

THE PREVENTION OF CRUELTY TO ANIMALS
(AMENDMENT) ACT, 1982

No. 26 OF 1982

[30th July, 1982.]

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

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

Short
title.

1. This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 1982.

Amend-
ment of
section
2.

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:—

59 of 1960

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

Substitu-
tion of new
heading
for head-
ing of
Chap-
ter II.

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

“ANIMAL WELFARE BOARD OF INDIA”.

Amend-
ment of
section 4.

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” shall be substituted.

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;

(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;";

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

"(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;

(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."

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

"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, 1982 comes into force, the Board.

(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).

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

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, 1982."

Insertion
of new
section
5A.

Reconsti-
tution
of the
Board.

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

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

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

“6. (1) The term for which the Board may be reconstituted under section 5A shall be three years from the date of the reconstitution 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.

(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;

(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;

(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;

(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).

(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.

(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.”

Amend-
ment of
section
7.

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 9.

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 (1),—

(i) in clause (b), for the words "employs in any work or labour any animal which, by reason of any disease", the words "employs in any work or labour or for any purpose any animal which, by reason of its age or any disease" shall be substituted;

(ii) 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;

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

(iv) 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";

(v) 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

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

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

(vii) 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:—

"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 (3), 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.

Amendment of section 11.

Amend-
ment of
section
12.

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.

Amend-
ment of
section
13.

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.

Insertion
of new
section
15A.

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

Sub-com-
mittees.

"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 or for inquiring into or reporting and advising on any matter which the Committee may refer.

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

Amend-
ment of
section
17.

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

"(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;

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

Amend-
ment of
section
32.

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.

Amend-
ment of
section
38.

16. In section 38 of the principal Act,—

(a) in sub-section (2),—

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

(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;"

(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;

(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:—

"(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.

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

Insertion
of new
section
38A.

"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."

Rules and
regulation,
to be laid
before
Parlia-
ment.

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.

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