

PREAMBLE TO THE WELFARE & PREVENTION OF CRUELTY TO ANIMALS ACT OF SINDH, 2017

Animals have an inalienable right to live in an environment free of abuse, that animals have a right to adequate nourishment and appropriate shelter, that the harmonious existence of all living things contributes to a healthy sense of respect for animals, and that the violation of these fundamental principles shall result in the degradation of the natural and moral fabric of society, the proposed THE ANIMAL WELFARE & PREVENTION OF CRUELTY ACT OF SINDH, 2017, endeavors to promote the protection and welfare of animals through the promotion of steps to protect the vulnerable, to treat the injured, to house the homeless, and to comfort the abused.

The Act is committed to ensure the protection of animals as well as to foster a better understanding of the vital role played by animals in the daily lives of human beings.

THE WELFARE & PREVENTION OF CRUELTY TO ANIMALS ACT OF SINDH, 2017

An Act

to prevent the infliction of trauma, pain or suffering on them, and to prevent unnecessary killing of animals, and for that purpose to consolidate the law relating to prevention of cruelty to animals and providing for their welfare generally.

Be it enacted by Sindh Assembly as follows:

1. Short title, extent and commencement:

(1) This Act may be called The Welfare & Prevention of Cruelty to Animals Act of Sindh, 2017.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force on such date as the Government of Sindh may, by notification in the official Gazette, appoint.

2. Definitions:

In this Act, unless the context otherwise requires,

(a) "Animal" means every living creature domestic or wild but does not include man and plants.

(b) "Cruelty": means neglect and or failure to provide welfare, failure to provide an environment which complies best with their needs, causing not just physical harm, but psychological harm in the form of distress, torment or terror.

(c) "Companion Animal": means an animal that is commonly considered to be, or is considered by the owner to be, a pet. "Companion animal" includes, but is not limited to, canines, felines, and equines.

(d) "Companion Animal Hoarder" means a person who possesses a large number of companion animals.

(e) "Animal Welfare Organization" means an animal welfare organization which is registered with and recognized by the Board constituted of Government of Sindh:

(f) "Animal Shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane

treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians.

(g) "Board" means the Board to be established by Sindh Government:

(h) "Captive animal" means any animal (other than a domestic animal) which is in Capacity or confinement, whether permanent or temporary preventing its escape;

(i) "domestic animal" means any animal which is tamed to serve some purpose for the use of human being;

(j) "local authority" means a municipal corporation / committee, district board, Cantonment Board or any other authority for the time being invested by law with the control and administration of any matters within a specified local area;

(k) "Incurably Ill Animal" means an animal that is fatally wounded or sick beyond recovery as certified by a veterinarian or Animal Welfare Organization;

(l) "Institution" would include an individual or any other institution or person on whose behalf an experiment is to be conducted:

(m) "Torture Breeding": means breeding animals with full knowledge that their offspring is likely to suffer.

(n) "owner" used with reference to an animal, includes not only person or persons who have/has a right of property in an animal, keeps or harbors an animal for the time being, has an animal in his care, or acts as custodian of an animal, whether with or without the consent of the owner ;;

(o) "Person" means any individual, minor, firm, corporation, partnership, other business unit, society, association, or other legal entity, any public or private institution, the Government of Sindh, or any municipal corporation or political subdivision of the Government.

(p) "prescribed" means prescribed by Rules made under this Act;

(q) "Performing Animal" means an animal which is used at or for the purpose of any entertainment, display etc;

(r) "Prescribed Authority" means the Board or such other authority or officer as may be authorized by the Board;

(s) "Society for Prevention of Cruelty to Animals" means a society established for the prevention of cruelty, pain or suffering & welfare to animals;

(t) "Stray animal" includes abandoned and ownerless animals or animals in respect of which no claim of ownership is made;

3. Duties of persons having charge of animals:

- It shall be the duty of every person having the care or charge of any animal, whether as owner or otherwise, to ensure the welfare and well-being of such animal and to prevent the infliction of trauma, pain or suffering upon such animals and shall treat animals in the manner which best complies with their needs.

. In particular, every such person shall ensure that an animal under his charge has:

- a. Freedom from thirst, hunger and malnutrition,
- b. Freedom from discomfort due to environment,
- c. Freedom from pain, injury and disease,
- d. Freedom to express normal behavior for the species,
- e. Freedom from fear and distress.

ANIMAL WELFARE & PROTECTION BOARD OF SINDH

(1) For the promotion of animal welfare and to prevent the infliction of trauma, pain or suffering on animals, to prevent unnecessary killing, and to provide for their welfare, a Board to be called the Animal Welfare & Protection Board of Sindh to be established by Sindh Government.

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

4. Formation of the Board:

(1) The Board shall consist of the following persons,

(a) Chief Secretary to the Government of Sindh, *ex-officio*:

(b) One persons each to represent the Ministries of Health, Education, Forests and Wild Life to be appointed by the Sindh Government;

(c) Three persons who are or have been actively engaged in animal welfare work and are well-known humanitarians, to be nominated by the Sindh Government;

(d) Two prominent veterinary practitioners;

(e) one person to represent each of such two municipal corporation as in the opinion of the Sindh Government ought to be represented on the Board, to be elected by the nominated corporations in the prescribed manner.

(f) Four Members of Sindh Assembly to be elected by Sindh Assembly.

(3) The Sindh Government shall nominate one of the members of the Board to be its Chairman and to be its Vice-Chairman.

5. Formation of the Board:

(1) To ensure 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 Sindh Government may, by notification in the Official Gazette, constitute, immediately after The Animal Welfare & Prevention of Cruelty to Animals Act of Sindh, 2017 comes into force.

(2) The Board as constituted shall be reconstituted from time to time on the expiration of every three years, from the date of its reconstitution.

6. Rules of the Business of the Board:

(1) The term for which the Board may be reconstituted shall be three years from the date of its formation and the Chairman and other Members of the Board as reconstituted shall hold office till the expiry of the term for which the Board has been so reconstituted.

(2) Notwithstanding anything:

(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 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 Sindh 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.

(3) The members of the Board shall receive such allowances, if any, as the Board may, subject to the prior written approval of the Sindh Government, provided by regulations made in this behalf.

7. Power of the Board to appoint its staff:

(1) The Sindh Government shall appoint the Secretary of the Board as it deem fit.

(2) the Board with prior written approval of Sindh Government may appoint such number of other officers and employees as may be necessary for the exercise of its powers and the discharge of its functions and may determine the terms and conditions of service of such officers and other employees.

8. Funds of the Board:

The funds of the Board shall consist of grants made to it from time to time by the Government and of contributions, subscriptions, gifts and the like made to it by any local authority or by any other person.

9. Functions of the Board:

The functions of the Board shall be

(a) to keep the law in force in Sindh for the welfare & prevention of cruelty to animals under Constant study and advise the Government the steps to be undertaken in any such law from time to time.

(b) to provide Animal Shelters, in each district of every city, throughout the Province of Sindh with adequate facilities, including, but not limited to:

- i. Animal Shelter should have adequate space to house and shelter animals of all kind.
- ii. Each shelter shall have a qualified vet, with a trained staff, having training in animal care.
- iii. Animal Shelters shall have adequate spaying and neutering facilities.
- iv. Animal Shelter shall have food resources and provide an environment best suited to the animal.

(c) to declare the process of culling illegal and instead, the Government of Sindh, its municipals and corporations, shall spay and neuter the animals as an adequate preventive measure.

(d) to help the Government help and facilitate the rescue operations and provide the recused and/or injured animal with adequate care until the animal is adopted.

(e) to advise the Government on the making of rules under this Act with a view to preventing unnecessary pain or suffering to animals generally, and more particularly when they are being transported from one place to another or when they are used as performing animals or when they are kept in captivity or confinement;

(f) to advise the Government or any local authority on improvements in the design of vehicles so as to lessen the burden on draught animals;

(g) to take all such steps as the Board may think fit for well being of animals by providing for, the construction of sheds, water-troughs and the like and by providing for veterinary assistance to animals;

(h) to advise the Government or any local authority in the design of slaughter-houses or the maintenance of slaughter houses or in connection with slaughter of animals so that unnecessary pain or suffering is eliminated in the pre-slaughter stages as far as possible and animals are killed; wherever necessary, in as humane a manner as possible;

(i) to take all such steps as the Board may think fit to ensure that unwanted animals are destroyed by local authorities, whenever it is necessary to do so, either instantaneously or after being rendered insensible to pain or suffering.

(j) to co-operate with, and co-ordinate the work of, associations or bodies established for the purpose of preventing unnecessary pain or suffering to animals or for the protection of animals .

(k) to give financial and other assistance to animal welfare organizations functioning in any local area or to encourage the formation of animal welfare organizations in any local area which shall work under the general supervision and guidance of the Board.

(l) to advise the Government on matters relating to the medical care and attention which may be provided in animal hospital, and to give financial and other assistance to animal hospitals whenever the Board thinks it necessary to do so;

(m) to impart education in relation to the humane treatment of animals and encourage the formation of public opinion against the infliction of unnecessary pain or suffering to animals.

(n) to advise the Government on any matter connected with animal welfare or the Prevention of infliction of unnecessary pain or suffering on animals.

10. Power of Board to make regulations: The Board may, subject to the prior approval of the Government, make such regulations as it may think fit for the administration of its affairs and for carrying out its functions.

11. Offences of Cruelty:

(1) If any person intentionally or unintentionally;

(a) shall neglect or cruelly beat, kick, over-ride, over-drive, over-load, tortures or otherwise treat 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

(b) shall keep or confine any animal in any cage or other container which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or

f) shall keep for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord or environment; or

(g) being the owner of any animal, fails to provide such animal with sufficient food, drink or shelter; or

(h) shall abandon any animal in circumstances which tender it likely that it will suffer pain by reason of starvation thirst; or

(i) shall willfully permits any animal, of which he is the owner, 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, to die in any street; or

(j) Shall offer for sale or without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or

(k) shall convey or carry, or cause or procure, or, being the owner, permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering; or

(l) shall cause, procure or assist at the fighting or baiting of any animal or shall keep, use, manage or act or assist in the management of, any premises or place for the purpose of fighting or 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; or

(m) shall promote or take part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;

(n) Shall be unable to provide appropriate weather conditions best suited to the animal, e.g. tropical birds need cold temperature.

(o) Has indulged or been a party to torture breeding.

(p) Shall declaw felines, cats, etc.

(q) shall be a companion animal hoarder or who fails to or is unable to provide what he or she is required to provide under Section 3 of this Act; keeps the companion animals in a severely overcrowded environment; and displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animals' and owner's health and well-being.

(r) shall subject, or cause or procure, or being the owner permit, to be subjected, any animal to any operation which is performed without due care and humanity:

Such person shall be guilty of an offence of cruelty within the meaning of this Act, and shall be liable upon summary conviction to a fine not less than Rs.50,000/- or alternatively, or in addition thereto, to be imprisoned, with or without hard labour for any term upto six months.

12. Power for Court to order convictions:

(1) Where the owner of an animal is convicted within the meaning of this Act, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animals to any suitable person for that purpose, and the person to whom such animal is so assigned shall as soon as possible, destroy such animal or cause such animal to be destroyed in his presence without unnecessary suffering; and any reasonable expense incurred in destroying the animal may be ordered by the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to

assign the animal to any reasonable expense incurred in destroying the animal be ordered by the court to be recovered from the owner as if it were a fine:

Provided that unless the owner assents thereto, no order shall be made under this section except upon the evidence of a registered veterinary doctor in charge of the area.

(2) Any police officer of the rank of a sub inspector or any person authorized by the Government in this behalf who finds any animal so diseased or so severely injured or in such a physical condition that in his opinion it cannot be removed without cruelty, may, if the owner is absent or refuses his consent to the destruction of the animal, forth with summon the registered veterinary doctor, and if the veterinary doctor certifies that the animal is mortally injured or so severely injured or in such a physical condition that it would be cruel to keep it alive, the police officer of the level of sub-inspector of the Area or the person authorized by the Government, as the case may be, may, after obtaining order from a court, destroy the animal injured or cause it to be destroyed, in such manner as may be prescribed.

(3) If the owner of any animal shall be guilty of cruelty within the meaning of this Act to the animal, the court, upon his conviction may think it fit, in addition to any other punishment deprive such person of the ownership of the animal and may make such order as to the disposal of the animal as it may think fit;

(4) If any person shall, be cruelty within the meaning of this Act to any animal do or cause to be done any damage or injury to the animal or any person or property, he shall upon conviction for the cruelty under this Act, be liable upon the application of the person aggrieved to be ordered to pay as compensation to the person who shall sustain damage or injury as aforesaid, a sum not less than Rs. 50,000/- or as the court before whom he is convicted may consider reasonable.

(5) No appeal shall lie from any order of a court for the destruction of an animal.

13. EXPERIMENTATION ON ANIMALS

Nothing contained in this Act shall render unlawful the performance of experiments (including) experiments involving operations) on animals for the purpose of advancement by new discovery of physiologic knowledge or of knowledge which will be useful for saving or for prolonging life or alleviating suffering or for combating any disease, whether of human beings, animals or plants.

2. Committee for control and supervision of experiments on animals:

(a) If at any time, on the advice of the Board, the Government may Constitute a Committee consisting of such number of officials and Non-officials, as it may think fit to appoint thereto, for the purpose of controlling “and supervising experiments on animals and notify it in the Official Gazette.

(b) The Government shall nominate one of the Members of the Committee to be its Chairman.

(c) The Committee shall have power to regulate its own Procedure in relation to the performance of its duties.

(d) The funds of the Committee shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, gifts and the like made to it by any person.

(e) 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.

(f) A sub-committee shall consist exclusively of the Members of the Committee.

(g) Subject to the control and written approval of the Sindh Government, the Committee may appoint such number of officers and other employees as may be necessary to enable it to exercise its powers and perform its duties and may determine the remuneration and other terms and conditions of service of such officers and other employees.

(h) It shall be the duty of the Committee to take all such measures as may be necessary to ensure that animals are not subjected to unnecessary pain or suffering before, during or after the performance of experiments on them, and for the purpose it may, by notification in the official Gazette make such rules as it may think fit in animals in relation to the conduct of such experiments.

(i) In particular, and without prejudice to the generality of the foregoing power.

(i) the registration of persons or institutions carrying on experiments on animals;

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

(2) In particular, and without prejudice to the generality of the foregoing power, rules made by the Committee shall be designed to secure the following objects, namely;

(a) that in case where experiments are performed in any institution, the responsibility therefore is played on the person in charge of the institution and that, in cases where experiments are performed outside an institution by individuals, they are qualified in that behalf and the experiments are performed on their full responsibility;

(b) that experiments are performed with due care and humanity and that as far as possible experiments involving operations are performed under the influence of some anaesthetic of sufficient power to prevent the animals feeling pain;

(c) that animals which, in the course of experiments under the influence of anaesthetics, are so injured that their recovery would involve serious suffering, are ordinarily destroyed while still insensible;

(d) that experiments on animals are avoided wherever it is possible to do so: as for example: in medical schools, hospitals, colleges and the like, if other teaching devices such as books, models, films and the, like, may equally suffice:

(e) that experiments on larger animals are avoided when it is possible to achieve the same results by experiments upon small laboratory animals like guinea-pigs, rabbits, frogs and rats;

(f) that, as far as possible, experiments are not performed merely for the purpose of acquiring manual skill;

(g) that animals records are maintained with respect to experiments performed on animals

(h) that suitable records are maintained with respect to experiments performed on animals

(3) In making any rules, the Committee shall be guided by such directions as the Government, consistently with the objects for which the Committee is set up, may give to it.

(4) All rules made by the Committee shall be binding on all individuals performing experiments outside institutions and on person's incharge of institutions in which experiments are performed.

(5) For the purpose of ensuring that the rules made by it are being complied with the Committee may authorize any of its officers or any other person in writing to enter and inspect any institution or place where experiments are being carried on and report to it as a result of such inspection, and any officer or person so authorized may-

(a) enter at any time considered reasonable by him and inspect any institution or place in which experiments on animals are being carried on; and

(b) require any person to produce any record kept by him with respect to experiments on animals.

14. Power to prohibit experiments on animals : If the Committee is satisfied, on the report of any officer or other person made to it as a result of any inspection or otherwise that the rules made by it are not being violated, the Committee may, after giving an opportunity to the person or institution carrying on experiments on animals, of being heard in the matter, by order, prohibit the person or institution from carrying on any such experiments either for a specified period or indefinitely, or may allow the person or institution to carry on such experiments subject to such conditions as the Committee may think fit to impose.

15. Penalties:

If any person-

(a) contravenes any order made by the Committee; or

(b) commits a breach of any condition imposed by the Committee: he shall be punishable with fine which may extend to Two lakh 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 according by a court under this Act, to an imprisonment for a period upto two years with or without a fine of two lakh rupees

16. PERFORMING ANIMALS

(i) any performing animal unless he is registered in accordance with the provision of this Act;

(ii) as a performing animal, any animal which the Government may, by notification in the official gazette, specify as an animal which shall not be exhibited or trained as a performing animal.

17. Registration

(a) Every person desirous of exhibiting or training any performing animal shall, on making an application in the prescribed form to the prescribed authority and on payment of the prescribed fee, be registered under this Act unless otherwise he, by reason, is not entitled to be so registered.

(b) An application for registration shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register maintained by the Board / Committee.

(c) The Board/Committee shall give to every person whose name appears on the register kept by them, a certificate of registration in the prescribed form containing the particulars entered in the register.

(d) Any person whose name is entered in the register shall, subjects to the provision of any order made under this Act by any court, be entitled, on making an application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied, the existing certificate shall be cancelled and a new certificate issued.

18. Power of Court:

(a) Where it is proved to the satisfaction of any magistrate on a complaint made by a police officer or an officer authorized in writing by the Board that the training or exhibition of any performing animals has been accompanied by unnecessary pain or suffering and should be prohibited or allowed only subject to conditions, the court may make an order against the person in respect of whom the complaint is made, prohibiting the training or exhibition or imposing such conditions in relation thereto, as may be specified by the order.

(b) Any court by which an order is made, shall cause a copy of the order to be sent, as soon as may be after the order is made, to the Board / Committee by which the person

against whom the order is made is registered, and shall cause the particulars of the order to be endorsed upon the certificate filed by the person, and that person shall produce his certificate on being so required by the court for the purposes of endorsement, and the Board/Committee to which a copy of an order is sent, shall enter the particulars of the order in that register.

19. Power to enter premise: (1) Any person authorized in writing by the Board/Committee and any police officers not below the rank of a sub-inspector may

(a) enter at all reasonable times and inspect any premises in which any performing animals are being trained or exhibited or kept for training or exhibition, and any such animals found therein; and

(b) require any person who, he has reason to believe is a trainer or exhibition of performing animals to produce his certificate of registration.

(c) No person or police officer shall be entitled to go on or behind the stage during a public performance of performing animals.

20. Offences: If any person-

(a) not being registered, exhibits or trains any performing animal: 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 by Board/Committee. Or

(d) obstructs or willfully delays any person or police officer in the exercise of power 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 Twenty Five Thousand Rupees or with imprisonment which may extend to six months, or with both.

21. Exemptions:

Any person and or Organization shall be exempted who is involved in –

(a) the training of animals for bonafide military or police purpose or the exhibition of any animals so trained; or

(b) any animals kept in any zoological garden by any society or association which has for its principal object the exhibition of animals for educational or scientific purposes.

(c) any animal in a manner required by the religion of any community.

22. Treatment and care of animals:

(a) The Sindh Government may by an 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.

(b) The magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animals 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 veterinary officer as may be authorized 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.

(c) An animal sent for care and treatment to an infirmary shall not, unless the magistrate directs that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by a veterinary officer as may be authorized in this behalf by rules made under this Act.

(d) The cost of transporting the animal to an infirmary and of its maintenance and treatment in an infirmary, shall be payable by the District Administration provided that when the magistrate so orders on account of the poverty of the owner of the animal, no charge shall be levied on the animal.

(e) Any amount payable by an owner of an animal may be recovered in the same manner as an arrear of land revenue.

(f) If the owner refuses or neglects to remove the animal within such time as the magistrate may specify, the magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

23. Rules and regulations to be laid before Sindh Assembly:

Each & every rule/regulation made by the Sindh Government or by the Board/Committee constituted under this Act shall be laid, as soon as may be after it is made, before Sindh Assembly while it is in session, and if the Sindh Assembly agrees to make any modification in the rule or regulation, as the case may be. The rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.