

**STAKEHOLDERS CONSULTATION
ON
AMENDMENT OF PREVENTION OF CRUELTY
TO ANIMALS ACT, 1960**

**MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING
DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING**

NEED FOR AMENDMENT

- Demand from the society to amend the age old act to increase the penalty.
- Number of Members of Parliament has requested for amendment
- Two private members bills were also introduced in Parliament
- Hon'ble Supreme Court has also observed for amendment of PCA Act, 1960
- Need to enact more stringent punishment in view of increasing incidences of cruelty.

BASIS FOR AMENDMENTS

- Penalty has been calculated based on the inflation rate.
- Imprisonment based on the practice adopted by International standard.
- Cognizability of offence based on the ground report.
- Establishment of State Animal Welfare Board (SAWB) as per the direction of the Hon'ble Supreme Court.

Revision in Penalty in PCA Act

Section	Current Punishment	Proposed Punishment
Section 11	<p>Offense: Any Kind of cruelty 1st Offence- Rs. 10 to maximum Rs.50 /-</p> <p>2nd Offence-Rs. 25/- to maximum Rs.100/- with imprisonment up to 3 months or both</p>	<p>1st Offense: Not less than Rs 750 /- extended up to Rs. 3750 per animal</p> <p>1750 which may extend up to 7500/- with Imprisonment minimum 6 month with or with both.</p>
Insertion of New Section	<p>11A.Gruesome Cruelty</p> <p>11B. Killing of Animal</p>	<p>New section 11(A) Gruesome cruelty or life threatening cruelty against animals</p> <p>Rs. 50000/- per animal or cost of the animal as determined by jurisdictional Veterinarian with imprisonment of 1 year which may extend up to three years or with both.</p> <p>11(B) Killing of animal:</p> <p>Rs 75,000/- per animal or three time to the cost of cost of the animal as determined by jurisdictional veterinarian whichever is more with the imprisonment of 3 years which may extend upto 5 years or with both</p>
Section 12	<p>Offense: Practicing doom dev or any other substance (injection of any substance) to improve lactation</p> <p>Fine up to Rs. 1000/- Or imprisonment for a term upto 2 years or both and forfeiting of animals by Government</p>	<p>Rs 75000 or imprisonment of 3 years extended up to 5 years</p>

Revision in Penalty in PCA Act

Section	Current Punishment	Proposed Punishment
Section 20	<p>Offense: Breach of conditions prescribed by CPCSEA by any institution</p> <p>Fine up to Rs. 200 and the institution will be make guilty</p>	<p>1st offence 5 time the cost of registration fee as per the ongoing fee structure of CPCSEA</p> <p>2nd or subsequent offence 10 times the of registration fee as per the ongoing fee structure of CPCSEA</p> <p>1st offense 5 times of ongoing fee structure of CPCSEA</p> <p>2nd offense 10 times of ongoing fee structure or imprisonment for a term extended to 2 years or both</p>
Section 26	<p>Offense: Training or performance of animals with registration</p> <p>Punishable on conviction with fine up to Rs. 500/- or imprisonment extended up to 3 months or both</p>	<p>Rs. 37500/- with or imprisonment up to 6 months</p>
Section 29(5)	<p>Depriving custody of animals by the court and violation of court order:</p> <p>Fine up to Rs. 100/- or imprisonment up to 3 months of both</p>	<p>Rs. 7500/- or imprisonment up to 6 months</p>
Section 38	<p>Violation of provisions of Section 38 i.e. violation of Rules made under Section 38</p> <p>Rs. 100/- or imprisonment up to 3 months or with both</p>	<p>Rs. 7500/- or imprisonment up to six months or with both.</p>

OTHER AMENDMENTS

Section	Current Provision	Proposed Amendment
Insertion of New Section 11(C)		11(C) Exception: - Exemption to section 11(B) killing of an animal are as under: - (i) by Accident. (ii) in defence of self or property. (iii) by an act of god or war. (iv) by any other unforeseen circumstance outside the control of the any person in general.
Section 31	Specific sub-sections of Section 11 and 12 are cognizable offense	sub section (1), clause (l), clause (n) or clause (o) of section 11, or under section 11A, section 11B, Section 12 and Section 38(3)
Section 36	Limitation of prosecution under this act “after the expiration of three months”	after the expiration of two years
Section 38		Insertion of new sub section 2(ia) to establish, register or recognise any organisation working for animal welfare and animal right laws, both foreign or domestic, which shall work under the general supervision and guidance of the Board.
Insertion of New Chapter	No provisions of State Animal Welfare Board	New Chapter for formation of State Animal Welfare Board has been proposed.

NEW CHAPTER

Establishment of State Animal Welfare Board

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

(2) The State Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provision of this Act, to acquire, hold and dispose of property and may by its name sue and be sued.

Constitution of State Animal Welfare Board

- (1) Composition of Constitution of State Animal Welfare Board.
- (2) The State Board shall be constituted or reconstituted in terms of this Section if already in existence, not later than three months after this act come into force.
- ((3) The members of the State Board shall be nominated on a purely honorary basis and will not draw salaries from the State Board or by virtue of their appointment to the State Board. However, the State Board may provide Travelling and other incidental charges of the member for attending meeting of the State Board as per State Government norm;

FUNCTIONS OF THE STATE ANIMAL WELFARE BOARD

- (1) The State Board shall ensure that the provisions of the Act and the Rules framed hereunder are given widespread publicity, and duly implemented in the State, and take all necessary steps to implement the acts and rules framed thereunder and adequate awareness on animal welfare may be created.
- (2) The State Board shall also oversee the functioning of the animal welfare organizations and SPCAs within the State, to ensure that the provisions of the Act and the Rules framed thereunder are being duly implemented.
- (3) The State Board shall also exercise such functions as may be delegated to it by the Board, or by the State Government or Union Territories, and by any Rules made under the Act for furthering the objectives of these Rules.
- (4) The State Board shall advise the State Government or any local authority or other person on any matter related to welfare of animals.
- (5) The State Board shall undertake capacity building efforts with concerned departments, other institutions and persons as needed, to ensure proper enforcement of the Act.

THANK YOU

- The stakeholders may send their suggestions on the proposed amendments, if they desire to do so, on email at awd-section@dahd.nic.in by 25.04.2021.