

THE CRUELTY TO ANIMALS ACT, 1920

(ACT NO. I OF 1920).

[25th February, 1920]

1 An Act to consolidate and amend the law relating to the prevention of cruelty to animals in Bangladesh.

WHEREAS it is expedient to consolidate and amend the law relating to the prevention of cruelty to animals in Bangladesh;

It is hereby enacted as follows:-

PRELIMINARY

Short title, commencement and extent 1.(1) This Act may be called the 2[* * *] Cruelty to Animals Act, 1920.

(2) It shall come into force on such date as the Government may, by notification, direct.

(3) Except as otherwise hereinafter provided, this Act may be extended by the Government by notification, to any town or place in Bangladesh.

[Repealed] 2. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Definitions

3. In this Act, unless there is anything repugnant in the subject or context,-

(1) "animal" means any domestic or captured animal;

3[* * *]

(4) "notification" means a notification published in the Official Gazette.

OFFENCES

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

4. If any person-

(a) overdrives, cruelty or unnecessarily beats, or otherwise ill-treats any animal, or

(b) binds, keeps or carries any animal in such a manner or position as to subject the animal to unnecessary pain or suffering, or

(c) offers, exposes or has in his possession for sale any live animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment, or any dead animal which he has reason to believe to have been killed in an unnecessarily cruel manner,

he shall be punished for every such offence with fine which may extend to one hundred Taka , or with imprisonment for a term which may extend to three months, or with both.

Penalty for overloading animals

5. If any person overloads any animal he shall be punished with fine which may extend to one hundred Taka, or with imprisonment for a term which may extend to three months, or with both, and

(1) if the owner of that animal, and

(2) if any person who, as a trader, carrier or contractor, or who, in virtue of his employment by a trader, carrier or contractor, is in possession of that animal or in control over the loading of it,

permits such overloading, he shall be punished with fine which may extend to one hundred Taka.

Explanation.— For the purposes of this section an owner or other person referred to in clauses (1) and (2) above shall be deemed to have permitted overloading if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom.

Penalty for practising phuka

6. If any person performs upon any cow or other milch animal the operation called phuka he shall be deemed to have committed a cognizable offence and, shall be punished with fine which may extend to five hundred Taka, or with imprisonment for a term which may extend to two years, or with both, and the owner of the cow or other milch animal and any person in possession of or control over it shall be liable to the same punishment and the cow or the milch animal on which the operation of phuka was performed shall be forfeited to Government:

Provided that in the case of a second or subsequent conviction of a person under this section, such person shall be punished both with fine which may extend to five hundred Taka and with imprisonment which may extend to two years.

Disposal of portion of fine

4[6A. A portion of the fine if realized from the person convicted under section 6 may be given to the person whose information led to the detection of the crime against section 6.

Condition for granting licences for cattle-sheds

6B. It shall be lawful for 5[a Paurashava] in towns or places where this Act applies to refuse to grant or renew licenses for cattle-sheds in buildings with boundary walls or when granting or renewing such licences to insist upon the licensees to keep the cattle-sheds open on all sides to facilitate the detection of any offence against section 6.]

Penalty for killing animals with unnecessary cruelty

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

Provided that nothing in this section 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, or for any bona fide scientific purpose or for the preparation of any medicinal drug.

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

8. 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 so as to constitute an offence under section 7, he shall be punished with fine which may extend to one hundred Taka, or with imprisonment which may extend to three months, or with both, and the skin shall be confiscated.

Presumptions as to possession of the skin of a goat

9.(1) If any person is charged with the offence of killing a goat contrary to the provisions of section 7, and it is proved that such person had in his possession, after 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.

(2) If any person is charged with an offence against section 8, and it is proved that such person had in his possession, at the time of the alleged offence, 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.

Penalty for employing animals unfit for labour

10. 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, he shall be punished with fine which may extend to one hundred Taka, and

(1) if the owner of that animal, and

(2) if any person who, as a trader, carrier or contractor, or who, in virtue of his employment by a trader, carrier or contractor, is in possession of that animal or in control over the employment of it,

permits such employment, he shall be liable to the same punishment.

Explanation.- For the purposes of this section an owner or other person referred to in clauses (1) and (2) above shall be deemed to have permitted such employment if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom.

Penalty for baiting animals, or inciting them to fight

11. If any person-

(a) incites any animal to fight, or

(b) baits any animal, or

(c) aids or abets any one in such incitement or baiting,

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

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

12. If any person wilfully allows any animal of which he is the owner or of which he is in charge to go at large in any public place while the animal is affected with contagious or infectious disease, or without reasonable excuse, allows any diseased or disabled animal of which he is the owner or of which he is in charge to go at large or die in any public place, he shall be punished with fine which may extend to one hundred Taka.

Penalty for working buffaloes during prohibited period

6[12A If any person employs a buffalo for draught purposes between such hours during such period as may be prescribed he shall be punished for every such offence with fine which may extend to fifty Taka.]

WEIGHBRIDGES AND INFIRMARIES

Weighbridges 13.(1) The Government may appoint the places which weighbridges shall be established for the detection of cases of overloading of animals, and may also declare, by notification, the limits of the areas for which such weighbridges are established.

(2) The Government may erect weighbridges at the places so appointed, and may acquire, by purchase or otherwise, existing weighbridges erected by any person and maintain them for the purposes of subsection (1).

Infirmaries

14. The Government may, by general or special order, appoint places to be infirmaries for the treatment and care of animals in respect of which offences against this Act are believed to have been committed.

Power of Government to appoint Veterinary Inspectors and weighbridge-officers

15. The Government may appoint such persons as they think fit,-

(a) to be Veterinary Inspectors for carrying into effect the provisions of this Act, and may declare the areas within which such officers shall exercise their powers under this Act and the areas of which they shall be in charge;

(b) to be weighbridge-officers, to have charge of any weighbridge or weighbridges established under section 13.

Animal, etc, to be taken to weighbridge in case of overloading

16. Within the limits of any area for which a weighbridge has been established under section 13, any Police-officer, or any other person duly authorized by the Government in this behalf, who has reason to believe that an offence against section 5 is being committed in respect of any animal, shall seize and take it, together with its load and the person in charge of the animal, to such weighbridge, and shall cause the load to be weighed on the weighbridge in the presence of such person.

Excess load to be removed in case of overloading

17.(1) If the weighbridge-officer is not satisfied that an offence against section 5 has been committed, he shall inform the police-officer or person who seized the animal accordingly, and that officer or person shall forthwith release the animal and load.

(2) If the weighbridge-officer is satisfied that an offence against section 5 has been committed, he shall cause the excess load to be removed.

Unfit animal to be taken to Veterinary Inspector

18. Any Police-officer, or any other person duly authorized by the Government in this behalf, who has reason to believe that an offence against section 10 is being committed in respect of any animal shall seize and take it, together with its load, if any, and the person in charge of the animal, to the weighbridge, if any, appointed for the area, within which such seizure is made, or in the case of there being no weighbridge appointed for the area, to the nearest police station, and shall remove the load forthwith and report the fact of such seizure to the Veterinary Inspector in charge of that area.

Excess load to be treated as unclaimed property in certain circumstances

19.(1) Any excess load removed from an animal under section 17, sub-section (2) and any load which was being carried by an animal seized under section 18, and taken to the weighbridge, shall be kept by the weighbridge-officer, at the risk of the owner of such load, at the weighbridge, or at any other place appointed by the Government for the purpose, and, the weighbridge-officer shall by written notice direct the owner of the load to remove it from the weighbridge within a period to be specified in such notice.

(1a) At any time before the expiration of the period referred to in sub-section (1) the owner of the load may remove it free of charge from the weighbridge.

(1b) the weighbridge-officer may, at the request of the owner of the load referred to in sub-section (1), forward the load to its destination on payment by the owner of all costs incurred or liable to be incurred in its removal, detention and forwarding.

(1c) If the load is not removed from the weighbridge within the period referred to in sub-section (1) it shall be made over by the weighbridge-officer to the police or any person duly authorized by the Government in this behalf.

(2) Any load which was being carried by an animal seized under section 18 and taken to a police-station, shall be kept by the officer in charge of the police-station, at the police-station, or at any other place appointed by the Government for this purpose. The said load shall be kept during the first forty-eight hours of such detention at the risk of the owner thereof, and he may remove the same during that period free of charge.

(3) (a) The officer in charge of the police-station or the person authorized under sub-section (1), in the case of any load made over to him by the weighbridge officer, and

(b) the officer in charge of the police-station, in the case of any load kept by him under sub-section (2) which has not been removed by the owner within forty-eight hours, shall enter, in a register to be kept for the purpose, such particulars of the load as may be prescribed by rules made under section 29 and the load shall thereafter be returned to the person who proves to the satisfaction of the person authorized by the Government in this behalf that the same belongs to him, on payment of all costs incurred in the removal and detention of such load:

Provided that if the load, or any part thereof, consisted of articles which are subject to speedy and natural decay, or consists of livestock, that load, or part thereof, may forthwith be sold or otherwise disposed of under the orders of the person authorized by the Government in this behalf in accordance with rules made under section 29; and the sale-proceeds, after deducting therefrom all expenses incurred in the removal, detention and sale of the entire load, shall be made over to the owner, on proof of his ownership, within six months from the date of entry in the Register.

(4) All costs for the removal, detention and forwarding of all loads under this section shall be payable by the owner of the goods according to such scale of rates as the Government may prescribe by rules made under section 29.

Disposal of sale-proceeds

20. If within six months from the date of entry in the register no person satisfies the person authorized under sub-section (3) of section 19 that he is the owner of the load, the person authorized, may cause it to be sold or otherwise disposed of in accordance with rules made under section 29, and the proceeds of the sale under this section, or of the sale under the proviso to sub-section (3) of section 19, after deducting therefrom all expenses, shall be applied in such manner as the Government may prescribe by rules made under section 29.

Production of animal for examination by Veterinary Inspector

21.(1) Any police-officer, or any other person duly authorized by the 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 the circumstances so require, seize the animal and produce the same for examination by the Veterinary Inspector in charge of the area in which the animal is seized.

(2) The police-officer or person who seizes any animal under sub-section (1) may require the person in charge of the animal to accompany it to the place of examination.

Examination of animals by Veterinary Inspector

22.(1) For the purposes of the examination of an animal sent to a Veterinary Inspector in accordance with the provisions of section 21, he may submit the animal to any test which the Government may prescribe by rules made under section 29.

(2) If on such examination, the Veterinary Inspector is of opinion that the animal is unfit to be employed on the work or labour on which it was employed at the time of its seizure, he shall either send the animal for treatment and care to an infirmary appointed under section 14, and inform the owner of the animal of his having done so, or (if he considers that a prosecution is necessary, or if the owner of the animal so elects) direct the prosecution of the offender and produce the animal before the Magistrate.

Power of Magistrate to send animal to infirmary

23. The Magistrate before whom a prosecution for any offence under this Act has been instituted may, if he thinks fit, direct that the animal, in respect of which the offence is alleged or proved to have been committed, shall be sent for treatment and care to an infirmary appointed under section 14.

Detention and cost of treatment of animals at infirmaries Power of Magistrate to send animal to infirmary

24.(1) When any animal has been sent to an infirmary in accordance with the provisions of section 22, sub-section (2), or of section 23, it shall be detained there until, in the opinion of the officer in charge of the infirmary, it is cured, or again fit for the work or labour on which it is the intention of the owner to employ it. Detention and cost of treatment of animals at infirmaries

(2) The cost of the treatment, feeding and watering of the animal in the infirmary shall be payable by the owner of the animal, according to such scale of rates as the Government may prescribe.

(3) If the owner refuses or neglects to pay such cost, or to remove the animal within such time as the officer in charge of the infirmary may prescribe, that officer may direct that the animal be sold and the proceeds of the sale be applied to the payment of such cost.

(4) The surplus, if any, of the proceeds of the sale shall, on application to be made by the owner within two months after the date of the sale, be paid to him; but the owner shall not be liable to make any payment in excess of the proceeds of the sale.

(5) If no application is made by the owner for the surplus sale-proceeds within the period prescribed under sub-section (4), these proceeds shall be applied in such manner as the Government may prescribe by rules made under section 29.

(6) if an animal cannot be sold under sub-section (3) the officer in charge of the infirmary may dispose of it in such manner as the Government may prescribe by rules made under section 29.

Destruction of suffering or unfit animals

25.(1) When any Magistrate has reason to believe that an offence against this Act has been committed in respect of any animal, the Magistrate, may direct the immediate destruction of the animal, if, in his opinion, its physical condition is such as to render such a direction proper.

(2) When any animal is sent to an infirmary in accordance with the provisions of section 22, sub-section (2), or of section 23, the officer in charge of the infirmary may direct the immediate destruction of the animal, if, in his opinion, its physical condition is such as to render such direction proper, or if he considers it to be permanently unfit for work by reason of old age or some incurable disease:

Provided that no order directing destruction shall be made in respect of any bull, bullock or cow which is unfit for work by reason only of old age.

(3) Any police-officer who finds any animal so diseased, or so severely injured, or in such a physical condition, that it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Inspector in charge of the area in which the animal is found and, if the Veterinary Inspector certifies that the animal is mortally injured,

or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the police-officer may, without the consent of the owner, kill the animal or cause it to be killed.

PROCEDURE

Arrest of offenders

26.(1) Any police-officer may arrest without a warrant any person committing in his view any offence against this Act, or any person against whom he has received credible information of having committed an offence against this Act, if the name and address of the accused person is unknown to the officer, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) When the true name and address of a person arrested under sub-section (1) have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required:

Provided that if such person is not resident in Bangladesh, the bond shall be secured by a surety or sureties resident in Bangladesh.

(3) If the true name and address of such person is not ascertained within twenty-four hours from the time of arrest, or if he fails to execute the bond, or if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Special power of search and seizure in respect of certain offences

27. If a police-officer, not below the rank of Sub-Inspectors, has reason to believe that an offence against section 7 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.

Search warrants

28.(1) If a Magistrate of the first class upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against section 6, section 7 or section 10 is being or is about to be, or has been, committed in any place, he may, at any time by day or by night, without notice, either himself enter and search, or, by his warrant, authorize any police-officer above the rank of a constable to enter and search, the place.

(2) The provisions of the Code of Criminal Procedure, 1898, relating to searches under that Code shall, so far as those provisions can be made applicable, apply to a search made under sub-section (1) or under section 27.

RULES

Power of Government to make rules

29.(1) The Government may, from time to time, make rules to carry out the purposes of this Act.

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

(a) prescribing the maximum weight of the loads to be carried on or drawn by animals;

(b) for preventing the overcrowding of animals;

7[(bb) prescribing the period during which and hours between which buffaloes shall not be used for draught purposes;]

(c) for regulating the use of tests and the manner of examination of animals;

(d) prescribing the qualifications of persons to be appointed to be Veterinary Inspectors and weighbridge-officers;

(e) prescribing the procedure to be followed after removal of a load under section 17, sub-section (2), or under section 18;

(f) prescribing the particulars to be entered in the register maintained under section 19, sub-section (3);

(g) prescribing such other forms or registers as may be required for carrying out the purposes of this Act;

(h) for carrying out the provisions of the proviso to sub-section (3) of section 19 and of section 20 in regard to the disposal of loads;

8[(hh) prescribing the scale of rates of all costs and charges payable under section 19;]

(i) prescribing the manner in which fines realized under this Act and sale-proceeds realized under section 20 and section 24, sub-section (5), shall be applied;

(j) for carrying out the provisions of section 24, sub-section (6), in regard to the disposal of animals; and

(k) for regulating the destruction of animals under section 25.

MISCELLANEOUS

Delegation of powers

30. The Government may delegate, under such restrictions as they consider fit, any of the powers conferred upon them by sections 13, 14, 15, 16, 18, 19, 21 and 24, sub-section (2), of this Act to any person or local authority.

Appointments made by local authority

31. Every appointment made by a local authority under section 15, in exercise of the power delegated to it under section 30, shall be deemed to be an appointment made under the Act by which such local authority is constituted.

Limitation of time for prosecutions

32. A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission of such offence.

Persons appointed under sections 15, 16, 18 or 21 to be public servants

33. Every person appointed under section 15, 16, 18 or 21 shall be deemed to be a public servant within the meaning of section 21 of the 9[Penal Code].

Indemnity

34. No suit, prosecution or other legal proceeding shall lie against any person who is, or who has been declared to be , a public servant within the meaning of section 21 of the 10[Penal Code] for anything which is, in good faith, done or intended to be done under this Act.

Power of local authority to pay certain expenses

35. Notwithstanding anything contained in the Municipal Administration Ordinance, 1960, or the Basic Democracies Order, 1959, the 11[Paurashava or the Zilla Board] may provide from the funds at their disposal such sums as may be necessary for paying the expenses incidental to the exercise of any of the powers delegated to them under section 30.

Effect when Act is extended

36. Whenever this Act is extended to any town or place under section 1, sub-section (3), the Government may, by notification, appoint persons, either by name or by official designation, to exercise and perform in such town or place the powers and duties as are conferred or imposed by sections 19, 20, 25 and 28 of this Act.

1 Throughout this Act, except otherwise provided, the words 'Bangladesh', 'Government' and 'Taka' were substituted, for the words 'East Pakistan' or 'Pakistan', 'Provincial Government' and 'rupees' or 'Rs.' respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

2 The word 'Bengal' was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

3 Clauses (2) and (3) were omitted by East Pakistan Repealing and Amending Ordinance, 1962 (Ordinance No. XIII of 1962)

4 Sections 6A and 6B were inserted by the Bengal Cruelty to Animals (Amendment) Act, 1938 (Act No. I of 1938)

5 The words 'a Paurashava' were substituted, for the words and comma 'a Municipal Committee or Town Committee, as the case may be' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

6 Section 12A was inserted by the Bengal Cruelty to Animals (Amendment) Act, 1926 (Act No. VII of 1926)

7 Clause (bb) was inserted by section 6 of the Bengal Cruelty to Animals (Amendment) Act, 1926 (Act No. VII of 1926)

8 Clause (hh) was inserted by section 6 of the Bengal Cruelty to Animals (Amendment) Act, 1926 (Act No. VII of 1926)

9 The words 'Penal Code' were substituted, for the words 'Pakistan Penal Code' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

10 The words 'Penal Code' were substituted, for the words 'Pakistan Penal Code' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

11 The words 'Paurashava or the Zilla Board' were substituted, for the words 'Municipal Committee or the District Council' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)