## V-11/7/2019-AnIm\_Dadf Government of India Ministry of Fisheries, Animal Husbandry and Dairying Department of Animal Husbandry and Dairying

Chandra Lok Building, Janpath Dated, 21<sup>st</sup> November, 2022

## PUBLIC NOTICE

Subject: Draft Prevention of Cruelty to Animal Act, (Amendment) Bill, 2022 for amendment of Prevention of Cruelty to Animal Act, 1960-reg.

The undersigned is directed to refer to the subject mentioned above and to say that the Government of India intends to amendment the Prevention of Cruelty to Animal Act, 1960. In this regard, the draft Amendment Bill has been prepared and hereby placed in the website of the Department of Animal Husbandry and Dairying (<u>www.dahd.nic.in</u>) and also in the website of the Animal Welfare Board of India (www.awbi.nic.in).

2. All the interested stakeholders/general public may submit their comments on the draft PCA (Amendment) Bill, 2022 latest by 07.12.2022 by 5.30 PM. The comments may be sent by email/ post to the following:

Dr. O.P. Chaudhary Joint Secretary (Animal Welfare) Department of Animal Husbandry & Dairying Room No. 245, Krishi Bhawan Rajendra Prasad Road Email. jspf-dadf@nic.in

(S.K. Dutta) Joint Commissioner (AH)

1. Director IT, Department of Animal Husbandry and Dairying, Ministry of Fisheries, Animal Husbandry and Dairying

2. Chairman, Animal Welfare Board and India, NIAW Campus, Bhallabhgarh, Village Sikri, Haryana

## Draft Prevention of Cruelty to Animal (Amendment) Bill. 2022

	The Prevention of Cruelty to Animal (Amendment) Bill. 2022
	Α
	BILL
	further to amend the Prevention of Cruelty to Animals Act,
	Be it enacted by Parliament in the Seventy Third Year of the
	Republic of India as follows:
	1(1) The Act may be called as Prevention of Cruelty to Animal
	(Amendment) Act,2022
	(2) It shall come into force on such date as the Central
	Government may, by notification, in the Official Gazette, appoint:
	CHAPTER I
	PRELIMINARY
Insertion of new sub	In the principal Act, under Section 2 after sub-section (i), the following
section (j) of section 2.	definitions shall be inserted:
	1. "Bestiality" means any kind of sexual activity or intercourse between
	human being and animal
Insertion of sub	2. "Gruesome cruelty" means any act involving animals which led to
section (k) of section 2.	extreme pain and suffering to the animals which is mostly likely to leave
	the animal in life long disability which Includes mutilation or killing of
	animal by the use of strychnine injection in the heart or any other cruel
	manner that is known to cause permanent physical damage to the
	animal or render animal useless or cause any injury which is likely to
	cause death including bestiality, animal fighting for the purpose of
	bating or promote or take part in any shooting match or competition
	wherein animals are released from the captivity for the purpose of such
	shooting.
Insertion of sub	2. "Jurisdictional veterinarian" means a person within the local
section (I) of section 2.	jurisdiction of the area employed by State Government who holds a
	degree of a recognized veterinary college and is registered with the
	State Veterinary Council or Veterinary Council of India.
Insertion of sub	4. "State Animal Welfare Board (SAWB)": means the Board constituted
	by the State Government under the provision of the Chapter VII of this
2.	Act.
	5."Society for Prevention of Cruelty to Animal (SPCA)": Society for
section (n) of section 2.	prevention of cruelty to animals means a society established under the
	Rules farmed under this Act.
Insertion of sub	<b>6. "Community Animals":</b> means any animal born in a community for
section (O) of section 2.	•
	organization, excluding wild animals as defined under the wildlife
	Protection Act, 1972 (53 of 1972)
Insertion of sub	7. "Poultry facilities": means any establishment wherein poultry birds as
section (p) of section 2.	, ,
	housed for commercial poultry production intended for human

	consumption or for maintained for breeding purpose.
	8. "Livestock farm": Means any establishment where the economically
section (q) of section	important animals are kept for the production of food for the mankind
2.	
Insertion of new	9. Five freedoms of animals: It shall be the duty of every person having
section 3A	charge of an animal to ensure that the animal in his care or under his
Section SA	charge has:
	1. Freedom from thirst, hunger and malnutrition
	2. Freedom from discomfort due to environment,
	3. Freedom from pain, injury and diseases,
	4. Freedom to express normal behavior for the species.
	5 Freedom from fear and distress.
	Provided that in case of a community animal, the local government
	such as municipality or panchayets shall be responsible for taking care
	of the community animals in a manner developed by the State
	Government or by the Board.
	Chapter II
	ANIMAL WELFARE BOARD OF INDIA
Amendment to sub	10.In the principal Act, 1960, in sub clause (ba) of sub section (1) of
clause (ba) of Sub	section 5, in the long lines, for the words "two persons to represent
section (1) of section	respectively the Ministries of the Central Government dealing with
5	home affairs and education, to be appointed by the Central
	Government" the words "four persons to represent respectively the
	Ministries of the Central Government dealing with home affairs,
	education, Urban development and health and family welfare to be
Incertion of out	appointed by the Central Government" shall be substituted.
Insertion of sub	11. one person from each from ICAR dealing with the animal science
clause (bd) of sub	and Veterinary Council of India to represent in the Board, to be
section (1) of section	nominated by the said organization.
5.	
Amendment to sub	12. In the principal Act, 1960, in sub clause (c) of sub section (1) of
clause (c) of sub	section 5, in the long lines, for the words "one person to represent such
section (1) of section 5	association of veterinary practitioners as in the opinion of the Central
	Government ought to be represented on the Board, to be elected by
	that association in the prescribed manner" the words "two veterinarians
	working in the field of Animal Welfare with diploma or degree in animal
	welfare to be nominated by the Central Government " shall be
	substituted
Amendment to sub	13. In the principal Act, 1960, in sub clause (d) of sub section (1) of
clause (d) of sub	section 5, in the long lines, for the words "two persons" the words "one
section (1) of section	person" shall be substituted.
5.	
Amendment to sub	14. In the principal Act, 1960, in sub clause (e) of sub section (1) of
clause (e) of sub	section 5, in the long lines, for the words "one person to represent each
section (1) of section	of such two municipal corporations as in the opinion of the Central
5.	Government ought to be represented on the Board, to be elected by
	each of the said corporations in the prescribed manner " the words
	"three person to be nominated by the Central Government from such
	State Board which in the opinion of Board is actively involved in the

	work of resolving the difficulties at the local level and has done an extraordinary work in the field of animal welfare "shall be substituted
Amendment to sub	15.In the principal Act, 1960, in sub clause (f) of sub section (1) of
clause (f) of sub	section 5, in the long lines, for the words "one person" the words "three
section (1) of section	persons" shall be substituted.
5.	
Amendment to sub	16. In the principal Act, 1960, in sub clause (g) of sub section (1) of
clause (g) of Sub	section 5 shall be omitted.
section (1) of section	
5. Amendment to	17.The subjection (2) of the Section 7 of the Prevention of Cruelty to
subsection (2) of	
section 7	Subject to the approval of the Central Government on this behalf, the
	Board may appoint a such number of other officers and employees as
	may be necessary for the exercise of its power and discharge of its
	functions and may determine the terms and conditions of service of
	such officers and other employees by regulations to issued by the
	Board with prior approval of the Central Government."
Insertion of new	18. COMMITTEEOF THE BOARD
section 7A	(i) The Board may constitute as many Committees or sub-committees
	including the Executive Committee, as it may think fit, for discharging its
	duty. Such committees or sub-committees will advise the Board on the
	matter which Board may refer to them from time to time.
	(ii) A committee or sub-committees shall consist of Members from the
	existing Board members and also co-opt the members into the sub-
	committee. The sub-committee may also co-opt other members if
	required.
Amendment to	19. In section 8 of the principal Act, in long line after the word "gift" the
Section 8	words "processing fees, penalties, fines, levy or any
	other amount directly paid to the board by any person" shall be inserted
Insertion of new	20. In the existing Act, after Section 8 the following shall be inserted as
section 8A	new Section 8A
Accounts and Audit	Accounts and Audit: -
	1) The Board shall maintain appropriate accounts and other relevant
	records and prepare an annual statement of accounts including the
	balance sheet, in accordance with such general directions as may be
	issued and in such form as may be specified by the Central
	Government in consultation with the Comptroller and Auditor-General
	of India.
	(2) The accounts of the Board shall be audited annually by the
	Comptroller and Auditor-General of India or any person appointed by
	him on this behalf and any expenditure incurred by him or any person
	so appointed in connection with such audit shall be payable by the
	Council to the Comptroller and Auditor-General of India.
	(3) The Comptroller and Auditor-General of India and any person
	appointed by him in connection with the audit of the accounts of the
	appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in
	appointed by him in connection with the audit of the accounts of the
	appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in
	appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of

accounts, connected vouchers and other documents and papers a inspect the office(s) of the Board. (4) The accounts of the Board as certified by the Comptroller	
Auditor-General of India or any person appointed by him on this be together with the audit report thereon, shall be forwarded annua the Central Government duly approved by the Board in the Au General Meeting and Central Government shall cause the same laid before each House of Parliament. 21. In the existing Act the sub-section (h) of Section 9 the exist provisions shall be substituted with the following provisions "To coordinate, cooperate, and supervise the general working of SPCA, State Board and local bodies established for the purpos preventing unnecessary pain or suffering to the animals or fo protection of animals and birds".	and ehalf, lly to nnual to be isting f the se of
mendment ection 9(k)to22. In sub section (K) of section 9 of the principal Act, after the w "to impart education." the words " and capacity building " sha inserted	
sertion of new sub 23. In the existing Act after sub-section (I) of Section 9, the new	sub-
ection 9 (m) section (m) shall be inserted as under:	aimal
"To recognize any organization registered in India working in an welfare in more than one state and seeking assistance from Ce	
Government."	Jintiai
sertion of new sub 24. In the existing Act after new sub-section (m) of Section 9, the	new
ection 9 (n) sub-section (n) shall be inserted as under	
"To review the record, annual reports or any other report information which shall be submitted to the Board by	and
(i) organisation working for animal welfare recognized by the E under section 9(m)	Board
(ii) State Animal Welfare Board	
(iii) Societies for Prevention of Cruelty to Animals	
sertion of new sub 25. In the existing Act after new sub-section (n) of Section 9, the	new
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ection 9 (o) sub-section (o) shall be inserted as under	bne
ection 9 (o) sub-section (o) shall be inserted as under To expeditiously work for the proper implementation of the Act	
ection 9 (o) sub-section (o) shall be inserted as under To expeditiously work for the proper implementation of the Act Rules made under the Act and to prevent the unnecessary pain suffering of the animals.	and
section 9 (o)sub-section (o) shall be inserted as under To expeditiously work for the proper implementation of the Act Rules made under the Act and to prevent the unnecessary pain suffering of the animals.sertion of new sub26. In the existing Act after new sub-section (o) of Section 9, the	and
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	fit and also take up the issues arising out of any such matters with the appropriate authorities.
	(2) <b>power to entry and inspect</b> : the Board may authorize any government officials or any other person on its behalf, as the case may be, to inspect places or premises where animals are being kept or used for any other purposes, where there is reason to believe that offense against this act and rules made under this act;
	(i) enter such place and inspect the premises or places in which the animals are being kept or sheltered for any purpose on report of animal cruelty or violation of provision(s) of this Act or Rules and Regulations framed under this Act
	(ii) to call any person to produce any or all records kept by them which are mandated under this Act or Rules made thereunder;
	(3) Power to issue advisory: The Board may, as and when require issue advisories in respect of any incident of cruelty to mitigate unnecessary suffering of animals or where cruelty to animal is involved.
	(4) Power to make regulations: The Board may, subject to the previous approval of the Central Government make such regulations as it may deem fit for the administration of its affairs and for carrying out its function.
	Chapter III
	CRULETY TO ANIMALS GENERALLY
Amendment of section 11.	28. In the principal Act, 1960, in section 11, in sub-section (1), in the long line,—
	(i) For the words "shall not be less than ten rupees but which may extend to fifty rupees", the words "shall not be less than one thousand rupees per animal but which may extend to two thousand five hundred rupees per animal" shall be substituted;
	(ii) For the words "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 "shall not be less than two thousand five hundred rupees per animal but which may extend to five thousand rupees with imprisonment for the minimum term of 6 months which may be extended to 1 year, or with both" shall be substituted.
Insertion of new subsection (4) of Section 11	After the subsection (3) new subsection (4) at section11 may be inserted namely: The investigating officer shall report each case registered under this act to the district police headquarters where due records shall be maintained in the district police headquarter which shall be shared with the State Animal Welfare Board. Also, such information is to be

Omission clause section (1) of sub section (1) of sub sectid sub sectid sub section (1) of sub section (1) of sub section (		request.
clause (I) of sub section (1) of section       section 11 shall be omitted.         0mission of sub clause m (II) of sub section (1) of section       30. In the principal Act, 1960, sub-section (m) shall be omitted.         0mission of sub clause (n) of sub section (1) of section       31. In the principal Act, 1960, in sub clause (n) of sub section (1) of clause (o) of sub section (1) of section         11       32. In the principal Act, 1960, in sub clause (0) of sub section (1) of section (1) of section         11       33. Gruesome Cruelty: Whoever, whether an individual or group of individuals or an organization-         (i) has carnal intercourse against the order of nature with any animal         (ii) causes permanent damage to any part of the body of an animal or commits an act of mutilation that causes permanent or lifelong damage to the animal or renders the animal useless         (iii) causes any injury which is likely to cause death or lifelong physical deformity to the animal         (iv) incites any animal to fight or bait any other animal or organizes, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes;         (vi) promotes or takes part in any shooting match or competition wherein animals are released from the captivity for the purpose of such shooting.         Shall be punishable with a minimum fine of fifty thousand rupees which may be extended up to seventy-five thousand rupees or the cost of the animal as may be decided by judicial magistrate in consulta	Omission of sub	
section (1)         of         section           11         30. In the principal Act, 1960, sub-section (m) shall be omitted.           Clause m (iii) of sub section (1) of section         30. In the principal Act, 1960, in sub clause (n) of sub section (1) of section (1) of section           Omission of sub clause (n) of sub section (1) of section         31. In the principal Act, 1960, in sub clause (n) of sub section (1) of section (1) of section           Omission of sub section (1) of section         32. In the principal Act, 1960, in sub clause (0) of sub section (1) of section (1) of section           Insertion of Section 11(A)         new         33. Gruesome Cruelty: Whoever, whether an individual or group of individuals or an organization-           (i) has carnal intercourse against the order of nature with any animal         (ii) causes permanent damage to any part of the body of an animal or commits an act of multilation that causes permanent or lifelong damage to the animal or renders the animal useless           (ii) causes any injury which is likely to cause death or lifelong physical deformity to the animal         (iv) incites any animal to fight or bait any other animal           (iv) organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes;           (vi) promotes or takes part in any shooting match or competition wherein animals are released from the captivity for the purpose of such shooting.           Shall be		
11       30. In the principal Act, 1960, sub-section (m) shall be omitted.         Clause m (ii) of sub section 11       30. In the principal Act, 1960, in sub clause (n) of sub section (1) of section 11         Omission of sub section (1) of section 11       31. In the principal Act, 1960, in sub clause (n) of sub section (1) of section 11         Omission of sub clause (o) of sub section 11 shall be omitted.       32. In the principal Act, 1960, in sub clause (0) of sub section (1) of section 11         Insertion of section 11       33. Gruesome Cruelty: Whoever, whether an individual or group of individuals or an organization-         (i) has carnal intercourse against the order of nature with any animal       (ii) causes permanent damage to any part of the body of an animal or commits an act of mutilation that causes permanent or lifelong damage to the animal or renders the animal useless         (iii) causes any injury which is likely to cause death or lifelong physical deformity to the animal       (iv) incites any animal to fight or bait any other animal         (iv) incites any animal to fight or bait any other animal       (v) organises, keeps, used or receives money for the admission of any other person to any place kept or used for any such purposes;         (vi) promotes or takes part in any shooting match or competition wherein animals are released from the captivity for the purpose of such shooting.         Shall be punishable with a minimum fine of fifty thousand rupees which may be decided by judicial magistrate in consultation with		
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section (1) of section 11       31. In the principal Act, 1960, in sub clause (n) of sub section (1) of section (1) of sub section (1) of section 11         Omission of 11       sub section (1) of section 11       32. In the principal Act, 1960, in sub clause (0) of sub section (1) of section (1) of section 11         Insertion of Section 11(A)       sub section (1) of section 11       33. Gruesome Cruelty: Whoever, whether an individual or group of individuals or an organization-         (i)       has carnal intercourse against the order of nature with any animal       (ii)         (iii)       causes permanent damage to any part of the body of an animal or commits an act of mutilation that causes permanent or lifelong damage to the animal or renders the animal useless         (iii)       causes any injury which is likely to cause death or lifelong physical deformity to the animal         (iv)       incites any animal to fight or bait any other animal         (v)       organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes;         (vi)       promotes or takes part in any shooting match or competition wherein animals are released from the captivity for the purpose of such shooting.         Shall be punishable with a minimum fine of fifty thousand rupees which may be extended up to seventy-five thousand rupees or the cost of the animal as may be decided by judicial magistrate in consultation with		
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section (1) of section         11         Omission of sub section (1) of sub section (1) of section (1) of section (1) of section 11 shall be omitted.         Insertion of section 11         11         Insertion of sub section 11(A)         33. Gruesome Cruelty: Whoever, whether an individual or group of individuals or an organization- <ul> <li>(i) has carnal intercourse against the order of nature with any animal</li> <li>(ii) causes permanent damage to any part of the body of an animal or commits an act of mutilation that causes permanent or lifelong damage to the animal or renders the animal useless</li> <li>(iii) causes any injury which is likely to cause death or lifelong physical deformity to the animal</li> <li>(iv) incites any animal to fight or bait any other animal</li> <li>(v) organises, keeps, uses or acts in the management of, any place for any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes;</li> <li>(vi) promotes or takes part in any shooting match or competition wherein animals are released from the captivity for the purpose of such shooting.</li> </ul>		
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		the jurisdictional veterinarians whichever is more or with the
imprisonment of one year which may extend up to three years or with		· · · · ·
both.		
<b>Insertion</b> of <b>new</b> 34. If any individual or group of individuals or organization commits any		
Section 11(B) act with the intention to harm any animal leading to its death, kills an		• •
Killing of an animal: - animal by use of strychnine injection or any other cruel manner he or	Killing of an animal: -	animal by use of strychnine injection or any other cruel manner he or

	abo on their shall be musichable with a minimum fine of accepts five
	she or they shall be punishable with a minimum fine of seventy-five thousand which may extend up to one lakh rupees per animal or three times to the cost of the animal as determined by a judicial magistrate in consultation with the jurisdictional veterinarian, whichever is more or with imprisonment of three years which may extend up to five years or
	with both".
Insertion of new	35.Offence by poultry facilities and livestock farms: Where an offence
section 11 C	against this Act or rules framed or order passed thereunder has been
Offence by poultry	committed by establishment by poultry facility or livestock farms under
Farm or livestock	this act,
Industries:	
	(i) Offense Committed under supervision of the owner or in charge of the poultry facility or livestock farm, shall be deemed to be guilty and punishable with an amount equal to twenty-five percent of the total market value of all birds housed in such a facility in case of first offence and with a fourty percent of the total market value in case of subsequent and subsequent offences. Provided that the market value will be decided by the judicial magistrate in consultation with the jurisdictional veterinary officer.
Section 11 (3) (b)	36. In the principal Act, 1960, in section 11, in sub section (3), of the
	sub clause (b) in the long line for the words "the destruction of stray
	dogs in the lethal chamber or by such other methods as may be
	prescribed" shall be deleted
Amendment of section	37. In section 12 of the principal Act, for the words "one thousand
12	rupees, or with imprisonment for a term which may extend to two years", the words "for first offence seventy-five thousand rupees or with imprisonment for a term of two years and for a second offence the one lakh rupee or imprisonment for a term of three years or both" shall be substituted.
	CHAPTER IV
Amendment of section	38. In section 20 of the principal Act, after sub-clause (b) the existing
20	provision shall be substituted with the following provisio namely
	"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 in charge of the institution shall be
	deemed to be guilty of the offence and shall be punishable accordingly,
	the line "person or institution shall be punishable with fine which shall
	up to five times the amount of registration fees as per the ongoing fee
	structure of CPCSEA in the case of a first offence and in case of a
	second or subsequent offence, with fine which shall not be less than
	five timesthe amount of registration fees as per the ongoing fee
	structure of CPCSEA which may extend, upto ten times or with imprisonment for a term which may extend up to two years or with
	both".
	CHAPTER V
Amendment of	
Section 26	existing provision shall substituted with the following provisio namely
	"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 may extend to twenty-five thousand rupees, or with imprisonment which may extend to six months, or with both".
	Chapter VI MISCELLANEOUS
Amendment of 28	40 In the existing Act, in Section 28 in the long line after the word "any community" the following provisio shall be inserted:
	"provided that such killing of the animals is carried out in a slaughterhouse licensed in accordance with the laws in force"
Amendment of 29 (4)	Section 29 (4) and sub-clause (a), b) & (c) to be omitted.
Amendment of section 29	41. In the principal Act, in sub-section (5) of Section 29 after the word "extend the line "one hundred rupees, or with imprisonment which may extend to three months", shall be substituted with the words "five thousand rupees, or with imprisonment which may extend to six months".
Amendment of Section 30	42. In Section 30 of the Act, the following provisio shall be inserted after the existing paragraph: "If any person is charged under the provisions of section 11B for an offence of killing an animal and if the body or any part of the body of such animal is found in his possession, then it shall be presumed that such person has committed the offence with which he has been charged until the contrary is proven, the burden for which shall lie on the accused.
Amendment of Section 31	heading "Congeniality of offences" the following shall be substituted: Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under clause (c), clause(i), clause(j), clause(k) or clause(m), of subsection (1) of section 11, Section 11A, Section 11 B, 11 C, section 12 and Section 38(1) of this Act shall be cognizable and no person accused of any offence under those sections shall be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity to oppose the application for such release.
Amendment of Section 32	<ul> <li>44. In Section 32 of the principal Act, in the long line,—</li> <li>(1) the words "clause (I) of sub-section (1) of section 11 in respect of any such animal as is referred to in section 30" the words "section 11B" shall be substituted.</li> <li>(2) Provided the animals so seized shall be kept in the custody of the local SPCA or recognised animal welfare organisation as per the order of the jurisdictional Magistrate in accordance with the Rules under this Act.</li> </ul>
Amendment in Section 34	45. In Section 34 of the principal Act, after the word "State Government", the word "or Animal Welfare Board of India or State

	Animal Welfare Board in his behalf" shall be inserted.
	Also in the aforementioned section after the existing paragraph the following provision shall be inserted after the word "examination" namely
	"Provided the animals so seized shall be kept in the custody of the local SPCA or recognised animal welfare organisation, except the complaint, as per the order of the Jurisdictional Magistrate in accordance with the Rules under this Act."
Amendment of sub- section (2) of Section 35	46. In the Principal Act in sub-section (2) of Section 35, the existing provisions shall be substituted with the following provision:
	"The magistrate before whom a prosecution for an offence against this Act has been instituted shall direct that the animal concerned shall be treated and cared for in an infirmary until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a <i>pinjrapole</i> , or, if the veterinary officer in charge of the area in which the animal is found or such other veterinary officer as may be authorised in this behalf by rules made under this Act certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed. The record of such destruction shall be maintained by the infirmary which shall be produced as and when required for the purpose of investigation"
AmendmentofSection 36	47. In Section 36 of the principal Act, in the long lines for the words, "three months" shall be substituted with the words "twelve months"
Omission of sub clause (aa) of sub section (2) of section 38	48. In the principal Act, 1960, in sub clause (aa) of sub section (2) of section 38 shall be omitted.
Insertion of new sub clause (ia) under sub-section 2 of	49. In section 38 of the principal Act, in sub-section 2, the new sub- clause (ia) shall be inserted, namely:
section 38	(ia) to recognise organisation working for animal welfare and seeking assistance from the Central Government, which shall work under the general supervision and guidance of the Board.
Amendment of Section 38	50. In section 38 of the principal Act, in sub-section (3), in the long lines for the words "one hundred rupees or with imprisonment for a term which may extend to three months" shall be substituted with the words "fifty thousand rupees or with imprisonment for a term which may extend to two years".
Insertion of new section 38 B	51. In the principal Act after Section 38, the new Section 38 A shall be inserted namely
	Power of Central Government to give directions. — For the purposes of this Act, the Central Government may, from time to time, give

	directions to the Board or State Board general or specific directions as may be required from time to time, and the Board and State Board shall, in the discharging of its functions under this Act, shall comply with such directions.
Amendment to Section 41	52. In the principal Act, in section the existing provision shall be substituted with the following provision:
Power to remove difficulty	If a difficulty arises in giving effect to the provision of this Act, the Central Government may, by order published in the official Gazette make such provision, not consistent with the provision of this Act as appears to it to be necessary or expedient for removing the difficulty. Provided that no such order shall be made after the expiry of a period of two years from the date of enactment.
Inclusion of New Chapter after Chapter VI	53. After, Section 41 of the Principal Act, the Following Chapter` shall be Inserted, namely:
	CHAPTER VII STATE ANIMAL WELFARE BOARD
Insertion of section 42 Establishment of State Board	<ul> <li>54. (1) For the promotion of animal welfare generally in coordination with the Board 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'.</li> <li>(2) The State Board shall be a body corporate having perpetual</li> </ul>
	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.
Insertion of section 43	55. (1) The State Board shall consist of the following persons shall be nominated by the State Government or Union Territories, namely –
Constitution of State Animal Welfare Board	<ul> <li>(a) Minister, Animal Husbandry Department who shall be the Chairman.</li> <li>(b) Additional Chief Secretary / Principal Secretary, Animal Husbandry Department.</li> <li>(c) Chief Wildlife Warden of the State;</li> <li>(d) Director, Animal Husbandry Department, who shall be the Member Secretary.</li> <li>(e) Commissioner Transport;</li> <li>(f) Director-General or Director, Health Department</li> <li>(g) Director Panchayat Department</li> <li>(h) Director General of Police or his representative.</li> <li>(i) Director, Urban Development Department.</li> <li>(j) Minimum of three members of three SPCAs constituted in each district to be nominated by the State Government constituted in each District as per the provisions of the Prevention of Cruelty to Animals (Establishment and Regulations of Societies for the Prevention of Cruelty to Animals) Rules, 2001;</li> </ul>

	(k) One Member from registered Gaushalas / Pinjarapoles to be nominated by the State Government.
	(I) One Member to be nominated by the GausevaAyog / State Government.
	(m) Five eminent persons involved in animal welfare within the State to be nominated by the State Government;
	(n) Registrar of the State Veterinary Council and a representative of the State Veterinary Doctors' Association; and
	(o) One MLA of State Assembly to be nominated by the State Assembly; and
	(p) One member representative of the Animal Welfare Board of India, to be nominated by the 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 theirappointment to the State Board. However, the State Board may provide Travelling and other incidental charges of the member for attending the meeting of the State Board as per State Government norms;
Insertion of section 44 Functions of the State Animal Welfare Board	56.(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 create adequate awareness of animal welfare may be created.
	(2) The State Board shall provide assistance and guidance for the functioning of the SPCAs, the animal shelters, gaushalas, pinjrapoles, rescue homes, sanctuaries and the likes within the State, to ensure implementation of the provisions of the Act and the Rules framed thereunder.
	(3) The State Board shall also exercise such functions as may be delegated to it by the State Government or Union Territories or by the Central Government for furthering the objectives of these Act.
	(4) The State Board shall advise the State Government or any local authority or other people on any matter related to the 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.
Insertion of new section 45	<ul> <li>(6) The State Board may extend financial assistance and support to animal welfare organizations that obtain recognition from the state board after following due process as prescribed by the state board</li> <li>57. (1) The term of the State Board shall be three years from the date of the constitution or reconstitution and the Chairman and other Members of the State Board shall hold office till the expiry of the State Board.</li> </ul>
Board	(2) Any casual vacancy(ies) arising shall be filled up as per the constitution of the State Board
	(3) A member nominated to fill up a casual vacancy shall hold office till the normal expiry of the State Board from the date of his or her nomination.
Insertion of new	58. The State Government may remove any member of the State Board who:
section 46 Removal of Member(s)	Board who:
from the State Board	(a) absents from three consecutive meetings of the State Board without
	intimation to State Board: or
	(b) has been adjudged an insolvent or;
	(c) has been convicted of an offence under this Act or any other law pertaining to Cruelty to Animals or involving moral turpitude or;
	(d) has become physically or mentally incapable of acting as such
	Member or,
	(e) has submitted his or her resignation as a member of the State
	Board, (f) any charge of corruption.
Insertion of section 47	59. The funds of the State Board shall consist of grants made to it from
	time to time by the State Government and off contribution, donation,
Fund for the State	subscription, bequests, gifts, fees and levy the like made to it by any
Board	local authority or any other person.
Insertion of section 48	60. Every State Board shall submit its activity report to the Board
	incorporating therein the activities undertaken by it for the welfare of
Reports	animals and the steps or measures taken by it to implement various
	provisions of the Act and the Rules made thereunder at the end of the
Insertion of section 49	first quarter of the proceeding financial year. 61. The State Board may, subject to prior approval of the State
	Government, make such regulations as it may think fit for the financial
Power to make	and administrative affairs of the State Board and for carrying out its
Regulations	functions.

Total number of Amendments: 61