

(Second Schedule).

Prevention of Cruelty to Animals [1890 : Act XI]

THE SECOND SCHEDULE.—*contd.*

- (s) any article of special value which the ¹[Provincial Government] may, by notification in the ²[official Gazette], add to this schedule³.

THE PREVENTION OF CRUELTY TO ANIMALS ACT,
1890.⁴Act No. XI of 1890

[21st March, 1890]

An Act for the Prevention of Cruelty to Animals

WHEREAS it is expedient to make further provision for the prevention of cruelty to animals; It is hereby enacted as follows:—

1.—(1) This Act may be called the Prevention of Cruelty to Animals Act, 1890.

(2) This section extends to ⁵[the whole of Pakistan] and the

Title, extent and commencement, and supersession of other enactments.

¹ Subs. by A. O., 1964, Art. 2 and Sch. for "Central Government" which had been subs. by A. O., 1949, Sch., for "Federal Railway Authority" as amended by A. O., 1937.

² Subs. by A. O., 1937, for "Gazette of the India".

³ For Arts. added to this Schedule by Notification, see Gen. R. and O. and for such an instance, see G. of P., Pt. I, dated the 7th September, 1951, p. 512.

⁴ For Statement of Objects and Reasons, see Gazette of India, 1890, Pt. V, p. 4; for Report of the Select Committee, see *ibid.*, p. 95, and for proceedings in Council, see *ibid.*, Pt. VI, pp. 4, 10 and 62.

This Act has been declared in force in Baluchistan by s. 3 of the British Baluchistan Laws Regulation, 1913 (2 of 1913);

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.-W.F.P., subject to certain modifications; and also extended to the Excluded Area of Upper Tanawal (N.-W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.-W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

⁵ Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "all the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, Arts. 3(2) and 4, for "the whole of British India".

¹[Provincial Government Gazette, extend, on and tion, the whole or any local area as it thinks fit

(3) When any part of section (2) to a local area by notification in the Gazette, any part of any other area, prevention of cruelty to animals done or any offence committed in any proceedings commenced in such area, and such whole or part until the ¹[Provincial Government] otherwise directs.

(4) The ¹[Provincial Government] notification under sub

2. In this Act, unless the subject or context,—

(1) "animal" means

(2) "Street" includes a lane, alley, passage or not, to

³(3) *phooka* or *phooka* means any animal with any secret

⁴(3. If any perso

(a) overdrives, subject it

(b) binds, keeps in such manner as to cause any pain

(c) offers for possession

¹ Subs. by A. O.,

² The word "and" (Amdt.) Act, 1938 (25

³ Clause (3) added

⁴ Subs. *ibid.*, s. 3.

[1890 : Act D

1890 : Act XI] *Prevention of Cruelty to Animals*

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ANIMALS ACT,

[21st March, 1890]

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¹[Provincial Government] may, by notification in the official Gazette, extend, on and from a date to be specified in the notification, the whole or any part of the rest of this Act to any such local area as it thinks fit.

(3) When any part of this Act has been extended under sub-section (2) to a local area, the ¹[Provincial Government] may, by notification in the official Gazette, direct that the whole or any part of any other enactment in force in the local area for the prevention of cruelty to animals shall, except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings commenced, cease to have effect in the local area, and such whole or part shall cease to have effect accordingly until the ¹[Provincial Government], by a like notification, otherwise directs.

(4) The ¹[Provincial Government] may cancel or vary a notification under sub-section (2) or sub-section (3).

2. In this Act, unless there is something repugnant in the subject or context,—

Definitions.

(1) "animal" means any domestic or captured animal: ²*

(2) "Street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access:

³[(3) *phooka* or *doom dev* includes any process of introducing air or any substance into the female organ of a milch animal with the object of drawing off from the animal any secretion of milk.]

⁴3. If any person—

(a) overdrives, beats, or otherwise treats any animal so as to subject it to unnecessary pain or suffering, or

(b) binds, keeps, carries or consigns for carriage any animal in such manner or position as to subject it to unnecessary pain or suffering, or

(c) offers for sale or without reasonable cause has in his possession any live animal which is suffering pain by

Penalty for
cruelty to animals
and for sale of
animals killed
with unnecessary
cruelty.

¹ Subs. by A. O., 1937, for the words "Local Government".

² The word "and" was omitted by the Prevention of Cruelty to Animals (Amdt.) Act, 1938 (25 of 1938), s. 2.

³ Clause (3) added, *ibid.*

⁴ Subs. *ibid.*, s. 3., for the original section 3.

reason of mutilation, starvation, thirst, over-crowding or other ill-treatment, or

- (d) offers for sale any dead animal or part of a dead animal which he has reason to believe has been killed in an unnecessarily cruel manner, or
- (e) without reasonable cause abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst,

he shall be punished, in the case of a first offence, with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month and, in the case of a second or subsequent offence committed within three years of the previous offence, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.]

Penalty for overloading animals.

¹[3A.—(1) If any person overloads any animal, he shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month.

(2) If the owner of any animal, or any person who, either as a trader, carrier or contractor or by virtue of his employment by a trader, carrier or contractor, is in possession of, or in control of the loading of, any animal, permits the overloading of such animal, he shall be punished with fine which may extend to one hundred rupees.

Penalty for practising phooka.

²[4.—(1) If any person performs upon any cow or other milch animal the operation called *phooka* or *doom dev*, or permits such operation to be performed upon any such animal in his possession or under his control, he shall be punished with fine which may extend to five hundred 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 Government:

Provided that in the case of a second or subsequent conviction of a person under this section he shall be punished with fine which may extend to five hundred rupees and with imprisonment for a term which may extend to two years.

(2) A Court may order payment out of any fine imposed under this section of an amount not exceeding one-tenth of the

¹ S. 3A ins. by s. 4 of the Prevention of Cruelty to Animals (Amdt.) Act, 1938 (25 of 1938).

² Subs. *ibid.*, s. 5, for the original section 4.

fine to any person other than the person or institution concerned with the animal who has given information.

5. If any person kills any animal in any manner, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

¹[5A. If any person kills any animal and has reason to believe that the animal was unnecessarily cruelly killed, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both, and the animal shall be confiscated.

¹5B. If any person kills any goat or goat contrary to the provisions of section 5, he shall be punishable under section 5. If any person has in his possession, or in his control, any animal which has been committed, the skull of the head attached thereto, he shall be punished, if it can be proved, that such person has committed in that manner, and that the person so to believe.]

6. ²* If any person kills any animal which by reason of any cause is unfit to be so used, he shall be punished in his possession or under his control, he shall be punished with fine which may extend to one hundred 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 Government:

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⁴[6A. For the purpose of section 5, any other person in possession of any animal shall be deemed to have permitted any person to have care and supervision of the animal.

¹ Ss. 5A and 5B were inserted by the Prevention of Cruelty to Animals (Amdt.) Act, 1917 (14 of 1917).

² The figure and the word "and" were inserted by the Prevention of Cruelty to Animals (Amdt.) Act, 1917 (14 of 1917).

³ Sub-sections (2) and (3) were inserted by the Prevention of Cruelty to Animals (Amdt.) Act, 1917 (14 of 1917).

⁴ Sections 6A, 6B and 6C were inserted by the Prevention of Cruelty to Animals (Amdt.) Act, 1917 (14 of 1917).

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fine to any person other than a police officer or officer of a society or institution concerned with the prevention of cruelty to animals who has given information leading to the conviction.]

5. If any person kills any animal in an unnecessarily cruel manner, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

¹[5A. If any person has in his possession the skin of a goat, and has reason to believe that the goat has been killed in an unnecessarily cruel manner, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both, and the skin shall be confiscated.

¹5B. If any person is charged with the offence of killing a goat contrary to the provisions of section 5, or with an offence punishable under section 5A, and it is proved that such person had in his possession, at the time the offence was alleged to have been committed, the skin of a goat with any part of the skin of the head attached thereto, it shall be presumed, until the contrary be proved, that such goat was killed in an unnecessarily cruel manner, and that the person in possession of such skin had reason so to believe.]

6. ²* If any person employs in any work or labour any animal which by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, or permits any such unfit animal in his possession or under his control to be so employed, he shall be punished with fine which may extend to one hundred rupees.

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⁴[6A. For the purposes of sections 3A and 6, an owner or other person in possession or control of an animal shall be deemed to have permitted an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence,

Penalty for killing animals with unnecessary cruelty anywhere.

Penalty for being in possession of the skin of a goat killed with unnecessary cruelty.

Presumptions as to possession of the skin of a goat.

Penalty for employing anywhere animals unfit for labour.

Interpretation.

¹ Ss. 5A and 5B were ins. by s. 2 of the Prevention of Cruelty to Animals (Amdt.) Act, 1917 (14 of 1917).

² The figure and brackets "(1)" omitted by s. 6 of the Prevention of Cruelty to Animals (Amdt.) Act, 1938 (25 of 1938).

³ Sub-sections (2) to (6), were omitted, *ibid.*

⁴ Sections 6A, 6B and 6C ins. *ibid.*, s. 7.

and, for the purposes of section 4, if he fails to prove that he has exercised such care and supervision.

Treatment and
care of animals.

¹6B.—(1) The Provincial Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a Magistrate.

(2) The Magistrate before whom a prosecution for an offence against this Act has been instituted may 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 *pinjrapole*, 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 section 15 certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to an infirmary shall not, unless the Magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the Veterinary Officer in charge of the area in which the infirmary is situated or such other Veterinary Officer as may be authorised in this behalf by rules made under section 15.

(4) The cost of transporting an animal to an infirmary or *pinjrapole*, and of its maintenance and treatment in an infirmary, shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by the District Magistrate ²* *:

Provided that when the Magistrate so orders, on account of the poverty of the owner of the animal, no charge shall be payable for the treatment of the animal.

(5) If the owner refuses or neglects to pay such cost or to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(6) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him.

¹ Ss. 6A, 6B and 6C, ins. by the Prevention of Cruelty to Animals (Amdt.) Act, 1938 (25 of 1938), s. 7.

² The words "or, in Presidency-towns, by the Commissioner of Police" omitted by A. O., 1949, Sch.

¹6C. If any person—

(a) incites any ani

(b) baits any anir

(c) aids or abets a

he shall be punished wi

Exception.—It shall incite animals to fight if or suffering to such ani taken to prevent injury

7. If any person wi the owner ²[or is in cha animal is affected with c out reasonable excuse pe which he is the owner ² shall be punished with rupees ³[where he is the where he is in charge of l

⁴[7A.—⁵[(1)] If a poli inspector, has reason to in respect of a goat, is be mitted in any place, or ti skin of a goat with any thereto, he may enter a which he has reason to seize any such skin and : be used in the commissio

⁶[(2) If a police-office or any person specially a in this behalf has reason just been or is being per of his jurisdiction, he may to believe such animal to duce it for examination the area in which the anir

¹ Ss. 6A, 6B and 6C ins. by Act, 1938 (25 of 1938), s. 7.

² Ins. *ibid.*, s. 8.

³ Added, *ibid.*

⁴ S. 7A ins. by the Preven 1917 (14 of 1917), s. 3.

⁵ Section 7A re-numbered of 1938, s. 9.

⁶ Sub-section (2) added, *ibi*

Penalty for
baiting or inciting
animals to fight.

6C. If any person—

- (a) incites any animal to fight, or
- (b) baits any animal, or
- (c) aids or abets any such incitement or baiting,

he shall be punished with fine which may extend to fifty rupees.

Exception.—It shall not be an offence under this section to incite animals to fight if such fighting is not likely to cause injury or suffering to such animals and all reasonable precautions are taken to prevent injury or suffering from being so caused.]

7. If any person wilfully permits any animal of which he is the owner ²[or is in charge] to go at large in any street while the animal is affected with contagious or infectious disease, or without reasonable excuse permits any diseased or disabled animal of which he is the owner ²[or is in charge] to die in any street, he shall be punished with fine which may extend to one hundred rupees ³[where he is the owner of the animal, or to fifty rupees where he is in charge of but not the owner of the animal].

Penalty for
permitting
diseased animals
to go at large
or to die in public
places.

⁴[7A.—⁵[(1)] If a police-officer, not below the rank of sub-inspector, has reason to believe that an offence under section 5, in respect of a goat, is being or is about to be, or has been, committed in any place, or that any person has in his possession the skin of a goat with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize any such skin and any article or thing used or intended to be used in the commission of such offence.]

Special power of
search and seizure
in respect of
certain offences.

⁶[(2) If a police-officer, not below the rank of sub-inspector, or any person specially authorised by the Provincial Government in this behalf has reason to believe that *phooka* or *doom dev* has just been or is being performed on any animal within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for examination by the Veterinary Officer in charge of the area in which the animal is seized.]

¹ Ss. 6A, 6B and 6C ins. by the Prevention of Cruelty to Animals (Amdt.) Act, 1938 (25 of 1938), s. 7.

² Ins. *ibid.*, s. 8.

³ Added, *ibid.*

⁴ S. 7A ins. by the Prevention of Cruelty to Animals (Amdt.) Act, 1917 (14 of 1917), s. 3.

⁵ Section 7A re-numbered as sub-section (1) of that section by Act 25 of 1938, s. 9.

⁶ Sub-section (2) added, *ibid.*

nals [1890 : Act XI]

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of Cruelty to Animals

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has been committed in any
id search or by his warrant
v the rank of sub-inspector]

Criminal Procedure, 1882,
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Animals (Amdt.) Act, 1917

t section by Act 25 of 1938,

injured, or so severely injured or in such a physical condition
that its destruction is desirable, the police-officer may, after
obtaining orders from a Magistrate, destroy the animal or
cause it to be destroyed.]

11. Nothing in this Act shall render it an offence to kill any
animal in a manner required by the religion or religious rites and
usages of any race, sect, tribe or class.

12. Notwithstanding anything in section 1, sections ¹[4
and 13, sections 9 and 10, and sections 6A, 7A, 8 and 15 so far
as they relate to offences under section 4] shall extend to every
local area in which any section of this Act constituting an offence
is for the time being in force.

²[13. Notwithstanding anything contained in the Code of
Criminal Procedure, 1898, an offence punishable under section 4
shall be a cognizable offence within the meaning of that Code.

²14. Any police-officer above the rank of a constable or
any person authorised by the Provincial Government in this
behalf, who has reason to believe that an offence against this
Act has been or is being committed in respect of any animal,
may, if in his opinion the circumstances so require, seize the
animal and produce the same for examination by the nearest
Magistrate or by such Veterinary Officer as may be designated
in this behalf by rules made under section 15; and such police-
officer or authorised person may, when seizing the animal, require
the person in charge thereof to accompany it to the place of
examination.

²15.—(1) The Provincial 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.

(2) In particular, and without prejudice to the generality of
the foregoing power, the Provincial Government may make
rules—

- (a) prescribing the maximum weight of loads to be carried
or drawn by any animal;
- (b) prescribing conditions to prevent the over-crowding of

¹ Subs. by the Prevention of Cruelty to Animals (Amdt.) Act, 1938 (25 of
1938), s. 12, for the word and figures "9, 10 and 11".

² Sections 13 to 17 added *ibid.*, s. 13.

Saving with
respect to religious
rites and usages.

Provision
supplementary
to section 1 with
respect to extent
of Act.

Offence under
section 4 to be
cognizable.

General power
of seizure for
examination.

Power to make
rules.

animals;

- (c) prescribing the period during which, and the hours between which, buffaloes shall not be used for draught purposes;
- (d) prescribing the purposes to which fines realized under this Act may be applied, including such purposes as the maintenance of infirmaries, *pinjrapoles*, and veterinary hospitals;
- (e) prohibiting the use of any bit or harness involving cruelty;
- (f) requiring persons carrying on the business of a farrier to be licensed and registered;
- (g) requiring persons owning, or in charge of, premises in which animals are kept or milked to register such premises, to comply with prescribed conditions as to the boundary walls or surroundings of such premises, to permit their inspection for the purpose of ascertaining whether any offence against section 4 is being, or has been, committed therein, and to expose in such premises copies of section 4 of this Act in a language or languages commonly understood in the locality; and
- (h) prescribing the manner in which cattle may be impounded in any place appointed for the purpose, so as to secure the provision of adequate space, food and water.

(3) If any person contravenes, or abets the contravention of, any rule made under this section, he shall be punished with fine which may extend to fifty rupees.

Persons
authorised
under section 14 to
be public servants.

¹16. Every person authorised by the Provincial Government under section 14 shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

XLV
of
1860.

Indemnity.

¹17. No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Pakistan Penal Code, in respect of any thing in good faith done or intended to be done under this Act.]

XLV
of
1860.

¹ Ss. 13 to 17 added by the Prevention of Cruelty to Animals (Amdt.) Act, 1938 (25 of 1938), s. 13.

THE EXCISE (MA

¹ACT N

An Act ²* * * to apply
the Sea Customs Act, 18

VIII of
1878. WHEREAS it is expedient ²
provisions of the Sea Cust
is hereby enacted as follow

1.—(1) This Act may be
1890; ³*

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2 to 5. [Amendment of
Rep. by the Excise Act, 18

6 to 8. [Amendment
Amendment of section 19, I
tive authority of Bengal C
Excise Act, 1909 (Ben. V
Excise Act, 1910 (E. B. &

Drawback of Exci

VIII
of
1878.

9. The provisions of
1878, with respect to the
paid on spirit manufacture
port, and with respect to
quantity of such spirit,
made applicable, to fer
malt and so exported a
paid on such liquor.

¹ For Statement of Ob
Pt. V, p. 72; for Debates in

This Act has been and
to the whole of Pakistan by
1960 (21 of 1960), s. 3 and 2n

² The words "to amend
1878, and" rep. by the Rep

³ The word "and" at
were rep., *ibid.*

⁴ Subs. by Ord. 21 of
14th October, 1955), for "
which had been subs. by A