

**Bill No. 132 of 2019**

**THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT)  
BILL, 2019**

By

DR. MANOJ RAJORIA, 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 Seventieth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 2019. Short title and commencement.

(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 Amendment of section 11.

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 thousand 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 five thousand rupees but which may extend upto 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:—

Penalty of practising *phooka*, *doom dev* or use of oxytocin.

“12. If any person performs upon any cow or other milch animal the operation called *phooka* or *doom dev* or any other operation (including injection of any substance or oxytocin) to improve laccation 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.”.

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.

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.

Substitution of new section for section 31.

**6.** For section 31 of the principal Act, the following section shall be substituted, namely:—

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.”

Amendment of section 38.

**7.** In section 38 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(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 prevent animal cruelty and suffering. However, the purpose of the Act is not achieved due to the inadequate penalties prescribed under it.

For decades, the Act has failed to deter animal abusers from committing acts of animal cruelty, neglect and abuse. The penal provisions under the Act have not been revised since enactment and in the present day, do not act as a deterrent to animal cruelty. The fine for animal cruelty is a maximum of rupees fifty. While the PCA Act was a strongly worded law for 1960 when it was drafted, it has not been able to protect animals for a long time due to this negligible fine.

The Hon'ble Supreme Court in *Animal Welfare Board of India Vs. A Nagaraja, case*, vide its order dated 7.5.2014 held—

Parliament is expected to make proper amendment of the Prevention of Cruelty to Animals Act 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.

The then Hon'ble Minister of Food and Agriculture, Shri S.K. Patil, while moving the Prevention of Cruelty to Animals Bill on 12th December, 1960 in the Parliament stated as "*At the outset, I may say I do not claim that this is an ideal Bill. After 70 years, we are making an attempt for the first time to put on the statute at least something that will ultimately lead us on to the ideal Bill, after some years of experience.*".

Though the Animal Welfare Board of India has submitted a Draft Animal Welfare Bill, 2014 to the Ministry of Environment, Forest and Climate Change, the need of the hour is evident. At the very least, we must amend the Act to enhance the penalties.

Hence this Bill.

NEW DELHI;  
June 18, 2019.

MANOJRAJORIA

ANNEXURE

EXTRACT FROM THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

(59 OF 1960)

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11. (1) If any person—

Treating animals cruelty.

(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

\* \* \* \* \*

(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 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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12. If any person performs upon any cow or other milch animal the operation called *phooka or doom dev* or any other operation (including injection of any 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*.

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20. If any person—

Penalties.

(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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26. If any person—

Offences.

(a) not being registered under this Chapter, exhibits or trains any performing animals; 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 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

(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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Cognizability of offences.

**31.** Notwithstanding anything contained in the Code or Criminal procedure, 1898, an offence punishable under clause (l), 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.

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Power to make rules.

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

(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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*(Dr. Manoj Rajoria, M.P.)*