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**PART I**

**Acts, Ordinances, President's Orders and Regulations**

**GILGIT-BALTISTAN LEGISLATIVE ASSEMBLY SECRETARIAT**

*Gilgit, the 3rd September, 2012*

**PREVENTIONN OF CRUELTY TO ANIMALS ACT, 2012**

**(ACT NO. V OF 2012)**

WHEREAS it is expedient to make further provision for the Prevention of Cruelty to Animals; it is hereby enacted as follows:—

**1. Title, extend and commencement and supersession of other enactments.**—(1) This Act shall be called the Gilgit-Baltistan Prevention of Cruelty to Animals, Act No. V of 2012.

(2) It shall be extended whole of Gilgit-Baltistan.

(3) It shall com into force immediately.

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

(1253)

- (1) "Animal" means any domestic or captured animal.
- (2) "Street" including any way, road, lane, square, Court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.
- (3) Phooka or doom dev includes any process of introducing air or any substance into the females the organ of a milk animal with the object of drawing off from the animal any secretion of milk.

**3. Penalty for cruelty to animals and for sale of animals killed with unnecessary cruelty.—If any person.—**

- (a) overdrives, beats, or otherwise treats any animal so as to subject it to unnecessary 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 of without reasonable cause has in his possession any live animal which is suffering pain by 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 unnecessary 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,
- (f) 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.

**4. Penalty for overloading animals.—(1) If any person overloads any animal, he shall be punished with fine which may extend to one thousand five hundred 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 thousand rupees.

**5. Penalty for practicing phooka.**— (1) If any person performs upon any cow or other milk 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 thousand 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 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.

**6. Penalty for killing animals with unnecessary cruelty anywhere.**—If any person kills any animals in a an unnecessary 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.

**7. Penalty for being in possession of the skin of a goat killed with unnecessary cruelty.**—In any person has in his possession the skin of a animals, and has reason to believe that the animals has been killed in an unnecessary cruel manner, he shall be punished with fine which may extend to one thousand rupees, or with imprisonment which may extend to three months, or with both, and the skin shall be confiscated.

**8. Penalty for employing anywhere animals unfit for labour.**—If any person employs in any work or labour any animal which any reason of any disease infirmity, wound, sore or other cause is unfit to be so employed, or permit 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 thousand rupees.

9. **Interpretation.**— For the purpose of sections 3-A and 6, an owner of 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, and for the purposes of section 4, if he fails to prove that he has exercised such care and supervision.

10. **Treatment and care of animals.**—(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 authorised the detention of 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 incharge 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 case 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 on 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:

Provided that when the Magistrate so orders, on account of the property 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.

11. **Penalty for baiting or inciting animals to fight.**—If any person.—

- (a) incites by animal to fight, or
- (b) baits by animal, or
- (c) aids or abets and such incitement or baiting,
- (d) he shall be punished with fine which may extend to fifty rupees.

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

12. **Penalty for permitting diseased animals to go at large or to die in public places.**— If any person willfully any animal of which he is the owner or is in-charge to go at large in any street which 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 or is in charge to die in any street, he shall be punished with the fine which may extend to one hundred rupees where he is the owner of the animal, or to five hundred rupees where he is in charge of but not the owner of the animal.

13. **Special power of search and seizure in respect of certain offences.**— (1) If a police officer, not below and 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.

(2) If a police-officer, not below the rank of Sub-Inspector, or any person specially authorized 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 to the Veterinary Officer-in-charge of the area in which the animal is seized.

**14. Search-warrants.**—(1) If a Magistrate of the first or second class, sub-divisional Magistrate, or District Superintendent of Police, upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against this Act is being or is about to be or has been committed in any place, he may either himself enter and search or by his warrant authorize any police-officer not below the rank of sub-Inspector to enter and search the place.

(2) The provisions of the code of Criminal Procedure, 1882, relating to searches under that Code shall, so far as those provisions can be made applicable, apply to a search under sub-section (1) or under section 7-A.

**15. Limitation for prosecution.**—A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission for the offence.

**16. Destruction of suffering animals.**—(1) When any Magistrate, or District Superintendent of police has reason to believe that an offence against this Act has been committed in respect of any animal, he may direct the immediate destruction of the animal if in his opinion its suffering are such to render such a direction proper.

(2) Any police-officer above the rank of a constable who finds an animal so diseased, or so severely injured or in such a physical condition that it cannot, in his opinion, be removed without cruelty, may if the owner is absent or refuses to consent to the destruction of the animal, forthwith summon the Veterinary officer-in-charge of the area in which the animal is found and if the veterinary officer that the animal is mortally 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.

**17. Provision supplementary to section 1 with respect to extent of Act.**—Notwithstanding anything section 1, section 4 and 13, Section 9 and section 10 and section 6-A, 7-A and 15 so far as they relate offence under section 4 shall extend to every local area in which any section of this act constituting and offence is for time being in force.

**18. Offence under section 4 to be cognizable.**— 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.

**19. General power to seizure for examination.**— Anything 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 his opinion the circumstance so require, seize the animal and produce the same for examination by the nearest Magistrate or by such Veterinary Officer as may be designed 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.

**20. Power to make rules.**—(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 purpose 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 condition to prevent the over-crowding of animal;
- (c) prescribed 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, pinjraples, and veterinary hospitals;
- (e) prohibiting the use of any bit or harness involving cruelty;
- (f) requiring person carrying on the business of a farrier to be licensed and registered.
- (g) requiring person 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 language 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 with fine which may extend to fifty.

21. **Persons authorised under section 14 to be public servant.**—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.

22. **Indemnity.**—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.

WAZIR BAIG  
*Speaker*

PIR SYED KARAM ALI SHAH  
*Governor*