

**Bill No. 35 of 2021**

THE PREVENTION OF CRUELTY TO ANIMALS  
(AMENDMENT) BILL, 2021

By

SHRI ANUBHAV MOHANTY, 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 Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 2021.

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.



- shall be deemed to be guilty of the offence and shall be punishable accordingly,” the words “such person or institution shall be punishable in the case of a first offence, with fine which shall not be less than two lakh rupees and in the case of a second or subsequent offence, with fine which shall not be less than five lakh rupees but which may extend upto ten lakh rupees or with imprisonment for a term which may extend to two years or with both” shall be substituted.
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- 6.** In section 26 of the principal Act, for the words “five hundred rupees or with imprisonment which may extend to three months,”, the words “twenty five thousand rupees per animal or with imprisonment which may extend to six months,” shall be substituted.
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- 7.** In section 29 of the principal Act, in sub-section (5), for the words “one hundred rupees, or with imprisonment for a term which may extend to three months.”, the words “twenty five thousand rupees, or with imprisonment for a term which may extend to six months,” shall be substituted.
- 8.** In section 31 of the principal Act, for the words and figures “an offence punishable under clause (1), clause (n), clause (1) or clause (o) of sub-section (1) of section 11 or under section 12 the words and figures “an offence punishable under section 11, section 12 and section 38” shall be substituted.
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- 9.** In section 38 of the principal Act, in sub-section (3), for the words “one hundred rupees or with imprisonment for a term which may extend to three months,” the words, “seven thousand five hundred rupees per animal or with imprisonment for a term which may extend to six months,” shall be substituted.
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- Amendment of section 26.
- Amendment of section 29.
- Amendment of section 31.
- Amendment of section 38.

## STATEMENT OF OBJECTS AND REASONS

The primary objective of the Prevention of Cruelty to Animals Act, 1960 is the prevention of infliction of unnecessary pain or suffering on animals. Since the time of coming into force, the Act has not been amended. Resultantly, many of its provisions have become either outdated or insufficient in dealing with the scourge of animal cruelty.

The categories of acts that constitute the offence of animal cruelty under section 11 are not comprehensive. They do not take into account various acts such as involvement in sports or activities whereby animals are subjected to cruelty, injuring or killing animals for superstition, extracting parts of live animals through a procedure that inflicts cruelty for the purpose of getting animal products, dynamiting water bodies for fishing and electrifying fences without authority of law which results in causing pain and suffering to animals.

The quantum of penalty prescribed under sections 11, 12, 26, 29 and 38 of the Act is extremely paltry, ranging from rupees ten to rupees two hundred. Such meager penalties render the provisions of the Act highly ineffectual and practically toothless. Consequently, the Act fails to serve as a strong deterrent to animal abuse and inadvertently perpetuates recurring incidents of cruelty to animals.

In light of the foregoing, this Bill seeks to amend the provisions of penalty and cognizability of offences under the Act to expand the scope of its application and enhance the penalties prescribed under it. Through these changes, the Bill aims to make the Act more comprehensive and bring its provisions in line with its aims and purposes.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*January 22, 2021*

ANUBHAV MOHANTY

ANNEXURE

EXTRACT FROM THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

*	*	*	*	*	*
	<b>11.</b>	<i>(1)</i> If any person			Treating animals cruelty.
		<i>(a)</i>	*	*	
			*	*	
		<i>(o)</i> promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;			
*	*	*	*	*	
	<b>12.</b>	If any person 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.			Penalty for practising phooka or doom dev.
*	*	*	*	*	
	<b>20.</b>	If any person —			Penalties.
		<i>(a)</i> contravenes any order made by the Committee under section 19; or			
		<i>(b)</i> 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.			
*	*	*	*	*	
	<b>26.</b>	If any person —			Offences.
		<i>(a)</i> not being registered under this chapter, exhibits or trains any performing animal; or			
		<i>(b)</i> 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			
		<i>(c)</i> 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			
		<i>(d)</i> 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			
		<i>(e)</i> conceals any animal with a view to avoiding such inspection; or			
		<i>(f)</i> being a person registered under 'the 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			
		<i>(g)</i> 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.			
*	*	*	*	*	*

Power of court to deprive person convicted of ownership of animal.

**29.** (1) If the owner of any animal is found guilty of any offence under this Act, the court, upon his conviction thereof, may, if it thinks fit, in addition to any other punishment, make an order that the animal with respect to which the offence was committed shall be forfeited to Government and may, further, make such order as to the disposal of the animal as it thinks fit under the circumstances.

(2) No order under sub-section (1) shall be made unless it is shown by evidence as to a previous conviction under this Act or as to the character of the owner or otherwise as to the treatment of the animal that the animal, if left with the owner, is likely to be exposed to further cruelty.

(3) Without prejudice to the provisions contained in sub-section (1), the court may also order that a person convicted of an offence under this Act shall, either permanently or during such period as is fixed by the order, be prohibited from having the custody of any animal of any kind whatsoever, or, as the court thinks fit, of any animal of any kind or species specified in the order.

(4) No order under sub-section (3) shall be made unless—

(a) it is shown by evidence as to a previous conviction or as to the character of the said person or otherwise as to the treatment of the animal in relation to which he has been convicted that an animal in the custody of the said person is likely to be exposed to cruelty;

(b) it is stated in the complaint upon which the conviction was made that it is the intention of the complainant upon the conviction of the accused to request that an order be made as aforesaid; and

(c) the offence for which the conviction was made was committed in an area in which under the law for the time being in force a licence is necessary for the keeping of any such animal as that in respect of which the conviction was made.

(5) Notwithstanding anything to the contrary contained in any law for the time being in force, any person in respect of whom an order is made under sub-section (3) shall have no right to the custody of any animal contrary to the provisions of the order, and if he contravenes the provisions of any order, 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.

(6) Any court which has made an order under sub-section (3) may at any time, either on its own motion or on application made to it in this behalf, rescind or modify such order.

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Cognizability of offences.

**31.** Notwithstanding anything contained in the Code or 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.

\* \* \* \* \*

**38. (1)** The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act. Power to make rules.

(2) \* \* \* \* \*

(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.

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*(Shri Anubhav Mohanty, M.P.)*