

**Bill No. 105 of 2016**

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL, 2016

By

SHRIMATI POONAM MAHAJAN, M.P.

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BILL

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

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

1. (1) This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 2016. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

59 of 1960. 2. In section 11 of the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the principal Act), in sub-section (1), for the words "he shall be punishable, 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.", the words "he shall be punishable, in the case of a first offence, with fine which shall not be less than three thousand rupees but which may extend to five Amendment of section 11.

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years of the previous offence, with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees or with imprisonment for a term which may extend to six months, or with both." shall be substituted.

Substitution of new section for section 12.	3. For section 12 of the principal Act, the following section shall be substituted, namely:—	5
Penalty of practising <i>phooka</i> , <i>doom dev</i> or use of oxytocin.	“12. If any person performs upon any cow or other milch animal the operation called <i>phooka</i> or <i>doom dev</i> or any other operation (including injection of any substance or oxytocin) to improve lactation which is injurious to the health of the animal or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with imprisonment for a term which may extend to four years, or with both, and the animal on which the operation was performed shall be forfeited to the Government.”.	10
Amendment of section 20.	4. In section 20 of the principal Act, for the words “which may extend to two hundred rupees”, the words “which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees” shall be substituted.	15
Amendment of section 26.	5. In section 26 of the principal Act, for the words "he shall be punishable on conviction with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both", the words "he shall be punishable on conviction with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with imprisonment which may extend to six months, or with both" shall be substituted.	20
Substitution of new section for section 31.	6. For section 31 of the principal Act, the following section shall be substituted, namely:—	25
Cognizability of offences.	“31. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act shall be a cognizable offence within the meaning of that Code.”	2 of 1974.
Amendment of section 38.	7. In section 38 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—	30
	“(3) If any person contravenes, or abets the contravention of, any rules made under this section, he shall be punishable with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees, or with imprisonment for a term which may extend to six months, or with both.”.	

## STATEMENT OF OBJECTS AND REASONS

The Prevention of Cruelty to Animals Act, 1960 was enacted to provide for prevention of infliction of unnecessary pain or suffering on animals. However, the same has not achieved its purpose owing to lesser penal provisions.

The Act has failed to protect animals for more than decades now. Animal abusers have continued to take advantage of the obsolete Act and continue to inflict unfathomable amount of cruelty on animals and remain unpunished.

In *Animal Welfare Board of India Vs. A. Nagaraj*, dated 07.05.2014, the Hon'ble Supreme Court observed, *inter alia*,—

- Parliament is expected to make proper amendment of the Prevention of Cruelty to Animals Act, 1960 to provide an effective deterrent to achieve the object and purpose of the Act and for violation of section 11, adequate penalties and punishments should be imposed.
- Parliament, it is expected, would elevate rights of animals to that of constitutional rights, as done by many of the countries around the world, so as to protect their dignity and honour.

Thus, there is an urgent need to amend the penal provisions of the Act in compliance with the judgment of the Supreme Court and to prevent the unnecessary pain and suffering to animals and to ensure that the Act is deterrent to animal abusers.

This Bill, therefore, seeks to replace penal provisions of the Prevention of Cruelty to Animals Act, 1960 with increased penalty. The amended provision will promote the constitutional duty of compassion.

Hence this Bill.

NEW DELHI;

POONAM MAHAJAN

March 22, 2016.

ANNEXURE

EXTRACTS FROM THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

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Treating animals cruelly.

11. (1) If any person—

(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes, or being the owner permits, any animal to be so treated; or

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(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting:

he shall be punishable 19 [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.]

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Penalty for practising *phooka* or *doom dev.*

12. If any persons upon any cow or other milch animal the operation called practising *phooka* or 21 [*doom dev* or any other operation (including injection of any or *doom dev.* substance) to improve lactation which is injurious to the health of the animal] 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.

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Penalties.

20. If any person—

(a) contravenes any order made by the Committee under section 19; or

(b) commits a breach of any condition imposed by the Committee under that section:

he shall be punishable with fine which may extend to two hundred rupees, and, when the contravention or breach of condition has taken place in any institution the person incharge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

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Offences.

26. If any person—

(a) not being registered under this chapter, exhibits or trains any performing animal; or

(b) being registered under the Act, exhibits or trains any performing animal with respect to which or in a manner with respect to which, he is not registered; or

(c) exhibits or trains as a performing animal, any animal which is not to be used for the purpose by reason of a notification issued under clause (ii) of section 22; or

(d) obstructs or wilfully delays any person or police officer referred to in section 25 in the exercise of powers under this Act as to entry and inspection; or

(e) conceals any animal with a view to avoiding such inspection: or

(f) being a person registered under this Act, on being duly required in pursuance of this Act to produce his certificate under this Act, fails without reasonable excuse so to do; or

(g) applies to be registered under this Act when not entitled to be so registered, He shall be punishable on conviction with fine which may extend to five hundred rupees or with imprisonment which may extend to three months, or with both.

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31. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (5 of 1898) an offence punishable under clause (1) or clause (n) or clause (o) of sub-section (1) of section 11 or under section 12 shall be a cognizable offence within the meaning of that code. Cognizability of offences.

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38. (1) \* \* \* \*

(3) If any person contravenes, or abets the contravention of, any rules made under this section, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both. Power to make rules.

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*(Shrimati Poonam Mahajan, M.P.)*