board of India” Amendment of section 4.
15 shall be substituted.

778
Amend-
ment of
section
5.

5. In section 5 of the principal Act,—

(a) in sub-section (1),—

(i) after clause (b), the following clauses shall be inserted, namely:—

“(ba) two persons to represent respectively the Ministries of the Central Government dealing with home affairs and education, to be appointed by the Central Government; 5

(bb) one person to represent the Indian Board for Wild Life, to be appointed by the Central Government;

(bc) three persons who, in the opinion of the Central Government, are or have been actively engaged in animal welfare work and are well-known humanitarians, to be nominated by the Central Government;” 10

(ii) for clause (e), the following clause shall be substituted, namely:— 15

“(e) one person to represent each of such two municipal corporations as in the opinion of the Central Government ought to be represented on the Board, to be elected by each of the said corporations in the prescribed manner;”

(b) in sub-section (2), for the word, brackets and letter “clause (b)”, the words, brackets and letters “clause (b) or clause (ba) or clause (bb)” shall be substituted; 20

(c) for sub-section (3), the following sub-section shall be substituted, namely:—

“(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.” 25

6. After section 5 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
5A.

Reconsti-
tution
of the
Board.

“5A. (1) In order that the Chairman and other members of the Board hold office till the same date and that their terms of office come to an end on the same date, the Central Government may, by notification in the Official Gazette, reconstitute, as soon as may be after the Prevention of Cruelty to Animals (Amendment) Act, 1981 comes into force, the Board. 30

(2) The Board as reconstituted under sub-section (1) shall be reconstituted from time to time on the expiration of every third year from the date of its reconstitution under sub-section (1). 35

(3) There shall be included amongst the members of the Board reconstituted under sub-section (1), all persons who immediately before the date on which such reconstitution is to take effect, are members of the Board but such persons shall hold office only for the unexpired portion of the term for which they would have held office if such reconstitution had not been made and the vacancies arising as a result of their ceasing to be members of the Board shall be 40 45

filled up as casual vacancies for the remaining period of the term of the Board as so reconstituted:

5 Provided that nothing in this sub-section shall apply in relation to any person who ceases to be a member of the Board by virtue of the amendment made in sub-section (1) of section 5 by sub-clause (ii) of clause (a) of section 5 of the Prevention of Cruelty to Animals (Amendment) Act, 1981."

7. For section 6 of the principal Act, the following section shall be substituted, namely:—

Substitu-
tion of
new sec-
tion for
section 6.

10 "6. (1) The term for which the Board may be reconstituted under section 5A shall be three years from the date of the reconsti-
tution and the Chairman and other members of the Board as so
reconstituted shall hold office till the expiry of the term for which
the Board has been so reconstituted.

Term of
office and
condi-
tions of
service of
members
of the
Board.

15 (2) Notwithstanding anything contained in sub-section (1),—

(a) the term of office of an *ex officio* member shall continue
so long as he holds the office by virtue of which he is such a
member;

20 (b) the term of office of a member elected or chosen under
clause (c), clause (e), clause (f), clause (g), clause (h) or clause
(i) of section 5 to represent any body of persons shall come to an
end as soon as he ceases to be a member of the body which elected
him or in respect of which he was chosen;

25 (c) the term of office of a member appointed, nominated,
elected or chosen to fill a casual vacancy shall continue for the
remainder of the term of office of the member in whose place he
is appointed, nominated, elected or chosen;

30 (d) the Central Government may, at any time, remove for
reasons to be recorded in writing a member from office after
giving him a reasonable opportunity of showing cause against
the proposed removal and any vacancy caused by such removal
shall be treated as casual vacancy for the purpose of clause (c).

35 (3) The members of the Board shall receive such allowances,
if any, as the Board may, subject to the previous approval of the
Central Government, provide by regulations made in this behalf.

40 (4) No act done or proceeding taken by the Board shall be
questioned on the ground merely of the existence of any vacancy in,
or defect in the constitution of, the Board and in particular, and
without prejudice to the generality of the foregoing, during the
period intervening between the expiry of the term for which the
Board has been reconstituted under section 5A and its further
reconstitution under that section, the *ex officio* members of the
Board shall discharge all the powers and functions of the Board."

45 8. In section 7 of the principal Act, in sub-section (1), the words
"one of its officers to be" shall be omitted.

Amend-
ment of
section
7.

9. In section 9 of the principal Act,—

(a) in clause (d), for the words "ameliorating the condition of beasts of burden", the words "amelioration of animals" shall be substituted;

(b) in clause (g), for the words "the formation of pinjrapoles, sanctuaries and the like", the words "the formation or establishment of pinjrapoles, rescue homes, animal shelters, sanctuaries and the like" shall be substituted.

10. In section 11 of the principal Act,—

(a) in sub-section (I),—

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(i) in clause (c), for the words "any domestic or captive animal", at both the places where they occur, the words "any animal" shall be substituted;

(ii) in clause (h), for the words "any captive animal", the words "any animal" shall be substituted;

15

(iii) for clause (l), the following clause shall be substituted, namely:—

"(l) mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner; or";

(iv) for clause (m), the following clause shall be substituted, namely:—

"(m) solely with a view to 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 an object of prey for any other animal; or

25

(ii) incites any animal to fight or bait any other animal; or";

30

(v) in clause (n), the words "for the purposes of his business," shall be omitted;

(vi) for the portion beginning with the words "in the case of a first offence" and ending with the words "or with both.", occurring at the end, the following shall be substituted, namely:—

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"in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees, and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both.";

(b) in sub-section (8), in clause (b), for the words "by other methods with a minimum of suffering", the words "by such other methods as may be prescribed" shall be substituted.

11. In section 12 of the principal Act, for the words "*doom dev*", the words and brackets "*doom dev* or any other operation (including injection of any substance) to improve lactation which is injurious to the health of the animal" shall be substituted. Amendment of section 12.

12. In section 13 of the principal Act, in sub-section (3), the words "in such manner as may be prescribed" shall be inserted at the end. Amendment of section 13.

10 13. After section 15 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 15A.

"15A. (1) The Committee may constitute as many sub-committees as it thinks fit for exercising any power or discharging any duty of the Committee for inquiring into or reporting and advising on any matter which the Committee may refer. Sub-committees.

(2) A sub-committee shall consist exclusively of the members of the Committee."

14. In section 17 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:— Amendment of section 17.

20 "(1A) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:—

(a) the registration of persons or institutions carrying on experiments on animals;

25 (b) the reports and other information which shall be forwarded to the Committee by persons and institutions carrying on experiments on animals."

15. In section 32 of the principal Act, in sub-section (2), for the words "*doom dev*", the words and figures "*doom dev* or any other operation of the nature referred to in section 12" shall be substituted. Amendment of section 32.

16. In section 38 of the principal Act,—

(a) in sub-section (2),—

(i) in clause (a), the words "terms and" shall be omitted;

35 (ii) after clause (a), the following clause shall be inserted, namely:—

"(aa) the manner in which the persons to represent municipal corporations are to be elected under clause (e) of sub-section (1) of section 5;"

40 (iii) after clause (e), the following clauses shall be inserted, namely:—

"(ea) the other methods of destruction of stray dogs referred to in clause (b) of sub-section (3) of section 11;

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(eb) the methods by which any animal which cannot be removed without cruelty may be destroyed under sub-section (3) of section 13;"

(iv) after clause (j), the following clause shall be inserted, namely:—

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"(ja) the fees which may be charged by the Committee constituted under section 15 for the registration of persons or institutions carrying on experiments on animals or for any other purpose;"

(b) sub-section (4) shall be omitted.

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Insertion
of new
section
38A.

17. After section 38 of the principal Act, the following section shall be inserted, namely:—

Rules and
regulations
to be laid
before
Parlia-
ment.

"38A. Every rule made by the Central Government or by the Committee constituted under section 15 and every regulation made by the Board shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation."

Change of
name of
Animal
Welfare
Board
not to
affect any
rights or
obliga-
tions, etc.

18. The change of name of the Animal Welfare Board by section 4 shall not affect any rights and obligations of that Board or render defective any legal proceedings by or against it and any legal proceedings which might have been continued or commenced by or against that Board by its former name may be continued or commenced by or against it by its new name.

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STATEMENT OF OBJECTS AND REASONS

The Prevention of Cruelty to Animals Act, 1960 was enacted in 1960 to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend and codify all laws relating to the Prevention of Cruelty to Animals. Keeping in view the experience gained in the working of the Act for the last twenty years, it is considered necessary to amend the Act so as to better achieve the purposes thereof.

2. The more important amendments which are proposed to be made are the following:—

(a) The name of the board is proposed to be changed as the Animal Welfare Board of India to reflect the national character of the Board (*vide* clause 4).

(b) The composition of the Board is being altered for giving representation to well known humanitarians engaged in animal welfare work and to the Ministries of Home Affairs and Education and the Indian Board for Wild Life. At the same time the number of members representing municipal corporations is being reduced from five to two. As a result of these changes the Board will have 28 members instead of 25 members as at present. In order to ensure that the same team continues for a period of three years, provision is being made for the reconstitution of the Board on the expiration of every third year (*vide* clauses 5, 6 and 7).

(c) The function of the Board under clause (d) of section 9 which is confined at present to ameliorating the condition of beasts of burden is being widened so as to cover amelioration of all animals and the function under clause (g) of the section relating to the grant of financial assistance for the formation of *pinjrapoles*, sanctuaries and the like is being amplified to cover expressly rescue homes for animals and animal shelters (*vide* clause 9).

(d) Section 11 relating to punishment for treating animals cruelly is proposed to be modified to cover certain additional cases of cruelty and also to provide for a minimum punishment by way of fine for treating animals cruelly (*vide* clause 10).

(e) Section 12 of the Act provides for penalty for practising *phooka* or *doom dev* upon any cow or other milch animal. This section is being amended to make other operations to improve lactation (including injection of any substance) which are injurious to the health of such animals punishable (*vide* clause 11).

(f) With a view to enabling the Committee for control and supervision of experiments on animals to function more effectively a new section is proposed to be included for enabling the Committee to constitute sub-committees for exercising any of its powers or discharging any of the duties or for enquiring into or reporting and advising on any matters referred to them by the Committee (*vide* clause 13).

(g) Section 38 relating to the power to make rules is being amended *inter alia* to provide for the fees which may be charged by the Committee for control and supervision of experiments on animals for the registration of institutions for which such experiments are carried on (*vide* clause 16).

3: The Bill seeks to achieve the above objects.

RAO BIRENDRA SINGH.

New Delhi;

The 4th November, 1981.

**PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA**

[Copy of letter No. F. 14-6/80-LD.I, dated the 20th November, 1981 from Rao Birendra Singh, Minister of Agriculture and Rural Reconstruction and Irrigation and Minister of Civil Supplies to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the Bill further to amend the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) recommends under article 117(3) of the Constitution of India the consideration of the Bill by Lok Sabha.

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to amend section 5 of the Prevention of Cruelty to Animals Act, 1960, increasing the membership of the Board from 25 to 28. No salary or allowances excepting Travelling Allowance and Daily Allowance is paid by the Board to the non-official members. Clause 9 of the Bill amends section 9(g) of the Act, whereby the Board will be incurring expenditure by way of grant of financial assistance for the establishment of rescue homes and animal shelters. At present, the quantum of actual additional expenditure likely to be incurred on account of these provisions cannot be anticipated. However, the additional expenditure of recurring or non-recurring nature will be met within the existing Grant-in-aid made to the Animal Welfare Board on annual basis by the Central Government. No other recurring or non-recurring expenditure is involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill seeks to insert a new sub-section (1A) in section 17 of the principal Act, to empower the Committee for control and supervision of experiments on animals to make rules with respect to the registration of persons or institutions carrying on experiments on animals, and the reports and other information which shall be forwarded to the Committee by such persons and institutions.

2. Clause 16 of the Bill seeks to amend section 38 of the principal Act for empowering the Central Government to make rules in respect of matters specified in that clause. They relate to the manner in which the persons to represent municipal corporations are to be elected under clause (e) of sub-section (1) of section 5; the other methods of destruction of stray dogs referred to in clause (d) of sub-section (3) of section 11; the methods by which any animal which cannot be removed without cruelty may be destroyed under sub-section (3) of section 13 and the fee which may be charged by the Committee constituted under section 15 for the registration of persons or institutions carrying on experiments on animals or for any other purpose.

3. The matters with respect to which rules may be made are matters of procedure or detail. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960 (59 OF 1960)

* * * *

CHAPTER I

PRELIMINARY

* * * *

2. In this Act, unless the context otherwise requires,—

* * * *

Defini-
tions.

(b) "Board" means the Animal Welfare Board established under section 4;

* * * *

CHAPTER II

ANIMAL WELFARE BOARD

4. (1) For the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular, there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the Animal Welfare Board.

* * * *

Establish-
ment of
Animal
Welfare
Board.

5. (1) The Board shall consist of the following persons, namely:—

* * * *

Constitu-
tion
of the
Board.

(e) one person to represent each of the municipal corporations of Bombay, Calcutta, Delhi and Madras, and one person to represent any other municipal corporation as, in the opinion of the Central Government, ought to be represented on the Board, to be elected by each of the said corporations in the prescribed manner;

* * * *

(2) Any of the persons referred to in clause (a) or clause (b) of sub-section (1) may depute any other person to attend any of the meetings of the Board.

(3) One of the members of the Board shall be nominated by the Central Government to be its Chairman.

6. (1) Save as otherwise provided in this section, the term of office of a member of the Board shall be three years.

(2) Subject to the provisions contained in sub-section (4), the term of office of the member elected to represent any municipal corporation (other than the corporations of Bombay, Calcutta, Delhi and Madras) shall be one year from the date on which such member assumes office.

Term of
office and
conditions
of service
of mem-
bers of
the Board.

(3) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(4) The term of office of a member elected or chosen under clause (c), clause (e), clause (f), clause (g) or clause (i) of section 5 to represent any body of persons shall come to an end as soon as he ceases to be a member of the body which elected him or in respect of which he was chosen.

(5) The term of office of a member nominated, elected or chosen to fill a casual vacancy shall continue for the remainder of the term of office of the member in whose place he is nominated, elected or chosen.

(6) The members of the Board shall receive such allowances, if any, as the Board may, subject to the previous approval of the Central Government, provide by regulations made by it in this behalf.

(7) No act done or proceeding taken by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

Secretary and other employees of the Board.

7. (1) The Central Government shall appoint one of its officers to be the Secretary of the Board.

* * * * *

Functions of the Board.

8. The functions of the Board shall be—

* * * * *

(d) to take all such steps as the Board may think fit for ameliorating the condition of beasts of burden by encouraging, or providing for, the construction of sheds, water-troughs and the like and by providing for veterinary assistance to animals;

* * * * *

(g) to encourage, by the grant of financial assistance or otherwise, the formation of *pinjrapoles*, sanctuaries and the like where animals and birds may find a shelter when they have become old and useless or when they need protection;

* * * * *

CHAPTER III

CRUELTY TO ANIMALS GENERALLY

Treating animals cruelly.

9. (1) If any person—

* * * * *

(c) wilfully and unreasonably administers any injurious drug or injurious substance to any domestic or captive animal or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any domestic or captive animal; or

* * * * *

(h) being the owner of any captive animal, fails to provide such animal with sufficient food, drink or shelter; or

* * * * *

(i) needlessly mutilates any animal or kills any animal in an unnecessarily cruel manner; or

(m) ~~confines~~ or causes to be confined any animal in such a manner as to make it an object of prey for any other animal solely with a view to providing entertainment for other persons; or

(n) for the purposes of his business, organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or

* * * * *

he shall be punishable, in the case of a first offence, with fine which may extend to fifty rupees, and, in the case of a second or subsequent offence committed within three years of the previous offence, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

* * * * *

(3) Nothing in this section shall apply to—

* * * * *

(b) the destruction of stray dogs in lethal chambers or by other methods with a minimum of suffering; or

* * * * *

12. If any person performs upon any cow or other milch animal the operation called *phooka* or *doom dev* or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to the Government.

Penalty
for prac-
tising
phooka or
doom
dev.

13. (1)

* * * * *

(3) Any police officer above the rank of a constable or any person authorised by the State Government in this behalf who finds any animal so diseased or so severely injured or in such a physical condition that in his opinion it cannot be removed without cruelty, may, if the owner is absent or refuses his consent to the destruction of the animal, forthwith summon the veterinary officer in charge of the area in which the animal is found, and if the veterinary officer certifies that the animal is mortally injured or so severely injured or in such a physical condition that it would be cruel to keep it alive, the police officer or the person authorised, as the case may be, may, after obtaining orders from a magistrate, destroy the animal injured or cause it to be destroyed.

Destruc-
tion of
suffering
animals.

* * * * *

CHAPTER VI

MISCELLANEOUS

* * * * *

* * * * *

Powers
of search
and
seizure.

(2) If a police officer not below the rank of sub-inspector, or any person authorised by the State Government in this behalf, has reason to believe that *phooka* or *doom dev* has just been, or is being, performed on any animal within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for examination by the veterinary officer in charge of the area in which the animal is seized.

* * * * *

Power
to make
rules.

38. (1)

* * * * *

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules providing for all or any of the following matters, namely:—

(a) the terms and conditions of service of members of the Board, the allowances payable to them and the manner in which they may exercise their powers and discharge their functions;

* * * * *

(4) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

* * * * *

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LOK SABHA

BILL

to amend the Prevention of Cruelty to Animals Act, 1960.

(Rao Birendra Singh,
Minister of Agriculture and Rural
Reconstruction and Irrigation and
Minister of Civil Supply).