

Act—this is a matter with which the hon. Member also agrees—is completely out-moded and inadequate and that it leads to the flood-gates of mal-practices and other things and that we are not able, administratively, to cope with those things. So, we are now seeking to apply the Bengal Excise Act to Tripura because the conditions more or less are the same. It is not that we are taking to it as it is; we are saying that we will adopt and introduce some changes to suit the conditions of the local people. So, the hon. Member who has experience in this matter can suggest at the appropriate time the new measures or changes that should be adopted and we would willingly—if the House accepts—follow those suggestions. So, I think it is more as a matter of convenience that we are doing this, and there is no question of principle involved in it.

With these words, I request the House to accept the Bill.

**Shri Dasaratha Deb:** I want to be assured whether the tribal people who are using the liquor would be permitted to prepare it in their own houses for their own use; not for selling purposes. I mean this *pachua* and *arrack*.

**Shri B. R. Bhagat:** This is a matter of detail and I think the local administration will deal with it. But I can say that all the customary rights and all the privileges which they enjoy at present will be duly considered with a view to their continuance.

**Mr. Chairman:** The question is:

“That the Bill to provide for the repeal of the Tripura Excise Act, be taken into consideration”.

*The motion was adopted.*

**Mr. Chairman:** The House will now proceed with the clause-by-clause consideration. The question is:

“That clauses 2 and 3 stand part of the Bill.”

*The motion was adopted.*

Clause 2 and 3 were added to the Bill.

**Mr. Chairman:** The question is:

“That clause 1, the Enacting Formula and the Title stand part of the Bill”.

*The motion was adopted.*

Clause 1, the Enacting Formula and the Title were added to the Bill.

**Shri B. R. Bhagat:** I beg to move:

“That the Bill be passed”.

**Mr. Chairman:** The question is:

“That the Bill be passed”.

*The motion was adopted.*

13:40 hrs.

#### PREVENTION OF CRUELTY TO ANIMALS BILL

**The Minister of Food and Agriculture (Shri S. K. Patil):** I beg to move:

“That the Bill to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals, as passed by Rajya Sabha, be taken into consideration.”

I shall make a few observations to explain the salient features of this Bill. Members are aware that the Prevention of Cruelty to Animals Act was first passed in 1890 and for a long period of 70 years, hardly any changes have been made. On the 5th March, 1954, Shrimati Rukmani Arundale introduced in the Rajya Sabha a Bill entitled the Prevention of Cruelty to Animals Bill. In the debate that ensued, the Prime Minister gave his support to the basic approach to the problem, but he thought that some of the clauses suggested in that Bill were not practical. So, an assurance was given that the basic approach of it should be accepted and we should consider it. Thereafter, a committee

[Shri S. K. Patil]

was appointed. Ultimately the present Bill, which has been amended very substantially by the Joint Committee, has come before us.

The main feature of this Bill is, whereas the 1890 Act was only confined to a few cities in this country where there were municipal corporations, slaughter houses, etc., this particular Bill enlarges the scope of it. It is not the few towns or cities in this country, but it will be applicable everywhere. That is the main thing that for the first time, we are trying to bring on the statute a legislation which will largely affect, almost revolutionise, the fate of these animals with whom we are dealing.

Various suggestions were made by the various committees on the Prevention of Cruelty to Animals Act and they have all been embodied in the present Bill. The Bill has been considered and passed by the Rajya Sabha after incorporating a number of important amendments. The Bill that is now before the House purports to give effect to most of the recommendations of the Prevention of Cruelty to Animals Committee. The Bill, when passed, will extend to the whole of India except the State of Jammu and Kashmir. This exclusion of Jammu and Kashmir is for constitutional reasons. We have excluded it because the accession to the Union Government is only in respect of the subjects enumerated in the Union List and not with reference to subjects in the Concurrent List. This subject is in the Concurrent List. So, we cannot under the Constitution make it applicable to the State of Jammu and Kashmir.

I know this is not an ideal Bill. There are already amendments by those who want the Bill to be further liberalised and others who want to make it more ad more penal. So, I have to effect a compromise. At the outset, I may say I do not claim that this is an ideal Bill. After 70 years, we are making an attempt for the first time

to put on the statute at least something that will ultimately lead us on to the ideal Bill, after some years of experience.

There are two aspects of looking at this question—the humanitarian aspect and the penal aspect. I personally feel that you cannot make people by law more humanitarian. We may pass an Act, but it may remain a dead letter. People should feel kindly towards animals; they should protect the animals and give humane treatment in every possible way. It is something that really takes a very long time for people to develop those habits. In some western countries which are not really vegetarian, even though they kill animals, they give a very humane treatment indeed to the animals. In fact, there have been very big institutions like the Humane Association of America, a most gigantic association at that time, which has got a membership of millions and millions of people, where the dignity and the status of animals are recognised. Though they are non-vegetarians and they kill the animals, an attempt is made to kill them in as humane a manner as possible.

13-36 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

I had something to do with the motion picture of this country and of the world. In motion pictures, sometimes animals like horses, cats, parrots, etc. are used. They cannot use any animal howsoever insignificant it may be without reference to the Humane Association to see whether the dignity and treatment accorded to that animal is in consonance with the principles accepted by the Humane Association. So, just as human beings have got their own dignity and status, animals also have got a dignity and status of their own. So, it takes a long time, perhaps centuries, for these qualities to be engrained in our character and blood. So, the humanitarian aspect is not something which

can be achieved overnight by passing a law. By our own personal conduct—I do not mean merely the conduct of Government—the humanitarian aspect should be emphasised and people should lay stress on that.

The penal aspect is the aspect which the legislature can do very easily. If anybody offends against certain principles accepted by law, surely the penalty should be as stringent as possible, so that people should be prevented from doing those things. The humanitarian aspect takes some time. I am giving this lengthy explanation for the simple reason that there are people here who are imbued with humanitarian thoughts and they think that I should have brought an ideal Bill before the House, so far as the humanitarian aspect is concerned. I would very gladly do that, because I am one of them, but as a practical man, I know that if I bring such a Bill, it cannot be put into practice, because we have no training for it.

I shall draw attention to some of the important clauses of the Bill on which naturally the Joint Committee have concentrated their attention. First clause is clause 4 which provides for the establishment of an animal welfare board. If I may say so, this is the most important section of the Bill. I can assure the House that although the board is intended to be an advisory body, the Government will be really guided by the advice of this board. The board will be composed of the best people, because the composition of the board has been laid down in a particular clause, according to which it will be formed. In all these things, it is the attitude of the Government that counts. We are not creating this board just to call for its advice and reject it. We want that in cent per cent of the cases, we shall be accepting the weighty advice that will be given by the board. That will depend on how the board conducts itself. Therefore, ultimately it resolves to a personal equation. If most of the people comprising the

board are really kind to animals, they will lay down principles, precedents and practices which ultimately take a humanitarian view to a large extent. Ultimately we can improve upon this Bill. Therefore, this particular clause, namely, clause 4, which lays down the composition and the constitution of the board, is very important indeed.

The next important clause is clause 11, which says what exactly constitutes cruelty to animals, and the list of cruelties given here is merely by way of illustration and is by no means exhaustive. If by experience we find that certain other methods of cruelty have got to be included here, we shall be prepared to do so. I could say that we have listed as many as 15 to 16 generally known cruelties in this list and I find that there are many amendments in this respect. If you really go on stretching your imagination many more such cruelties could be suggested, but it is impossible to bring them, every one of them, into the ambit of the Act because, the Act generally gives the power to act on the cruelties that have been enumerated here. If there is any cruelty which does not fall within the ambit of this Bill, surely that would also be taken into consideration. I am not enlarging the list of cruelty just now for the simple reason that it would take time. This Bill has already been passed by the Rajya Sabha. If you again take time, it will delay the implementation of the Act further still. Because, already it has taken six years after the subject was mooted in the other House. So, if according to the hon. Members there are instances of cruelties to animals which are not enumerated in this list, they can wait, because the Bill will require amendment from time to time as we go on working it and gain experience, and at that stage we can incorporate those amendments.

Clause 15 provides for the establishment of a committee for control and supervision of experiments on animals. In spite of the wording of the clause "If at any time, on the advice of the

[Shri S. K. Patil]

Board, the Central Government is of opinion", I can assure the House that it is our intention to appoint the committee sooner rather than later. Of course, we have made it conditional on two things—the animal board must give its opinion in favour of the appointment of such a committee and the Government must also feel so. But that has been done only to point out the supremacy and the primacy of the animal board and I am quite clear in my mind how very necessary it is that such a provision should exist. Whenever experiments are going on in hospitals, research centres, laboratories etc. we have got to see that it is done in a humane manner; not that it is not done but it is done in a humane manner. I am merely saying that an assurance is needed because from the Act it appears as though we may do it or we may not do it. Therefore, some friends were insistent that we should appoint the board straightaway. I can give the assurance that as soon as the Act comes into force such a committee would be appointed on the advice of the animal board.

There is one more clause, namely, clause 30, about which some kind of resentment was expressed by some hon. Members in the other House. This clause deals with presumption as to guilt in certain cases. We should not allow cruelty to animals. It should be stopped. Our Muslim friends fear that the *Halal* method of killing which they practice on religious grounds would come under the purview of this Act. With a view to allay the fear of those friends I have agreed in the other House to insert a new clause, new clause 20, which provides that nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community. The new clause, which is clause 28 of the Bill, as amended, is this, and that is the very first clause under the head "Miscellaneous". It has been put first so that anything that comes subsequently shall be

governed by this clause. Therefore, anything that comes thereafter under killing does not affect the religious rights of any particular community. Therefore, original clause 30 has been amended by putting a separate clause.

**Shri C. R. Pattabhi Raman** (Kumbakonam): Even there one animal should not be killed in the presence of another animal.

**Shri S. K. Patil:** As I said earlier, the present Bill is only a beginning. It is not merely by passing a Bill that we can create love for the animals. I am second to none in the view which my hon. friend, Shri Pattabhi Raman expressed that we should prevent cruelty of any form to animals. But while saying that, I must say that I am a practical man and I want some good treatment for the animals. If I wait till ideal conditions arise, till every religion gives that sanction and so on and so forth, and everybody becomes humanitarian, perhaps I shall not see it in my own lifetime and I would not be able to introduce such a Bill. My view is that if we pass this Bill and constitute the board, when the Act starts functioning many practices will arise, certain habits will arise, certain propaganda would automatically be made and money would be expended in order to create that atmosphere in the country. Therefore, I am prepared to wait.

If just now I join issue with some members belonging either to the Muslim community or any other community—Sikhs have also got a way of killing—and if I go on fighting with them just now in order to introduce an ideal Bill, surely I will have to wait for a long time and I will not be rendering any service to these animals.

My only last request to this House is to pass without any delay this Bill. It has already taken a very long time, 7 years, and even after it has been introduced it has taken two years. A

committee was constituted with 45 members, 30 members of this House and 15 members from Rajya Sabha to go into this Bill. Therefore, we could see how in minutest detail this minutest detail the Bill has been considered and so it should be passed without any amendments. I can assure this House that at any time at the slightest wish of members, even the next time it can be amended to make it more effective, and we shall be prepared, Government shall be prepared to do that. With these words I move the Bill for consideration.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals, as passed by Rajya Sabha, be taken into consideration."

Shall we place some time limit or settle the time for consideration and clause by clause?

**Shri Naushir Bharucha:** I do not think it is necessary.

**Mr. Deputy-Speaker:** All right.

**Shri Amjad Ali (Dhubri):** At the outset I must congratulate my friend, Shri S. K. Patil, for his sweet reasonableness and the persuasive way in which he has appealed to the House and the way in which he has approached the question of cruelty to animals.

**Shri Tyagi (Dehra Dun):** He is a great statesman.

**Shri Amjad Ali:** Let us hope he will deliver the goods as sweetly as he talks. The first thing that attracts on reading the first page is the definition of "animal". "Animal", as a matter of fact, has been defined in this Bill to include anything living on earth.

**The Deputy Minister of Agriculture (Shri M. V. Krishnappa):** Except man.

**Shri Amjad Ali:** Possibly except man.

**Shri Tyagi:** Snakes inclusive.

**Mr. Deputy-Speaker:** Why make exceptions in the very first start?

**Shri Amjad Ali:** It is really an intriguing question. The House shall be interested to know that animal means any living creature other than a human being. So, I want my hon. friend, the Minister of Food and Agriculture to consider what a great strain we are putting our magistrates to by the definition of the word "animal". Suppose somebody kills a mosquito. He can be brought before a magistrate saying that this man has killed a mosquito. If a man kills a fly he can be brought before a magistrate, and the magistrate shall be bound under this Act of Shri Patil to say that the person is guilty.

**Shri Tyagi:** Snakes too. Snake is a bigger thing. Among animals, you will include the mosquito and the fly.

14 hrs.

**(Shri Warrior (Trichur):** What about the bug?

**Mr. Deputy-Speaker:** Would it not be cruelty to animals if the man is brought up before the court for killing a fly?

**Shri Amjad Ali:** I did not follow, Sir.

**Mr. Deputy-Speaker:** Then, he may continue.

**Shri Amjad Ali:** Such an Act existed as early as 1890. It has been subsequently amended by various Acts. Also in the Provincial Legislatures, there were Acts: the Bengal Cruelty to Animals Act, 1869; the Madras City Police Act, 1888. This Act was amended in 1917, 1930 and 1950. This definition that we find

[Shri Amjad Ali]

now nowhere existed. At least there was some rational basis on which we could proceed. But, it appears to me passing strange how we are going to have animals of all kinds. I have looked into the Oxford Dictionary. It says, an organised being which has got a little bit of emotion. Barring the bough of a tree or some leaves that the tree moves, we have got everything on our conception to say what is an animal. To that point, I appeal to the hon. Minister to consider. I hope he will try to see at least that the word 'animal' is so defined that it is workable in the courts. We are going to place this before the court. Let us not make ourselves the laughing stock—the entire Parliament—that our law is being passed which cannot be administered by ordinary commonsense. By this I do not mean very much to be legalistic. From the commonsense point of view also, it does not stand to reason that mosquitoes, bugs or flies, let alone tigers and snakes, should be brought under the definition of animals. This has got to be changed.

The words "unnecessary cruelty" have not been defined anywhere in this Act. Forty-five Members had worked upon this Bill. Shri S. K. Patil presiding, sometimes, possibly he has observed that this question was mooted on and off what unnecessary cruelty means. Have you ever thought what unnecessary cruelty means? In this whole Act, I do not find this little phrase defined. It is left to reason, to commonsense. To you it may be unnecessary cruelty; to me it may not be. To dilate on it further, to make it rather understandable, let me ask, have you ever observed the killing of pigs?

**Shri M. V. Krishnappa:** Yes.

**Shri Tyagi:** Terrible.

**Shri Amjad Ali:** The whole countryside takes note that a pig is being

killed. The pig is being speared. It is killed in such an unnecessarily cruel manner that the whole countryside, the whole village gets astir. Unless we have got electrocution, unless we have such a method of killing an animal like a pig, you have got to be unnecessarily cruel. To your devinition, I do not know how it falls and I do not know how you manage it. When you kill a fish, you have got to spear it. When you go to the pond as an angler, you will be simply subjected to criminal prosecution because the fish has got to be killed in a very cruel manner, unnecessarily cruel manner. As a vegetarian, if you have observed, in angling, you put a bait. The fish is caught. It struggles for its life for quite a long time. The mouth of the fish begins to bleed in such a horrible fashion that you cannot bear its sight. If you see a pig being killed in a village, surely, next day you will come to alter your definition of what unnecessary cruelty is. That term has not been defined. That is my objection.

**Shri C. R. Pattabhi Raman:** Because the hon. Member has been straining the point, if you will kindly permit me, I would like to point out straight-away that clause 11 (1) refers to this: needlessly mutilates any animal or kills any animal in an unnecessarily cruel manner. If you go down to clause 11 (3), it says: the extermination or destruction of any animal under the authority of any law for the time being in force. All these are covered by needless killing. That is point No. 1. This is an inhibitory section. The other things which he referred to, mosquitoes, flies, bugs, these are covered by extermination of things which may add to disease. These are legal killings. What is referred to is unnecessary killing.

**Shri Tyagi:** Is there a law to permit it?

**Shri C. R. Pattabhi Raman:** Yes.

**Shri Tyagi:** Practice is another matter. What is the law?

**Shri Tyagi:** We beat the snake with a lathi. It is most cruel.

**Shri Raghunath Singh:** Let us have Ahimsa as Gandhiji said.

**Shri S. K. Patil:** May I say, all these things that the hon. Member urges were urged in the Joint Committee. There cannot be an ideal Bill in which millions of animals and their killing can be brought. We had adopted the international definition generally and provided by various other clauses for exceptions. Otherwise, I am greatly afraid that we shall be arguing till eternity and nothing would come.

**Shri Tyagi:** I wonder whether it could be possible. As my hon. friend suggested, such animals as are injurious to the health or life of human beings may be excluded.

**Mr. Deputy-Speaker:** Any such amendment might be moved. Then we will see how the House reacts to it. Why anticipate?

**Shri Amjad Ali:** I am grateful to Shri C. R. Pattabhi Raman for pointing out certain relevant sections also. Even with them, he has got to alter the definition of 'animal'. If you do not define 'animal', these complications will be created.

**Shri Amjad Ali:** My hon. friend Shri S. K. Patil has alluded to clause 28. I should say that it is a very timely amendment which he has accepted and I need hardly say that this was necessary. I would also ask him to look into one pertinent question in clauses 30 and 32. In clause 30, it is said:

**Mr. Deputy-Speaker:** Shri C. R. Pattabhi Raman says that killing a bug would be necessary killing. It is unnecessary killing that is required here.

"If any person is charged with the offence of killing a goat contrary to the provisions of clause (1) of sub-section (1) of section 11, 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 is proved, that such goat was killed in an unnecessarily cruel manner."

**Shri C. R. Pattabhi Raman:** There are two things: needlessly killing is one. Again, some are scientifically categorised as dangerous to health.

**Mr. Deputy-Speaker:** Why have you made an exception in the case of man? That is what I pleaded.

**Shri Tyagi:** Only if it is mentioned anywhere in the clause that under the law it is permissible, then alone, it will be permissible. There is no law for killing a snake. Where is the law.

**Shri C. R. Pattabhi Raman:** There is.

**Shri Tyagi:** Which Law?

**Shri C. R. Pattabhi Raman:** I am reading clause 11 (1): needlessly mutilates any animal or kills any animal in an unnecessarily cruel manner. What happens is.....

*Halal* or killing in a particular manner by the Muslim community is allowed under section 28, but it exactly fits in with clause 30, which says that if you find the skin of any such animal as is referred to in the section with any part of the skin of the head attached thereto, it shall be presumed, until the contrary is proved, that such animal was killed in a cruel manner. This gives a big handle to the unsocial elements. They will take advantage of it. The police will also be at it, and a lot of corruption will follow. My fear is that a lot of people will be harassed.

[Shri Amjad Ali]

I drew the attention of the hon. Minister to this, but he seems to have been prevailed upon by his officers or advisers that this has existed since 1890 and that till now there has not been any abuse of the law. To that I have got no big answer to give, but I say the times have changed and this law is going to be amended to make it more humanitarian, to give animals a status just below that of human beings.

Supposing there is slaughter of an animal by a Muslim, and somebody gets in and finds the skin of the head attached, which is exactly the Muslim form of *halal*, the person concerned may be prosecuted, harassed, and terrible things might happen.

**Shri Tyagi:** That is covered.

**Mr. Deputy-Speaker:** Clause 28 overrides clause 30. Why should there be any fear? It says, "notwithstanding anything contained in this Act".

**Shri S. K. Patil:** May I, with your permission, explain?

**Shri Amjad Ali:** Let me complete what I have to say.

**Shri S. K. Patil:** I am not asking the hon. Member to stop. I have not used the name Muslim or Islam for the love of Muslims. I do not want a particular community to be mentioned by name. Therefore, clause 28 gives a general coverage. It is not because my officers advised me, but my own commonsense advised me that I have done it. But he is fully covered. I assure him there is nothing else meant by us.

**Shri Amjad Ali:** I thank the hon. Minister for the explanation he has given. The assurance is, of course, very much encouraging, but what I fear is this. If the word "presumption" is not there, I would not object. Section 4 of the Evidence Act refers

to "may presume" and "shall presume".

**Mr. Deputy-Speaker:** Is there any concrete suggestion that the hon. Member is going to make?

**Shri Amjad Ali:** I made a suggestion by sending in an amendment, but that has been ruled out on the ground it is an omission of the entire clause. I know the hon. Minister always tries to accommodate us. I place my difficulty before him, and shall be glad if he can find some way out.

Section 4 of the Evidence Act says:

"Whenever it is provided by this Act that the Court may presume a fact, it may either regard such a fact as true unless and until it is disproved or may call for proof of it."

Further on, it says:

"Whenever it is provided by this Act that the Court shall presume a fact, it shall regard such a fact as proved unless and until it is disproved."

So, you throw the burden on the person who kills an animal in this fashion, and he has to go through the gamut of the legal process to prove that it was done under clause 28. So, you are subjecting him to a certain amount of harassment. Unless he proves it, he is going to be harassed. That is my fear. If you do away with clauses 30 and 32, I think there will be no harm.

**Mr. Deputy-Speaker:** I do not think anything will be left after that. Only platitudes would be there. That is all.

**Shri Amjad Ali:** If you go into it deeply, Sir.....

**Shri S. K. Patil:** Let him have his say. Otherwise, it will take unnecessarily long.



**Shri Amjad Ali:** I have expressed my fear, and I hope the hon. Minister will kindly see if anything can be done, so that people are not unnecessarily harassed by the police or un-social elements and dragged to court.

**Shri Supakar (Sambalpur):** I am afraid that, with the best intentions of the hon. Minister, the Bill is too vague in some respects and too strict in other respects. There are so many vague words like "unnecessary" and "unreasonable", that I feel it will be very difficult, when a case is brought before a court, to make out what the exact connotation of these words in the particular circumstances of the case is. If the magistrate is strict, he may interpret it in a manner which, while preventing cruelty to animals will perpetrate cruelty to men, and in other cases, even when a man is really cruel to a particular animal, he may go scot-free on account of the vagueness of these words.

I shall give just one illustration to show how in certain particulars, the Bill is too strict. I may refer to clause 17 of the Bill in this connection. Clause 17 (2) (d) reads thus:

"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:—

(d) that experiments on animals are avoided where 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;"

We know very well that in colleges, especially there may be very good books and models in order to teach the students about the anatomy or the physiology of animals, but it is not merely the teaching of these biological truths for which these experiments are carried on. When we are preparing our students for a

medical degree, for example, we have to see that the students have sufficient practice in dissection etc. so that at a later stage, when they go to the higher classes, they may perform efficient surgical operations and so on. If we say that the acquisition of manual skill by the students on these animals should be prevented, then, although there are good charts and good books and models on the subject, we would not be giving the students sufficient opportunity for acquiring manual skill. Here again, while preventing a certain amount of cruelty to animals, we shall, I think, be encouraging a greater amount of cruelty to human beings. We say that the very object of teaching in these medical schools and colleges and also in ordinary science colleges biology and other subjects to the students is to teach them these practical lessons. The main object is to train them in a particular manner. Therefore, when we say that rules may be made so that experiments on animals are avoided, I think it takes the law too far.

Then, I come to clause 17 (2) (e) which reads thus:

"(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;"

I do not quite understand this provision. Let us take the case of the veterinary colleges. There, the students are expected to learn something about the bigger animals, and unless they do some amount of surgical operations etc. on larger animals, it will be of no use; it will not suffice for them to carry on these operations on smaller animals like guinea-pigs, rabbits, frogs and rats etc. Therefore, although this clause is vague, I would submit that the rules which are going to be framed should not be so unreasonable as to exclude either wholly or partially the vital necessity of

[Shri Supakar]

acquisition of skill in surgery, both animal and human, because, before students are taught to operate on human beings, they should first experiment with animals, frogs etc. The other day, we had some questions about frogs, and it was said that we should grow more frogs in our country. Certain concern was expressed in the House about the desirability of exporting more frogs and growing more frogs, for the purpose of enabling our students to acquire greater practical skill.

**Shri Indrajit Gupta** (Calcutta-South West): Frogs are being exported for purposes of eating also.

**Shri Supakar**: My most important submission in regard to this Bill is that the main function of prevention of cruelty to animals should, in my opinion, rest with the State Governments, and instead of having a central legislation, I think Government should have done better by framing a model law and advising the States to adopt the same or similar pieces of legislation in their areas.

We have under this Bill a Central Board where people from some municipalities are represented, where, of course, the Central Government officials are there, besides the Inspector-General of Forest, the Animal Husbandry Commissioner, veterinary practitioners, and also six Members of Parliament. But it would have been better if some representative from each State had also been taken on this board. It might be said that the Central Government are in a better position to administer such a law than the individual State Governments. My personal opinion is that the Central Government should not centralise these functions for prevention of cruelty to animals throughout the length and breadth of the country, but they should have asked the State Governments to have their own legislation according to the conditions prevailing in the parti-

cular States, and if at all necessary, the Central Government should have been only a co-ordinating authority, not in the sense of having an animal welfare board of their own, but only in an advisory capacity. The administration of the function of prevention of cruelty to animals should be left to the individual States concerned. Of course, so far as the Union territories are concerned, the Central Government may find this a suitable piece of legislation, but so far as the prevention of cruelty to animals in the States is concerned, I think the Centre should not bypass the States, but should give them a larger amount of responsibility. But we do not find any such thing in the Bill itself. Therefore I would submit that even though we may pass this Bill, the Central Government would be well advised to suggest to the State Governments to have their own organisations, to have their own boards and to have their own pieces of legislation in the States to see that the purpose for which this Bill is being passed is achieved in a more decentralised manner than in a centralised manner as is sought to be done by this measure.

**Shri D. C. Sharma** (Gurdaspur): Mr. Deputy-Speaker, Sir, I was a member of the Committee which was appointed to look into the question of prevention of cruelty to animals and I say with all seriousness that the committee went very thoroughly into all the aspects of prevention of cruelty to animals. It toured all over India and examined several hundreds of witnesses in their individual capacity as well as in their organisational capacity to elicit from them their reaction to this very great problem which faces any civilised community or any civilised government. My reaction to what I heard and to what I saw was that it was a very baffling problem; It was a problem which was not capable of precise and exact definition; it was a problem which could not be formulated precisely either in

terms of sentiment or in terms of law or in any other terms. Therefore, Sir, we felt—at least I felt—that the best thing was to make a beginning, a solid beginning and a fruitful beginning to the solution of this problem.

A Bill was accordingly introduced and was sent to Joint Committee and we now have the report of the Joint Committee and also the Bill based on that. Again the Bill has undergone some kind of a change after being debated in the Rajya Sabha. Now, Sir, I ask myself this question: shall we go on like Hamlet debating, debating and debating this question? Or, shall we arrive, at some approach, even though defective, even though faulty, to this problem? I was very happy to hear from the hon. the Food Minister that this problem is going to be a recurring problem, this problem is going to be with us all the time and that this Bill is not going to be the final word, but that it will require some amendments as our experience accumulates and also as our policy in dealing with the various problems that arise crystallises. So, I think, Sir, that it is not a fool-proof Bill and you cannot have any fool-proof Bill on the subject.

**Shri Narasimhan (Krishnagiri):** On any subject.

**Shri D. C. Sharma:** I think we can have on your subject.

We cannot have any fool-proof Bill on this subject. The utmost that you can do is to make this very practical and useful beginning in this matter. One can look at this problem from many points of view. There is the point of view of the ultra-vegetarian. But India does not consist of ultra-vegetarians. There is the point of view of the practical vegetarians and I think even from their point of view it is very difficult. There is the point of view of the scientifically-minded persons. I think all the restrictions that we have put upon the performance of experiments, will be very irksome for those per-

sons. There is the point of view of persons who want to tighten the penal clauses of this Bill. I am one of those.

I believe all life to be sacred. All life has to be protected; all life has to be kept in as good as a form as possible. Human life, animal life, all these types of lives should be held in sacred trust by us, for our nation, for our community and the world. But there are types of lives and lives. I may go and catch hold of a dacoit, because he constitutes a danger to my society. Similarly, there are animals which constitute a danger to society, reptiles, etc. There are some people who think that stray dogs should not be subjected to any kind of harsh treatment.

When we had been to Kurnool, we were told that there were in that town,—I do not remember the exact number, but I am giving a rough idea—about three thousand stray dogs and at night there was orchestral music produced by the different kinds of barkings of these dogs.

**Shri M. V. Krishnappa:** In Ludhiana also.

**Shri D. C. Sharma:** Stray dogs are everywhere. I just mentioned Kurnool because that impression was very vivid in my mind. Some persons came to me and said: "these dogs look after us." I said: "you require three thousand rupees per day to look after these stray dogs."

I do not know how to tackle this argument that animal life should be held sacred as human life is held sacred. But if we have to make a choice between animal life and human life, I think we should decide each question on its merits.

**Mr. Deputy-Speaker:** Because the decision lies with us?

**Shri D. C. Sharma:** But I would say that this Bill is a charter, not a very comprehensive charter, but all

[Shri D. C. Sharma]

the same a charter of the rights of animals and also a charter of obligations of every citizen of India to the animal world. As such, I hail it, even though it is imperfect, though I should like to change it in so many places and though I would take objection to some of the clauses of it.

There are some suggestions I want to make. My first suggestion is this. Government have constituted an Animal Welfare Board. It is a good thing. I was very happy to hear the assurance of the Minister, but I am afraid when the Animal Welfare Board comes into being, he may not be there; he may have moved to some other Ministry—he has been changing portfolios in such fast succession. Anyhow, I hope his assurance will stand that this Animal Welfare Board will not be treated only as an advisory Board, but its recommendations will be accepted and carried into effect. I take it that there will be an unwritten convention that the Ministry will respect the decisions of the Board and the Minister, whoever he might be, will respect those decisions.

But I feel that in this Animal Welfare Board one type of person has been omitted very sadly. The hon. Minister was talking of the humane traditions of America. But if you want to inoculate the citizens, especially the future citizens of this country, with human traditions, I think the best persons to do that are the educationists. You have collected almost all persons in the Animal Welfare Board. There are scientists; there are Members of Lok Sabha in it—it is very good—and there are Members of Rajya Sabha in it—it is also very good. But I would have thought that Government had included some representatives of educational institutions in it, because it is they who will communicate the sentiment of the sacredness of animal life, the sentiment of the protection of animal life, to the rising generation, as it grows up. I wish that that provision

had been made to include some educationists also, by virtue of their being educationists. Of course, I can assure you that I do not offer myself for that office—I say this because an hon. Member is looking at me as if I was arguing my own case. That is not so.

The second thing I want to say is that cruelty is indefinable. There is no doubt about it. We have instituted the law of divorce because of forms of cruelty practised by husbands towards wives and by wives towards husbands. I do not know who is the bigger offender in this matter. But we have not been able to define cruelty in that way. Nobody has given us a list of all forms of cruelty. Therefore, I take it that these are only illustrative instances of cruelty that are given in this Bill. I think that anything that savours of any kind of injury—physical or emotional to the animal, should come within the purview of this legislation. Animals are as devotion-conscious as human beings are.

**An Hon. Member:** What is devotion?

**Shri D. C. Sharma:** I am not going to go into that. I was submitting very respectfully that all kinds of cruelty, either physical or emotional, should be brought within the purview of this legislation. I am sure that this legislation will have its teeth only when the different kinds of cruelty practised in India get known to us and get advertised by recourse to this law.

Another thing I want to say is that now so far as the experiments go, a wholesome provision has been made that those hospitals and research institutions would be inspected. It is good, because all doctors are not humane and all research scholars are not imbued with humane considerations. But it should also be seen to it that this Committee should have at its disposal a large amount

of funds to visit those places occasionally. I was also going to say that the Animal Welfare Board, in spite of its laudable objective, is going to suffer because the funds are not going to be adequate for it. Gifts and donations will come, but Government should give a very solid allocation of funds for it. After all, what is our cattle wealth? We should give funds to the Animal Welfare Board in proportion to the cattle wealth or animal wealth of this country. I want the Minister of Food and Agriculture to tell us when he replies how much money he is going to place at the disposal of this Board. If the funds are not available, I think the Animal Welfare Board will be a Board only in name and will not be able to perform all the functions it has been asked to perform.

I wish they should have another Board—a Board for the propagation of kindness to animals. It should have formed part of this legislation. There should have been a Board for including kindness to animals in the citizens. I do not want to call that Board, the Board for the prevention of cruelty to animals. I would like to call it, the Board for the promotion of kindness to animals. I wish there had been a Board like that and it should have been given sufficient funds to do its work.

I also feel that the Central Government are taking too much upon their shoulders. I know that the shoulders of the Food and Agriculture Minister are very very broad, but he is in the habit of walking away from one Ministry to another. Already he has walked away from two Ministries and who knows he may walk away from this Ministry also? I think we should make the States also responsible for some of the items of this Bill. We should also make corporations and municipal committees responsible for some items. In this way, so far as this Bill is concerned, there should be a diffusion of responsibility all along the line from the Centre to the States and from the States to municipal committees and from mu-

nicipal committees to panchayats. I think all these bodies should have been brought into the picture, because this is not a small problem with which we are dealing but a very big problem.

When we were going about in the country in connection with the Committee, some of our Muslim friends came to us and said that nothing should be done which should interfere with their religious practices; in Calcutta, some Jews also came to us and said, 'You should not do anything against our religious practices'; our Sikh friends also came to represent their viewpoint. I think we have to respect the religious practices of every group of person in this country, the Sikhs, the Muslims, the Jews or whoever they may be. I am glad that a clause has been introduced. It is a very small clause and not a very lengthy one. But, I believe that sometimes small things are more expressive than lengthy ones. It says that nothing will be done to interfere with the religious practices.

**Shri M. V. Krishnappa:** Page 15, clause 28.

**Shri D. C. Sharma:** So far as performing animals are concerned, I would just distinguish between those persons who have one or two performing animals for their livelihood, people who keep monkeys and bears and things of that kind and others. I know some of them because some of them belong to my village. I know how well they treat these animals. Of course, all may not be of that description. They look after these animals as affectionately as the Deputy Minister looks after the poultry in his house. So, I was saying that you must distinguish between persons who keep one or two animals for their livelihood and who treat them with affection and others. They treat them as the members of the family. You must distinguish them and the circus people. These circus people have a large number of animals and train them and instruct

[Shri D. C. Sharma]

them in a way about which I cannot tell you anything. I cannot describe to you how these animals are taught to perform those exercises which we go to see after paying very heavy sums. I think the circus people have to be kept under check; they have to be kept under close watch lest they should go scot-free and these people, poor people who make one rupee a day by showing the bear or the monkeys, are under trouble.

As I said in the beginning, I welcome this Bill. It is a Bill which pleases nobody.

**An Hon. Member:** Still you welcome it!

**Shri D. C. Sharma:** The lawyer will say the penal clauses are not very prohibitive. The ultra-vegetarian will say that something is not there; the scientist will say that you are interfering with his right to perform experiments. Everyone will be unhappy; and everyone will criticise it. I think life consists in making a compromise. When we have to make a compromise with one person, you know how difficult it is. In this Bill we are trying to make a compromise with so many persons or so many parties. I believe, on the whole, this Bill is an illustration of the spirit of a happy compromise. I hope we will welcome it as a step in that direction along which we all want to move.

I wish that we have a Humane Association in India whose members should number about, I think, 20 crores of persons. I do not talk of 40 crores. Everyone of us should be an agent for putting an end to the cruelty to animals.

With these words, I welcome the Bill. (Interruptions).

**डा० गोविन्द दास (जबलपुर) :**  
उपाध्यक्ष महोदय, मैं भी इस विधेयक का स्वागत करता हूँ।

**Shri C. R. Pattabhi Raman:** May I request the hon. Member to speak in English so that we may have the benefit of his views. We all know his views. (Interruptions).

**डा० गोविन्द दास :** लेकिन इस के साथ मैं यह भी कहना चाहता हूँ कि इस विधेयक से मेरे सदृश व्यक्तियों को जरा भी सन्तोष नहीं हो सकता। मैं श्रीमती रुक्मिणी अरुंडेल को इस बात के लिये बधाई देता हूँ कि उन्होंने इस विषय को राज्य सभा में उठाया और उस के बाद मैं पाटिल साहब को भी बधाई देता हूँ कि उन्होंने इसे सरकारी विधेयक रूप में यहाँ पर पेश किया है क्योंकि मैं इस मामले में जो उन का मत है उस से अच्छी तरह परिचय रखता हूँ। लेकिन मेरा तो इस सम्बन्ध में यह मत है कि किसी भी जीव का प्राण लेने का उसी को अधिकार है जो प्राण दे सकता है। हम किसी भी चीज को जीवन नहीं दे सकते, हम में वह शक्ति नहीं है कि हम प्राण का संचार कर सकें। ऐसी स्थिति में हम को यह अधिकार नहीं है कि हम किसी के प्राण लेवें और कोई हिंसा करें। इनी लिये जब कभी भी सरकार के मुर्गी, अंडों और मछलियों, इन सब के खाने के आंदोलन चलते हैं, प्रचार के आन्दोलन चलते हैं, तो, सरकार का एक बहुत बड़ा समर्थक रहते हुये भी, मेरे तो सिर से पैर तक आग लग जाती है। जहाँ तक भारतीय संस्कृति का सवाल है, हमारे ऋषियों महर्षियों ने, तत्ववेत्ताओं ने, दार्शनिकों ने, संतों और भक्तों ने, इस समस्त सृष्टि में एक ही तत्व का निरीक्षण किया था, और उन की जो खोज है, उस के अगे आज भी वैज्ञानिक नहीं जा पाये हैं। यह समस्त सृष्टि एक ही तत्व है उस को हमारे दार्शनिकों ने माना था और आज के वैज्ञानिक भी मानते हैं। इस लिये किसी भी प्रकार

की हिंसा, किसी भी प्रकार की हत्या, हमारी संस्कृति के खिलाफ पड़ती है, जिस का मैं एक छोटा सा उपासक हूँ ।

फिर इस विधेयक में कुछ विचित्र शब्द हैं जिन के अर्थ मैं नहीं समझा । 'ह्यूमेन किलिंग' क्या चीज है ? "किलिंग" का मतलब "किलिंग" है । किसी चीज को मारना "ह्यूमेन किलिंग" नहीं है । इसी के साथ उसमें "अननेसेसरी क्रुएलिटी" लिखा हुआ है । मारने में जो क्रुएलिटी होती है वह क्रुएलिटी है ही । वह कब "अननेसेसरी क्रुएलिटी" हो जाती है और कब वह "नेसेसरी क्रुएलिटी" रहती है यह भी मेरी समझ के बाहर है । फिर धर्म के नाम पर जो बलिदान होते हैं उन बलिदानों को करने में किन किन चीजों का उपयोग होता है, इस विषय में इस विधेयक में एक शब्द भी नहीं कहा गया है । तो यद्यपि मैं इस विधेयक का स्वागत करता हूँ, लेकिन मैं इस विधेयक से सन्तुष्ट नहीं हूँ । एक कदम ठीक दिशा में उठा है, इस को मैं मानता हूँ, और इस को मानते हुए इस अधूरे विधेयक का भी मैं स्वागत करता हूँ, लेकिन मैं पाटिल साहब से कहना चाहता हूँ कि उन्हें कम से कम इस प्रकार के विधेयक से सन्तोष नहीं होना चाहिये । जिन बातों को मैं ने उन के सामने रक्खा है जैसे कि "ह्यूमेन किलिंग" और 'अननेसेसरी क्रुएलिटी' के शब्द हैं, इन सब का भी कुछ अर्थ होना चाहिये ।

जिस दिन यहां पर एक गैर-सरकारी दिवस को श्रीयुक् कृष्णप्पा का भाषण हुआ, मुझे बड़ा खेद है, कि मैं यहां पर नहीं था, नहीं तो मैं उन से कहता कि जितना मैं ने आपको समझा है, उस समझ से ठीक विपरीत आप का भाषण हो रहा है ।

15.59 hrs.

[SHRI JAGANATH RAO in the Chair]

उस भाषण में तो उन्होंने एक ऐसी बात का समर्थन किया था, गोवध तक का भी, जो समझ में नहीं आया उन को जानते हुए भी, कि वह कैसे इस तरह की बात कह सकते हैं । वे तो फाडर अर्थात् चारे के सम्बन्ध में बोल रहे थे कि उसे बाहर न भेजा जाये । जिस समय उस के सम्बन्ध में वे बोल रहे थे उस समय उन्होंने गोवध के प्रश्न को क्यों उठाया, यह भी मेरी समझ के बाहर है । तो मैं कहना चाहता हूँ कि इस विधेयक का स्वागत करते हुए भी मैं उस से सन्तुष्ट नहीं हूँ ।

मैं इस संबंध में बहुत कुछ और भी कहना चाहता था, लेकिन चूंकि गोसंवर्द्धन कौंसिल की बैठक हो रही है और उस में मुझे जाना है, इस लिये मैं ने उपाध्यक्ष जी से विशेष समय मांगा है । वैसे तो जैसा मैं ने कहा, मैं इस का स्वागत करता हूँ, लेकिन मैं आशा करता हूँ कि पाटिल साहब इस विधेयक से सन्तुष्ट नहीं होंगे और इस सम्बन्ध में इस को पहला कदम मान कर, कुछ ऐसे सुधार इस में लायेंगे जिस में यह हमें ठीक दिशा की ओर ले जाये ।

15 hrs.

**Shri C. R. Pattabhi Raman:** Mr. Chairman, Sir, I would like, at the outset, to pay my tribute to the great lady who has been fighting against odds for six years to get a Bill like this on the statute-book—I refer to Shrimati Rukmani Arundale. It was started in 1954. And, Sir, I am reminded of George Bernard Shaw's famous saying. He said: "When I die, behind my hearse, behind my funeral ceremony, thousands of goats, chicken and duck all come in spirit and thank me saying, here is one man who did not kill us for his benefit". Our great Avvaiyar said:

"Oonai thinnu oonai peruppaneir?"  
Why eat flesh to fatter your flesh. But I am not going into the main question. I want to assure my good friends that

[Shri C. R. Pattabhi Raman]

I am not going to plead for the vegetarians. I am only stating in passing that this great lady deserves all credit. I hope, Sir, the hon. Minister will forgive me if I say—I am not flattering him—that he has taken up a great role with his usual dynamism. He has brought forward this Bill and he is trying to push it through. I am very glad. The animals in Bharata Varsha are lucky that Shri Patil is at the head of this department and he is pushing the Bill through; otherwise, Sir, even now I doubt whether it would have seen the light of day.

After having paid my tribute to these two people....

**Shri Tangamani (Madurai):** Animal husbandry is under the exclusive jurisdiction of Shri Krishnappa now.

**Shri C. R. Pattabhi Raman:** The larger includes the smaller—Shri Patil includes Shri Krishnappa (*Inter-rupion*).

**The Deputy Minister of Agriculture (Shri M. V. Krishnappa):** He thinks I am the fittest man for that.

**Shri C. R. Pattabhi Raman:** Sir, this is the land of *ahimsa*. This is the land where we have produced so many rishis from the great Janaka onwards. Even before Lord Budha came on the stage we had them and there was also Mahavira. And, in this land it is but appropriate that we must have a real beginning in this matter though we have delayed it very much. As the Prime Minister put it in the Rajya Sabha, we have been waiting for 60 years and odd and, after all, at last, what was passed in 1890 is coming on to be taken up again and to be reshaped to suit modern needs.

Finally, there will be the soul of Gandhiji here in this Chamber listening to what all we say, because he is the greatest exponent of *ahimsa* and it was his *ahimsa* alone—not guns or bullets—that got us freedom. Let us not forget that. His soul will be very very pleased that one of his chelas, one of the volunteers who faught in

his campaigns when he was having the non-co-operation movement—Shri Patil—is piloting this Bill. To his soul also, Sir, it is a great tribute that we are paying, it is a great tribute to the Father of the nation.

Then, Sir, some reference was made to this Bill as such. In a way it is a retrograde step. In the older Act the relevant section provided for Rs. 100 fine and imprisonment for three months and for subsequent offences up to three years. It will therefore be seen that the present Bill instead of improving the position with regard to the killing of animals over that which is already in force in India under the 1890 Act reduces the penalty which is likely to induce people and lead to an increase in unnecessary killing so far as animals are concerned. That apart, Sir, as has been put by Shri Patil, a beginning has to be made. I am glad that he is making a beginning and he will lick it to shape hereafter.

I am also glad that a reference has been made to what has happened in England and America. Wherever any experiments on animals are performed the American Association has to be consulted. They usually give permission, it is not as if they say 'taboo on animals'. There are experimental animals and non-experimental animals. Supposing there were 30 dogs to be experimented upon all together by students, they take two or three dogs and say that they must experiment upon them. You will be interested to know that one of the experiments is cutting of voice box of the dogs—it is called 'de-barking'. After that operation it will only open its mouth when it is being cut alive for the scientists to conduct their experiments and it will not make any noise. The French cooking goes one step further. Lobsters are put in boiling water and when the poor things struggle to rise up they are beaten again and again so that not a drop of blood is shed. In that way it tastes well for the benefit of the epicure, the great gourmet.



Sir, let me not be lost in the woods, let me come to the Bill. But I am sure the House will be interested to know about these things. There is the famous duck delicacy which they call *pati foi gras*. They put almonds into the throat of the duck till it is suffocated, till it gets choked. Then it is allowed to digest it. After that they cut from the liver that great delicacy, *pate foi gras*. That is the position. It is inhuman.

Sir, vegetarianism has been catching up. Thanks to us, and thanks to God. Cleaning of teeth and daily bath have been two contributions of India to the rest of the world. Similarly vegetarianism has been catching up in Europe and America. Let us not forget that. Let us not in the name of ahimsa, vegetarianism and humanity lag behind other nations in so far as prevention of cruelty to animals is concerned.

The Prime Minister has put it in his own intimitable way, I find, when the Bill was there in 1954. He said: "We have a Prevention of cruelty to animals Act passed in 1890. It is our misfortune that even today it is hardly applied in this country." That is the whole trouble. You can have any number of Acts. It is the application that matters, it is the manner in which it is put into force that matters. That is where we are lagging behind. We can have a number of statutes, enactments with any number of penal clauses. But they are all useless; we will have to go to the limbo until they are put into effect. I hope, Sir, whatever else you may become later on, you will also be in charge of the poor dumb animals who want a real supporter like you.

I am glad the hon. Minister referred to the existing section 28 with regard to religions. Section 28 says:

"Nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community."

I am very glad you did not specify Islam, because that is not a tribute to Islam. The great Prophet, Sir—I can quote but I do not want to quote on this occasion because I have much more important things before me and I have got such talented speakers who come after me; I know Shri Warrior is going to speak—if he was born in India would have been a great vegetarian. He was in Arabia. What happened was that he had to be with the nomadic people who married any number of times and had any number of wives. He brought order there. They used to walk for some distance with a lot of sheep, cut one leg of a goat, keep it bleeding and eat it. Then they used to walk another 30 miles and eat another goat. Muhammed said that they must kill by *halal* and they should not kill one animal in the presence of another animal which they were going to kill. Muhammed was a great prophet. I am not going to preach. This is hardly the forum for preaching the religious tenets. But I was only saying that he was very particular that the killing should not be in the presence of another animal; that was one point; and secondly, the jugular vein alone should be cut to bleed the animal to death. Nobody would object to humane killing.

Then with regard to the slaughter of animals, let me mention what is happening in the cities, for instance. There are abattoirs in Madras and in other cities of India. What happens there is a crying shame. The animals are left half-dead and other are dragged in. It is a tragic sight. The animals know that they are going to be killed; they cry and bleat. If only the Members of Parliament go and see what happens in a slaughter house, I take a bet: 90 per cent of them will not touch flesh afterwards. It is terrible that one should kill the animals each time in that fashion.

I want the hon. Minister to go to Ootacamund, a place which he likes very much. I hope he will take the route from Mysore—the country of

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Shri M. V. Krishnappa—and go to Ootacamund. What he will see there will be very interesting. From Gudalur upwards, he will find a number of cows and buffaloes. Ooty is about 7,000 ft. above sea level. From practically 1,000 feet down, these animals are driven up with long whips, they will be crawling; the lucky ones die on the way; but some of those which are not lucky have to crawl up and they get hit all the time and are pushed up and up so that the European population of Ootacamund, Coonoor and other places in the Nilgiris can have beef and all such delicacies. I am sure the Board that is sought to be established by this Bill will be a live Board and will prevent such things.

If killing is required, it must be done in a humane way. Dr. Govind Das was speaking in fluent Hindi. I know some Hindi, but at the end of his speech, I was as ignorant of it as I was in the beginning. But I am sure he meant humane killing in the slaughter houses.

Then with regard to wild animals, that is another crying shame. I do not know why our tourist department is advertising, "Come to India for shooting". Does the tourist department of Egypt say, "Come to Egypt for shooting"? They say, "Come to Egypt and see the tombs; see the Pharaohs and see Cairo." Does the tourist department of Rome say, "Come to Rome for shooting"? Does the tourist department of Greece say, "Come to Greece for shooting"? No. So, in our country, shooting of wild animals is one of the darkest aspects. As a result of shooting, what happens is, the wild buffalo in Central India has been practically shot out. The barking deer has been practically shot out. The nilgai has gone in many places. You can count the number of cheetahs that are alive in India today. But thank God, the lions are preserved—at least some of them—in Junagadh.

Shri D. C. Sharma was making a joke. In the Gir forest the lion-keepers were asked to tie donkeys to a post for the sake of tourist who could then see how a lion comes and kills the donkeys. It is not necessary, because the lions come by themselves. So, finally, they could not get donkeys there, and they were asked, "Where are the donkeys"? The reply was that they had gone to Delhi. What he really meant was there was non-availability of donkeys which had gone to upper India. The real position is this. It is a crying shame to see how the animals are killed. Worse than killing is poaching. I have heard a story. A pregnant doe was shot at. It was not killed, and if it had been killed, it would have been a lucky thing. But it was oozing blood and then certain great sportsmen went up to it and cut it and took two young ones from its stomach. I do not know what else they did. Is it India? We must always observe the rules of the game. In the olden days also, there were wars and they did have wars, but they stopped for *Sandhya* in the middle of the wars. We had killings of animals but we had regulated killings in those days. But now, we see indiscriminate poaching and killing and trapping. It is tragic to see how trapping is done; it is outrageous. Therefore, the law must prevent poaching, trapping and unlawful shooting. I hope the Board will tackle them affectively.

Then, I shall say something about the cruelties shown with regard to performing animals. Perhaps the House may not know these things. The other day, I was educated on this. The best way to train a small tiger or panther is to catch it young first, and then every day, beat it on its face, so that it develops fear for the trainer. In a circus, you will see that the moment an animal loses its fear for man, it is discarded and shot. It does not know why it is beaten. Some of the big Rajas—this is one of the

dark spots in the escutcheers of the Rajas and I know many of those princes—used to practise indiscriminate shooting; they tortured the animals every day, so that in the presence of man, they will do everything. And the animals are so much afraid of fire, so that a lion or tiger, when it goes through a fiery ring, it does so because it is terribly afraid of the trainer. It is not that it loves or likes the appluse of the people. No.

Shri D. C. Sharma was making some observations with regard to monkeys and bears being brought from his village. I have no objection to certain things and I quite agree that some of them are kept very well. But what happens is, some of these animals, especially bears, are so badly treated; for instance, their nostrils are clamped to some iron hoop and the nose bleeds. The bear is dragged in such condition. These animals are not fed properly. Does the hon. Member want such things to be exempted from the provisions of the Bill. I do not know. But I am sure Shri Sharma himself will not allow such things to happen. Some of the animals are kept very well. But some of them are not. Some of the monkeys are not fed at all. What one gives to the monkey trainer for the benefit of the monkey goes to the trainer himself and not to the monkey.

What about cattle? I am glad that already, the hon. Deputy Minister Shri M. V. Krishnappa has got the welfare of cattle as one of his aims and objects. But see the condition of the cattle in the cities. They have no fodder; they browse over the street and they are milked till they are dead. All sorts of cruelties are practised on them.

There is absolutely no thought at all in regard to performing animals, to which I referred earlier. We do not know what their position will be in regard to the treatment. I think that this aspect must be put within the purview of the Board and the Board must have the necessary powers in this regard.

There is one final aspect to which I would like to refer, and that is, the scientific experiments on animals. I am speaking about my views and my views are clear in this respect. I would not like to have any experiments at all. I would not have even vaccination experiments. Perhaps many here have no idea about it. In regard to vaccination, the calf is tied all the time to a post and slow punctures are made in the skin or thigh. The lymph is injected into it. The pus is collected; so that the animal would not lick the wound, its head is tied all the time, and the lymph is allowed to develop. Of course, let us not get ourselves lost in controversies. But this is the way things are done.

Many people have conscientiously objected to such methods. In England, they respect the sentiments of the conscientious objectors. Vaccination material comes under this aspect of the problem. You have to read the book of Dr. Bailey, MRCP, a great physician, and according to the conclusions of a Board of great MRCPs and F.R.C.S.'s it has been declared that many of the experiments for medical and biological purposes are wholly unnecessary and wholly unsuited and that they give no data at all for humanity. That is the real position.

Some people are gloating over the Russian experiments of two heads being put on one animal. But I am sure even the Indian Communists would not approve of such experiments. Their Fatherland must stop at some point. None of them will approve of such experiments on animals. I take a bet on this. I am sure Shri Warrior is going to support me on this. (Interruptions). But thank God, we do not have the ballistic missiles to send these animals up. I certainly hope that no man will be sent up like this though I believe some men have already been sent up in Russia. But I am sure none of us can live for one second—no man can live even for one

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second—beyond the terrestrial atmosphere without some protection, say, some oxygen. Anyhow, they go on experimenting and they want to know what the situation is high above. By all means let them do it. But then, these animals are being put through unnecessary torture.

Similarly with regard to chilling of animals. They stop the heart. What is taking place in medical colleges is worse. Of course, for the sake of experiment one can kill one dog, but then, for de-barking, as I said earlier, they kill several dogs. If one dog is killed as a guinea pig for experiment, there can be objection. But 20 to 25 dogs or pigs are killed, and they begin to shout and scream. They are cut, sometimes by an untrained student. In the Medical College, Madras, formerly—fortunately, we do not have such sights now—we had the IMS students. Most of them were tough men—usually Anglo-Indian. I do not want my good friend, Shri Anthony, when he reads this speech, to run away with any bad impression. There are some of the finest people in his community, there are vegetarians. I am only saying this because their main hobby in Madras was to cut the animals' legs and throw them at the trains which used to pass by the side of the laboratory. It was a great pleasure for them; they thought it was a kind of student-play.

I am very glad that this Bill has come. I have taken much more time than I had intended to. If I have allowed my emotions to run away with me, this kind House will forgive me. I am very happy that a Bill like this has come at long last, and I hope this will be the beginning. I hope this board that Shri Patil is going to form will be an effective board and will frame the necessary rules.

**Shri Mohammed Imam** (Chitaldrug): Sir, we are all agreed that we should not inflict unnecessary

pain or cruelty on any animal, on our own fellow human beings. We, human beings, are credited with humanity and we have to be kind. But the human structure and the human society is such that humanity cannot exist unless a certain amount of cruelty is practised or a certain amount of pain is inflicted on other living beings. I include not only human beings, but also being in the vegetable kingdom. If we have to divest ourselves entirely of cruelty or if we are to be very kind, then I think we have to retire to remote Himalayas, live on air and water and I am sure our lives will terminate very shortly.

Man, unlike other living beings like a tree, is of such a nature that he cannot prepare his own food. For example, a plant or any vegetation prepares its own food out of the ingredients from air. But that is not the case with man. Man has to live on other living beings and in his struggle for existence, he has to inflict pain and he has to be cruel to a certain extent.

The title of this Bill, Prevention of Cruelty to Animals Bill, is a misnomer in my view, because the Bill itself legalises cruelty and advocates cruelty in certain cases. It has made a subtle distinction of inflicting pain and cruelty in necessary cases and in unnecessary cases where it should not be done. I agree with Shri Sharma that it would have been more logical if this Bill had been called as the Bill for the promotion of kindness towards animals; that would have more practicable and more logical. In fact, in western countries like England, for instance, societies are named as societies for the promotion of kindness to animals. I do not think there are societies called societies for prevention of cruelty to animals.

**Shri S. K. Patil**: They are just the same.

**Shri Mohammed Imam:** There is a lot of difference between calling an organisation as an organisation for prevention of cruelty and as one for promotion of kindness towards animals. As I have said it is impossible to eradicate or prevent cruelty completely. On the other hand, it is more logical and more acceptable by society if our aim is to promote kindness towards animals.

It is a well-known fact that every day millions of fish are caught, thrown out of the sea and allowed to suffocate and die, because we need them. Everyday hundreds of sheep and fowl are slaughtered, because we need them. If we believe in the theory that the plant kingdom is endowed with life and feeling—I am a student of botany and I know that plants feel as acutely as any other animal—every day we have to live on vegetation. Similarly, we cannot get on unless our cattle are harnessed for purposes of ploughing. Unless they are worked to the maximum extent, there would not be any food and the Food Minister will have a big problem for solution.

So, we are in the midst of cruelty. I submit that this distinction between necessary cruelty and unnecessary cruelty may lead to confusion and complications. It may lead to harassment of innocent people by officers who may be entrusted with the function of preventing cruelty. In the first place, I must state that this Bill is more or less sentimental, rather than practical. I am afraid for the the money we have to spend, the corresponding result will be very little. It is intended that a board should function throughout the country. The board will be appointed under the chairmanship of the Director of Forestry and some members will be associated with him. Their jurisdiction will extend throughout the country. They have to appoint the necessary number of officers; they have to create a branch in every State and village, because this cruelty or offence will

be going on in every nook and corner of the country.

I want to ask, will it ever be possible for this board to tackle this problem effectively. They have to appoint a number of officers in every State, taluk and village. That means Government will have to spend a lot of money. It will be a big drain on the exchequer. I do not know if the Ministry has worked out how much cost will have to be incurred by the Government if this Act has to be implemented.

In the course of implementation, this Act might lead to harassment of the poor peasants and other innocent persons. Sub-clause (1) of clause 11 lays down that over-riding, over-loading, over-driving, over-working, etc. will be considered as cruel actions. If we study what is happening throughout the country, how the cattle and other beings are treated, under this clause, it is easy for an unscrupulous officer to harass or to exploit every person who will be in charge of an animal or cattle. The ryots have to make use of their cattle for growing purposes from morning till evening for a fixed number of hours. Any person may go to him and say "Look here, you are over-working or over-driving your cattle; so, you are guilty". Or, take the case of a tongawala. He may be driving his tonga from Delhi to New Delhi with four persons. Any person may go to him and say "you are over-loading your vehicle".

**Shri C. R. Pattabhi Eaman:** I do not know whether Shri Imam is aware of the rubber-tyred bullock carts which creak when they go, creak when they go, heavily laden. Some of the bullocks die on the way but some of them are not lucky and they do not die.

**Shri Modammed Imam:** I am speaking about the ordinary ryot or peasant. Because, the rubber tyre bullock carts are not found anywhere. This Act is applicable not only in cities but throughout India. It is

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applicable to every village. So, I am speaking from the point of view of a villager. Everyday I have to make use of my cattle and I have to carry loads of merchandise. Also, I have to take persons from one place to another. It is very easy for any person who is entrusted with the responsibility of administering the law to harass me and he can book me under all these clauses. I think clause (1) (a) is a very dangerous clause, because it says: If any person:

“beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats 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.”

he is deemed to have committed an offence. Under this clause anybody who makes use of a cattle, ox or a horse can be booked and the onus of providing that he has not ill-treated the animal or caused any pain to it is on the owner himself. So, my submission is that this Bill serves not to eradicate cruelty but to help unscrupulous officers to unnecessarily harass the poor people, whose main source of sustenance and livelihood will be their animal which they have been owning.

It is odd to think that the owner of an animal will always treat it unkindly, especially when it is his main source of sustenance. For example, I am a farmer myself and I own a pair of bullocks and I feed them well. Any person who owns a cattle or horse has a greater interest in his animal than anybody else. It is rather unfair to doubt that a man will be unkind to his own animal.

Then I come to the question of performing animals. Many people have trained wild animals and domesticated them. When they are domesticated they should not be termed as wild animals. Instances were given

of monkeys and bears. It is true that the owners of these animals take very good care of them, and they give some amusement also to children and others. But if this law is strictly and implicitly applied, it will be very difficult for them to maintain these animals or to make use of them in the manner they intend to make use of them. Or, take the case of a snake-charmer. He has got a number of cobras which he has captured and which he has confined to a small basket. If you treat this as an act of cruelty he will also be liable to punishment. I think even the killing of a snake may be considered as an act of cruelty.

I now come to the point raised by Shri Amjad Ali. It is very good of the Minister that he has allowed some latitude regarding the killing of animals in a religious way. He has permitted that though it may amount to such an amount of cruelty if the old practices are continued. That comes under clause 28. But clause 30 raised some doubts. I think that clause by itself is quite unnecessary and it need not be retained. Because, clause 28 permits certain religious communities to kill the goats in the manner prescribed by religion. But clause 30 lays down that when the skin of the body is adhering to the skin of the head then the presumption is that cruelty has been committed. I do not know with what object this clause has been retained. It is true that according to the procedure prescribed by *halal* the entire skin is not severed. That is done because we must inflict the minimum possible pain to the animal which is subject to *halal*. Under the theory we cut only that portion as is necessary to kill the animal, and it is presumed that when one cuts the gullet and thyroid gland then the animal becomes helpless and unconscious. So, the retention of this clause creates unnecessary complication. Because, clause 28 only prescribe the mode of killing it and under clause 30(a) there is a burden on the person who

kills like that to prove that it is not cruelty. So, they seem to be inconsistent and it is desirable that clause 30 should be taken away, as no useful purpose will be served by it.

I now come to the animals that are used in the case of experiments. I am amused by the argument put forward by Shri C. R. Pattabhi Raman. He seems to be of the opinion that no animal should be subject to any kind of experiments by scientists. It is a well-known fact that humanity would have disappeared, at least half of its population would have been depleted if the modern system of vaccination had not been discovered. Vaccination has been discovered by having recourse to experiments on young calves.

**An hon. Member:** There is herbal vaccination also.

**Shri Mohammed Imam:** I do not believe that it is such a cruel experiment. It is good both for the calf and for the human being. Again, many persons would have become victims of rabies if experiments had not been carried out on dogs and necessary antidote had not been found. Similarly, many human lives have been saved as a result of experiments on living beings. The entire scientific study is based on experiment. First of all, experiment is carried on on a cockroach, then on a frog, then a rabbit and then, if necessary, on some other animals. These are essential ingredients of biological and zoological study. In the science of medicine and in the science of biology, there cannot be any advance unless these experiments are carried on on these animals. But, here, I am of the opinion that the entire discretion must be left to the scientist, to the doctors who are in charge of it. In the interests of humanity, we should not put any impediment in their way. We should not come in their way and hinder the good work that they are trying to do. The entire advancement of science, advances in medicine and so many

other facilities that are now available for the welfare of humanity are the results of experiment. So, I submit, so far as this aspect is concerned, there must be as little interference as possible from the Government. I find some restrictions have been imposed. They are going to form a Committee, and that committee will determine as to what animals are to be used, how they are to be used and whether they are to be used or not. I do not know how a committee consisting of civilians, consisting of persons who are not scientists, can decide whether a certain animal is needed for an experiment or whether it should be carried on or not. It is quite possible that if these provisions are rigidly enforced, the advance of science may be retarded. I am of the opinion that no impediment should be placed in their way. Our scientists—after all, they are medical men and they are humane—should be given the entire discretion as to what to do in such a matter and there should not be any interference from the State.

With these words, I have to say that this Bill, though desirable, is not practical. It will result more, as I said, in increased expenditure to the Government. It is very difficult to enforce such Bills. They will create a lot of confusion and they will give occasions to unscrupulous officers to exploit the poor innocent people who have to carry on their avocation making use of their cattle and other animals.

**श्री प्रकाश वीर शास्त्री (गुड़गांव) :**  
सभापति महोदय, मानवीय जीवन में पशुओं का एक बहुत बड़ा स्थान है। पशुओं के साथ जो निर्दयतापूर्ण व्यवहार किया जाता है, उस पर रोक लगाने के लिये राज्य-सभा में श्रीमती रुक्मिणी अग्रहवाल ने जो प्रस्ताव उपस्थित किया उस के लिये मैं इस मूल विधेयक की प्रेरिका श्रीमती अग्रहवाल को और भारत सरकार को इस दृष्टि से धन्यवाद देता हूँ कि उन्होंने मूक पशुओं के साथ जो निर्दयतापूर्ण व्यवहार किया जा रहा

[श्री प्रकाश वीर शास्त्री]

है उस की लोक्याम के लिये इस सदन में यह विधेयक उपस्थित किया है । परन्तु साथ ही साथ इस विधेयक में जो कुछ न्यूनतायें हैं, उन की ओर भी मैं सरकार का ध्यान आकर्षित करना चाहता हूँ ।

इस विधेयक में आप ने इस बात की व्यवस्था की है कि पशुओं के साथ इस प्रकार के निर्दयतापूर्ण व्यवहारों पर लोक लगाई जाये जिससे आवश्यकता से अधिक उन पर बोझ न लादा जाये, आवश्यकता से अधिक समय होने पर उन से काम न लिया जाये, बीमारी की अवस्था में उन से काम न लिया जाये । जहाँ इस विधेयक में इन सब बातों पर प्रतिबन्ध लगाया गया है, वहाँ इस विधेयक की सब से बड़ी त्रुटि यह है कि पशुओं को पीटे जाने, समय से अधिक काम लेने, आवश्यकता से अधिक बोझ लादने आदि बातों पर तो हम प्रतिबन्ध लगाते हैं, इन भूक प्राणियों को हम इस निर्दयता से तो बचाना चाहते हैं, परन्तु जो पशुओं की घड़ाघड़ हत्या हो रही है, उस के लिये इस विधेयक में कोई व्यवस्था नहीं है । इस सम्बन्ध में कई बार सरकारी बैंचों से इस प्रकार की चर्चाएँ आई हैं जिन के बारे में मुझे दुःख के साथ निवेदन करना पड़ रहा है कि जो पशु अनुपयोगी हो चुके हैं, यदि उन का वध हो जाये तो उस में हम को दो दृष्टियों से आपत्ति नहीं होनी चाहिये । एक तो यह कि अनुपयोगी पशु जो उपयोगी पशु हैं उनके हिस्से का चारा खा जाते हैं इसलिये उनका वध कर दिया जाये । पहली बात के सम्बन्ध में मेरा नम्रता पूर्ण निवेदन यह है कि मांघी जी ने इस संबंध में कुछ पहले एक सुझाव दिया था, कि जो पशु वृद्ध हो जाता है वह वृद्ध होने के पश्चात् अनुपयोगी नहीं होता । उनका कहना यह था कि वृद्ध पशु भी, उस की वृद्धावस्था में उस पर जितना व्यय किया जाता है, उस से अधिक मनुष्य समाज को दे देता है । वृद्ध होने के पश्चात् यह

सही है कि उस की सन्तान उत्पन्न करने की शक्ति समाप्त हो जाती है, या दूध आदि देने की शक्ति समाप्त हो जाती है, लेकिन वृद्ध पशु वृद्धावस्था में भी अपने गोबर से, अपने मूत्र से, खाल से, हड्डी से इतना देता है कि हम उस पर उतना व्यय नहीं करते । लेकिन इसके साथ ही गांधी जी ने जिस समय यह सुझाव दिया था उस समय यह भी कहा था कि यह सरकार का काम है कि जो अनुपयोगी पशु हैं उनके लिये गोसदन बनाये, और इस प्रकार के गोसदनों में अनुपयोगी पशुओं को रक्खा जाये । हम सामूहिक रूप से उनका पालन और रक्षण की व्यवस्था करें । यों भी जिस समय कोई व्यक्ति वृद्ध हो जाता है और किसी सरकारी सर्विस या दूसरे स्थान से रिटायर होता है तो शासन का यह नियम है कि वृद्धावस्था में उसे पेंशन दी जाती है । पूछा यह जाता है कि अब उसको क्यों पेंशन दी जा रही है जब वह मनुष्य सरकार के किसी काम के लिये उपयोगी नहीं है ? उस समय यह युक्ति दी जाती है कि युवावस्था में उसने हमारी सेवा की है तो नैतिकता का तकाजा है कि वृद्धावस्था में हम उस की सेवा करें । क्या यही उक्ति इन पशुओं के बारे में लागू नहीं होती जिन्होंने युवावस्था में हमारे हल जोते हैं, युवावस्था में दूध दिया है, युवावस्था में बछड़े और बछड़ियाँ दिये हैं और पशु समाज की वृद्धि की है । अगर यह पशु वृद्ध होने के पश्चात् पेंशन के रूप में थोड़ा बहुत दाना घास चाहते हैं तो आप उनकी इस पेंशन को भी रोकना चाहते हैं । लेकिन जहाँ तक पशुओं पर निर्दयतापूर्ण व्यवहार का प्रश्न है, सरकार का ध्यान इस ओर आकर्षित तो हुआ लेकिन बड़ी देर के पश्चात् क्योंकि मानव समाज के ज्ञान का जो आदि ग्रंथ वेद हैं, उसमें भी पशुओं के प्रति निर्दयता के निवारण के संबंध में व्यवस्थायें की गई हैं ।

एक और बात जिसे या तो आपने इस विधेयक को ड्राफ्ट करते समय ध्यान में नहीं



रक्खा या फिर जानबूझ कर उसकी उपेक्षा की है। यहां दिल्ली में ही पशुओं के साथ इस प्रकार की व्यवस्था चल रही है कि जो ग्वाले पशुओं का पालन कर रहे हैं और उनसे दूध लेकर बाजारों तक पहुंचाते हैं, वे भी उनके साथ बहुत निर्दयतापूर्ण व्यवहार करते हैं। मैं एक बार अपने मित्र की दूकान पर, जो कि केमिस्ट हैं, बैठा हुआ था। सायंकाल के समय एक ग्वाला आया और कहने लगा कि भैंसों वाला इंजेक्शन दे दो। भैंसों वाला इंजेक्शन सुन कर मेरे कान खड़े हुये और मेरे मित्र के भी कान खड़े हुये। जब उसने जब से निकाल कर एक रुपया दिया तो मैंने उनसे पूछा यह कैसा इंजेक्शन है। पता यह लगा कि जो गाय या भैंस दिक्कत में दूध देती है उसे दूध देने से पांच मिनट पहले इंजेक्शन लगा दिया जाता है। परिणाम यह होता है कि जितना दूध होता है वह भैंस के स्तनों में उतर आता है। बिना इंजेक्शन के जो भैंस सत्रा सेर या दो सेर दूध देती है, इंजेक्शन लगाने के बाद उसका सारा दूध लिया जा सकता है। परिणाम यह होता है कि उसका जो बच्चा है वह उसी प्रकार भूख से तड़पता रह जाता है। हमारे जान ग्रंथों में इस प्रकार की व्यवस्थाएँ हैं, जैसे कि मांस खाने वालों के लिये हैं, उसी प्रकार मानव जाति के आदि ग्रंथ वेद में लिखा है :

“यः मानुषेयेण ऋषिषा समंकेत  
यो अश्वेन पशुना यातुधानः  
यो अंध्याया हर्गति क्षीर मग्ने  
तेषां शीर्षाणि हरसापि ब्रश्च ।”

इसका अभिप्राय यह है कि जो गऊ घोड़े या इस प्रकार के पशुओं का मांस खाते हैं या और किसी प्रकार के मांस का सेवन करते हैं, जहां उनको दंड दिया जाये वहां उन लोगों को भी दंड दिया जाये जो दूध देने वाले पशुओं का इतना दूध निकाल लेते हैं कि उनके बच्चे तड़पते रह जायें। उनके लिये भी दंड की व्यवस्था का विधान किया गया है। मैं चाहता हूँ कि पशुओं के प्रति निर्दयता के निवारण के संबंध में जो यह विधेयक सदन में आया है और

हम उन मूक प्राणियों के संबंध में विचार कर रहे हैं, तो इस प्रकार के विषयों पर भी उसे लागू किया जाये। लेकिन इस विधेयक में सब से बड़ी न्यूनता है, जिसकी ओर थोड़ा सा संकेत डा० गोविन्द दास जी ने भी किया था, परन्तु मैं विस्तार से कहना चाहता हूँ। इस विधेयक में इस प्रकार की धारा नहीं है कि घर्म के नाम पर जो वध होते हैं, घर्म के नाम पर जो हत्याएँ होती हैं, उन पर भी किसी प्रकार का प्रतिबन्ध लगाया जाये। संभव है कि माननीय कृषि मंत्री इस विधेयक में इस प्रकार की धारा लाने समय इसलिये हिचक गये हों कि सरकार धार्मिक व्यवस्थाओं में हस्तक्षेप नहीं करना चाहती। लेकिन मुझे आप इस बात के कहने की आज्ञा देंगे कि जब और दूसरी प्रकार की धार्मिक व्यवस्थाओं में सरकार हस्तक्षेप करती है तो इस विधेयक में ऐसा करने से क्यों हिचकना चाहिये। अभी हाल में एक विधेयक रिलीजस ट्रस्ट्स की प्रापर्टी के संबंध में सिलेक्ट कमेटी को भेजा गया है जिसके द्वारा धार्मिक व्यवस्थाओं में हस्तक्षेप होगा। उस विधेयक का उद्देश्य है कि किस प्रकार इन ट्रस्टों के धन का उपयोग किया जाये आदि। तो यह मेरी समझ में नहीं आता कि जब इन व्यवस्थाओं में सरकार हस्तक्षेप कर सकती है तो जो घर्म के नाम पर इस प्रकार का वध चल रहा है उसके लिये इस विधेयक में कोई धारा क्यों नहीं आ सकती। यह इस विधेयक की एक बहुत बड़ी न्यूनता है कि जो घर्म के नाम पर पशुओं का वध होता है उसको रोकने के लिये कोई धारा इसमें नहीं है।

मैं अपने वक्तव्य को उपसंहार की ओर ले जाते हुए एक विशेष विषय की ओर सरकार का ध्यान दिलाया चाहता हूँ। वह यह है कि जहां आपने अमूक पशुओं के सम्बन्ध में निर्दयता निवारण के लिए इस विधेयक में व्यवस्था की है, वहां हमको इस विषय में गम्भीरता के साथ सोचना चाहिए कि हमारे देश का मूल आवार कृषि है और कृषि का

## [श्री प्रकाश वीर शास्त्री]

मूल आधार गोधन है। इसलिए हमको गोवध को रोकने पर भी बल देना चाहिए। मैंने कुछ बूचड़खानों में अपनी इन अभागी आंखों से गायों का वध होते देखा है। मैंने हैदराबाद के कसाईखाने में देखा है कि किस प्रकार गायों का वध किया जाता है। अगर गाय सीधी खड़ी होती है तो एक कसाई उसकी ठोड़ी के नीचे हाथ लगाता है, एक उसकी गरदन पर हाथ लगाता है और एक कमर पर हाथ लगाता है। उन लोगों को गाय के कमजोर अंगों का कुछ ऐसा ज्ञान है कि वह उसकी गरदन को इस तरह झटका देते हैं कि उसकी गरदन टूट कर कमर पर आ जाती है और वह गिर जाती है। फिर छुरी से उसकी गरदन काटी जाती है और वह बहुत देर तक पड़ी सिसकती रहती है। मैंने उन लोगों से पूछा कि तुम इस प्रकार क्यों मारते हो कि यह इतनी देर तक सिसकती रहती है, एक दम ही क्यों नहीं मार देते, तो उन्होंने कहा कि अगर हम इसको एक दम मार दें तो इसका चमड़ा मुलायम नहीं रहेगा। मेरा निवेदन है कि इस प्रकार के वध को तुरन्त बन्द किया जाना चाहिए। मैं तो नमस्त्रता था कि जहाँ कृषि मंत्री पशुओं के प्रति की जाने वाली निर्दयता के निवारण की व्यवस्था करेंगे वहाँ इस प्रकार की निर्दयता को भी रोकने की व्यवस्था करेंगे।

इसी सम्बन्ध में मैं उनको भगवान तिलक के कुछ वचन स्मरण कराना चाहता हूँ। जब देश परतंत्र था और देश में गोकर्षी के प्रश्न को ले कर बड़ा आंतरिक झगड़ा होता था, उस समय श्री बाल गंगाधर तिलक ने लखनऊ में कहा था कि हम दोनों को मिल कर अंग्रेजों को बाहर निकालने का प्रयत्न करना चाहिए। जिस दिन देश स्वतंत्र हो जाएगा

उस दिन एक कलम से गोकर्षी को बन्द कर दिया जायेगा। लेकिन आज हमको स्वतंत्र हुए १३ वर्ष हो गए हैं लेकिन मुझे कृषि मंत्री जी से यह कहते हुए कष्ट होता है कि आज भी हिन्दुस्तान में गोवध जारी है। इसलिए मेरा निवेदन है कि जहाँ वह पशुओं के प्रति की जाने वाली निर्दयता को रोकना चाहते हैं वहाँ पशुवध को और विशेषकर गोवध को भी रोकने की व्यवस्था करनी चाहिए। तभी आने वाली पीढ़ियाँ उनकी आभारी होंगी।

**Dr. Melkote (Raichur):** Let me at the outset congratulate the sponsor of this move, Shrimati Rukmani Arundale.

I am aware this is a piece of social legislation, and the extent to which we could enact on this subject depends upon the extent to which people used to accept the law regulating it.

There are two aspects of this question: cruelty and killing. While humane methods of dealing with animals, kindness etc., are laudable objectives, the killing of animals is a thing which I abhor. I at one time felt that I should table an amendment which would negative this Act altogether, but then I thought I would not be correct because the first part of it, kindness to animals or prevention of cruelty, is laudable and I support that aspect of the Bill. The second aspect of it, killing, is also a factor prevalent in society today, and if I oppose it, possibly society will not heed me. Even so, I have an opportunity to explain why the killing of animals should not be resorted to.

There are very many people who have spoken at vegetarian and various other conferences, but to me it

appears that the principle behind vegetarianism has been forgotten. Shri Mohammed Imam just now said that in this world everything has life. There is nothing that has no life or consciousness and therefore the life of anything that we eat, vegetable or animal, has life.

### जीवा जीवस्य जीवनम्

i.e., from out of life to life is begotten. While that is so, what is the objective? While cruelty can be minimised, killing is the greatest cruelty, and to speak of being humane there is a meaningless affair. If any part of the world has a considerable section of vegetarians it is India. Even so, even here, it is only 2 or 3 per cent who are strictly vegetarian. The other have a selective choice. Either they are vegetarians, or non-vegetarians.

How did this principle evolve? Has it merely an emotional content or is there any science behind it? If one examines it from the scientific point of view one would find that the whole of the animal kingdom—and man is the highest type of animal—can be divided into two broad categories, animals that lead an active existence in life during day-time, and animals that lead an active existence during night-time. All animals that lead an active existence during night-time, without exception, are meat-eating; they would not even touch a bit of grass. All animals that lead an active life during day-time are all vegetarians without exception, and they do not touch even a bit of meat. This is a natural law. And man is the highest type of animal. The difference between these two types of animals is in the food content that they take; one takes vegetarian food, while the other takes animal food.

And what are the different characteristics that have developed between these two types of animals? The night animal is secretive in nature; it is violent in nature, is selfish in nature,

and has a pack instinct, whereas the day animal is non-secretive, non-violent and unselfish and goes about in herds. How did this come about in animals which have only instinct and no reason about them to go about.

The fact is this that in this world the vegetable life, the population of vegetables, is plenty, whereas animal life is sparse. Animals move, but vegetation is stationary and remains at one place. These two factors, namely sparsity of population of animals and motivity, and plenty of vegetable life and its fixation to one place have developed two different characteristics in the two types of animals that I have mentioned.

How has this been brought about? If one animal has to eat another animal, no animal would remain at one place to be caught and eaten, but it would go away. But the animal has got to satisfy its hunger only by eating another animal. Therefore, willy-nilly, it has got to catch another animal, and it catches it by secretive methods. It secretly watches and pounces upon its prey. When it catches it, violence is involved, because it has got to kill it; the hunger that is gnawing in its stomach is so much that the animal does not mind a certain amount of violence. When it starts eating the idea of, 'myself and my children' comes first because it does not know when it would get food again; that is how it develops. Therefore, these types of animals go about at best in small packs; one pack of wolves fight another pack of wolves and so on. This is how the character of the night animals has been developed.

In the case of the day-time animals, however, since vegetation is stationary and plenty of it is also available, secretiveness is unnecessary, violence is unnecessary, and selfishness is also unnecessary, and, therefore, these animals could go together in bigger groups or herds. So, the day-time

[Dr. Melkote]

animals move together in big groups, because they think of one world, whereas the night animals go in small groups, each against the other, with one pack of wolves fighting another pack of wolves.

In the case of thinking man, I do not know why a change has taken place. When man was evolved, he started as a cannibal. Monkey is supposed to be the next lowest to man, and monkey is vegetarian. But, in man who comes next higher, there seems to have been a retrogression, in evolution because man again became a cannibal. Why he became like that, it is impossible for me to say, but that is a fact. But thinking man in India, considering this aspect of the question and thinking that there should be one world which has to bring all men together, have evolved this formula that the best method of eating food is to take vegetable life, which is not so highly evolved as the animal life. That was how vegetarianism in diet came in India. It is this aspect of the question that today even scientists who are progressive are appreciating. There are a number of experiments that we have to conduct on animals. But, now, X-ray, electronic and other instruments are coming up, which do not necessitate the use of animals for experimentation where cruelty is involved. Even so, we are still lagging behind in those techniques. How our ancients found out these things is beyond me to say. But a time may come when this kind of cruelty may not be necessary. But I wanted to place before this House this aspect of cruelty to animals, particularly in regard to killing for food. I am personally against it. But, as I said, this is a social law and we can only go to the extent that the country would permit us. So while this measure that is to be enacted is certainly progressive, and hence I welcome it, I wanted to place before this House my views with regard to the killing of animals for food.

16 hrs.

**Shri T. Subramanyam** (Bellary): I congratulate Shrimati Rukmini Arundale and Shri S. K. Patil on this piece of legislation. I welcome this Bill and accord it full support. But, no doubt, it has got some shortcomings.

The basic approach of this Bill is compassion for animals. One hon. Member referred to the definition of 'animals' in clause 2:

“‘animal’ means any living creature other than a human being”.

No doubt, if it is interpreted too literally, it will lead to something very absurd. But when we have got to deal with a subject which has a universal scope, we can only take up the subject-matter which is relevant to our discussion and then proceed. The basic approach is compassion for animals or kindness to animals. One hon. Member suggested that the title of this Bill should not be as it is, 'Prevention of Cruelty to Animals Bill'. It should not be so. It should be 'Promotion of Compassion to Animals Bill'. It means the same thing; prevention of cruelty to animals and promotion of compassion towards animals are like the two sides of a medal. If a man is compassionate towards animals, it naturally leads him to a stage when he finds it impossible to commit acts of cruelty.

In this context, I would like to mention that the great *Ramayana* of Valmiki was born out of this feeling of compassion. Valmiki saw one female bird, *crounch*, which was shot by a cruel hunter. It fell down screaming and the male bird came and began to weep. This created a sense of acute compassion in sage Valmiki and that feeling of compassion was the inspiration for beginning his *Ramayana*. That is how we learn. Therefore, our very ancestors, the Buddha, Rishes or other saints, sages and prophets, have all promoted this feeling. It is a humanising process. We owe

it to ourselves to pass such a piece of legislation.

Originally, only the larger cities were able to enforce the laws included in this Bill. Now it is sought to be extended to the whole of India, rural and urban. Therefore, we should welcome this legislation.

This Bill proposes to constitute an Animal Welfare Board. One hon. Member said that it is of a negative character. It is not entirely so, because clause 4 says that the Board is for the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering. Therefore, it also contemplates steps for positive acts of promotion of animal welfare. For instance, the Board may make recommendations to local authorities for protecting these animals by providing with troughs, places of shade and so on. Therefore, it has the aspect of promoting positive welfare of animals also.

Another function of the Board is to keep under constant study amendments. Of course, as it stands, the Bill has some defects. It is difficult to say where necessary injury ends and unnecessary injury begins. In this margin of fine shades, it is difficult to pinpoint all the unnecessary injury which ought to be prevented. But, towards that end, this Animal Welfare Board has been constituted to keep under constant study the necessary amendments to be made in this Act and also to advise Government and the local authorities to take steps to give effect to and implement the provisions of this Act.

A definite responsibility is sought to be fixed upon the owners of these animals. That is a good thing, because, in many places, we find these owners simply allow the animals to go astray as they like. These cattle and dogs are allowed to stray and cause any amount of mischief. Some of them may have disease. That is sought to be prevented by this.

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Then, mutilation is also sought to be prevented. I have seen in some places some beggars taking small cows with a foot imbedded in the flesh. That is, the foot of another animal is cut and a small opening is made at the back of the animal and it is put there and some sort of bandage is tied and it becomes part of the organism. Then they exploit it at shandys and market places and try to show it as something extraordinary and exploit innocent people. This sort of thing is sought to be prevented by this Bill. Therefore, there is a definite provision to prevent mutilation.

My hon. friend Shri Imam said that it gives scope for unscrupulous officers to deal harshly with people. It is true. Any legislation of this kind is subject to such risks. But, then, the Animal Welfare Board can frame appropriate rules to prevent such unscrupulous and harsh implementation of the provisions of the Act. It is a question of choice between two evils and a balance of convenience. Either you must have a law or no law at all. It is better to have a law; at the same time, enforce the powers in such a manner that they are exercised to cause minimum risk to the citizens of this country.

Reference has been made to the experiments that are necessary for scientific study. Even there, the object is not to prevent altogether such experiments being carried on. There is no such total ban at all.

**Shri C. R. Pattabhi Raman:** It is only unnecessary cruelty that is prevented.

**Shri T. Subramanyam:** Unnecessary harm to these animals is sought to be prevented. We expect also those people who carry on these experiments to carry them out in a humane and compassionate manner. I do not think they are of a sadist temperament. There should be no fear or apprehension that the Act will be used to retard the progress of science or scientific research.

[Shri T. Subramanyam]

With regard to performing animals a word has been said. The main idea is to prevent unnecessary injury. Taking it by and large, I accord full support to the Bill; in spite of the shortcomings I welcome this measure and congratulate Shri S. K. Patil for having brought forward this Bill.

**Mr. Chairman:** Shri Warrior.

**Shri Warrior (Trichur):** Mr. Chairman, Sir, I will not take too much time at the fag end of the day.....

**Mr. Chairman:** Not much time left either.

**Shri Warrior:** I am conscious of that limitation. But I will mention only two points because I had occasion....

**Shri Amjad Ali:** Sir, we had saved about two hours out of the previous Bills. We can utilise the rest of the day for this because there are many speakers who are anxious to take part in this discussion.

**Shri C. R. Pat'abhi Raman:** There may be a general discussion. When the Deputy-Speaker was in the Chair.....

**Mr. Chairman:** I will look into the proceedings.

**Shri Amjad Ali:** At least three hours may be given. There are many persons who are desirous.....

**Shri S. K. Patil:** The time allotted is three hours. The Deputy-Speaker put it to the House that if the amendments are not taken this can go on. This sort of discussion was not there originally. It forms part of the three hours.

**Shri Amjad Ali:** We would like it to go beyond three hours.

**Shri Warrior:** I had occasion to submit my observations even at the time this Bill was introduced in this House for the first time and before it went to the Select Committee. At present I am only pointing out or emphasising two points, about which also I had

occasion to mention at that time. The first thing is about the definition of the word "cruelty", and the second is about the authority given to the executive for implementing this legislation.

Sir, many speakers here have mentioned that it is very difficult to define the word "cruelty"—I am not going into the point of defining the word "animals" and I leave it to other speakers—and that it is undefinable. That may be correct to some extent if the approach to this problem is very sentimental, emotional, philosophical or religious. But we are not in that plane today and it is not necessary to import all those things here.

**Shri Amjad Ali:** Sir, I rise to a point of order. It has been previously ruled that the approach to the Chair has got to be strictly discouraged. Now I find that Members from the Congress Benches approach you making the neighbourhood of the Chair into a melee. That takes away the dignity of the Chair. We derive our dignity from you. Therefore, that ruling should be strictly enforced and this practice of approaching the Chair in this manner should be discouraged.

**Shri C. R. Pattabhi Raman:** I am surprised. Sir, at the point raised by my hon. friend. You are the best judge, Sir, and you may tell him what happened.

**Mr. Chairman:** There is no point of order in this.

**Shri Warrior:** This Bill is more or less the outcome of the report of an enquiry. In that report, which I have with me, on page 16, the facts about a study that was made of the then existing Act are given. There are certain definitions given of this word "cruelty". It is said there:

"A study of Appendix VII will reveal that the various enactments in force in different parts of

British India sought to punish the following acts of cruelty to animals."

I went through all these definitions. These are very definite and specific acts of cruelty. It is not as undefined or vague as it is put in the present enactment. Why is it that it was so real and specific in those Acts and it is so unreal and philosophic in the present one? I am unable to understand the reasons for this. Unless we look into this matter more carefully we will not be able to find out the root of this change over.

In that report, the committee itself has observed that those former enactments throughout British India had their limitations. Even now under this Bill, as Shri Patil has been pleased to say, there are limitations. This is not an ideal Bill, because cruelty is such a thing in India, as elsewhere, which cannot be defined in general terms. Only certain specific acts that are going on, that are rampant, that are practised by a large section of the population can be included under "cruelty" in a legislation. As Shri Amjad Ali has been saying, hitting of a mosquito or pinning a bug cannot be brought in a legislation. That is true, but we have to stick to the realities of the situation and assess what is going on in our country and then, as far as possible, bring in a legislation in which we can put all this in a specific way, because there is always a danger in indefinite definitions. When the definitions are not very specific, it is difficult even for the authorities to proceed, even if the onus of proof is on the prosecuted or on the prosecutor, and it is difficult for the deciding magistrate or the judiciary to pinpoint the guilt and the offences and also punish the person if punishment is called for. Hence, I would also say that on the basis of the former enactment, we should have looked into this matter more carefully and we should not have brought in an omnibus definition. It was at that point that I

had stressed when I made my observations in the earlier deliberations which we had in this House. At that time, the Deputy-Speaker was in the Chair, and he was also helpful in intervening and passing some references on that matter.

I had then referred to section 11 which says:

"(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats 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".

Of course, an owner will not be always kicking or beating or make injuries on the animal unless he is much worse than the animal itself. But there are owners in this country who cannot but resort to these things. I do not know about the model farm of which Shri M. V. Krishnappa has been telling us the other day, but ordinarily, in our fields, we see all these things going on. It cannot be so, because the owner himself is half-starved or halfnaked. How can he be expected not to beat his cow which is generally quarter-starved or completely starved or his buffalo which he employs in his field? So, it is unreal as far as the existing conditions are concerned. I am not for beating any cows or buffaloes. You know the tail of the buffalo is twisted. Otherwise, the animal would not move. What can you do? That is the problem with the peasant. We have seen that: not that the peasant likes that the tail should be broken, but that is the only accelerator for the animal to move on. That is the real problem. There are cruelties and cruelties, but they are not mentioned here.

For instance, I should like to tell my North Indian friends a form of cruelty which is practised in my part of the country. Of course, it is fading away gradually. For the *Yaga*, there is one way of killing the goats. All

[Shri Warior]

the nine holes or the outlets of the animal—that is, the *navadwaras*—are held tightly by the people, and the animal is suffocated until it dies. It is a *Yaga*, a ceremony. It is a religious thing prescribed by our Vedas. Then, after the killing, the animal is roasted and the best portion of the animal—I do not know which is the best portion—or the most edible portion or the most delicate portion is taken out and the *karmi*, the man who performs the *Yaga*, eats it. He is a superior Brahmin and he gets a great promotion and is upgraded. This practice is in vogue even now in Kerala. The Namboodiris perform such *Yagas*. If this Bill had provided that such *Yagas* should not be performed, I can understand. You must be specific. Be clear; be definite. Definitions like kicking, howling, taking the animal by horns, etc. should not be brought in like this, because they are so unreal.

Another point is about the experiments which have been mentioned. A raja in order to please an European Governor sometime back, before 1947, of course, brought a tamed elephant from the forest, put it before the *bada saheb* and shot it for pleasure's sake. This raja has got rajaship at both ends of his name, just like the hand-pounder. Such things should not be allowed. Even now our cattle life is going down too much. If you go to Thekkadi in Periyar region in the high hills of the Western Ghats, you will see how beautifully they have kept the wild game in natural condition. If natural conditions are disturbed, let us put an end to that.

**Shri C. R. Pattabhi Raman:** In Madras and Mysore, there are definite Acts preventing animal sacrifice.

**Shri Warior:** I was referring only to Kerala and not to Madras or Mysore. Only recently a neighbour of mine, a *namboodri* performed this *yaga*. That is why I said it is fading,

but still it is there. These cruelties which are practised in this way must be brought in definite terms under the Bill; then only we can take action upon them.

The other day we had a discussion about fodder and Shri Krishnappa gave a lucid picture of the cattle wealth of this country. I went to the Delhi pounds to get some good breeds from here to be transported to Kerala. We are told, after the milking period, the cow is left alone and all these cows become the responsibility of the Government. If the Railway Ministry also co-operates in giving us some concessional rates, much of the cows can be transported.

**Shri M. V. Krishnappa:** They are given concession. 20 M.P.s have taken cattle.

**Shri Warior:** Then there are other household domestic animals. What shall we do with them? It is not a question of sentiment and emotion. Of course, nobody wants to kill anything, including bugs, unnecessarily. What about cows and buffaloes? Either you *emaciate* them or starve them to death or do something else. I do not know what should be done with them. But the fodder and other problems will be always demanding some stern action for this. Now, that is not cruelty coming within the ambit of this Bill, I mean, leaving the cow to find its own food, eating paper and whatever comes in its way, because it does not get proper food. This problem is very important.

There are certain killings in our place, for example, the killing of the pork. A hole is dug in the earth and the pork will be put into it. Only the head portion will remain outside and the pork is beaten to death. This is a cruel and inhuman treatment which we cannot stand. But why not the municipalities provide better abattoirs? Why not they provide electric abattoirs. It is not killing alone.



Killing as such cannot be taken as an abstract subject.

**Shri C. R. Pattabhi Raman:** Pigs are electrocuted first in civilized countries.

**Shri Warrior:** I know that is done in civilized countries.

**Shri Amjad Ali:** India is not civilized to that extent.

**Shri C. R. Pattabhi Raman:** They are stunned first before they are killed.

**Shri Warrior:** India has not reached that stage where we can have all this. I know there was a case where the owner of a dog was riding his motor-bike and his dog was running behind on the road. The dog was not able to keep pace with him and still he speeded up. The S.P.C.A. gentleman was seeing all this and he at once stopped the motor bike and prosecuted him, because he has made the dog, which has such loyalty to its owner, to run at such speed unnecessarily. I can understand that being treated as a cruelty in a civilized country. But here things are quite different. That is the sum and substance of my contention. There should not be any ill-treatment or cruelty to animals. But, at the same time, if these are not related in specific terms in an enactment to the conditions obtaining here, then the question of harassment will come in.

I have quoted the other day the story of how the order of a Raja was taken by a clever and ingenious fellow to amass a great amount of wealth. When that person went to the Raja for some job, the Raja asked him to go to the shores of Arabian sea and count the waves. He went to the shore and started counting. He would not allow a single canoe or ship to go near the barour, because that will disturb the waves, and he had a pucca order for the counting of waves by the Raja. So, for every canoe and

ship he will take money. Then he built a palace even bigger than that of the Raja, in front of the palace of the Raja. The Raja asked his Diwan "Whose palace is coming up in front of mine?" The Diwan replied "It is of that person whom you asked to count the waves". The Raja was surprised how the counting of waves could help a person to make money. Then the Raja knew that even the counting of waves could help a person in getting money.

The same will be the effect of this enactment, if we cannot properly enforce it and if we entrust it in the hands of unscrupulous people. They will unnecessarily harass people. Now, under this law, anybody can search the house of anybody or any shed. Even at an earlier stage I had pointed out that even in civilized countries the prevention of cruelty to animals is not entrusted to police officers and it is entrusted only to humanitarian associations. The Society for the Prevention of Cruelty to Animals are operating in many of the civilized countries and they also take up these cases, as they are bound to under the law. But they do not resort to the harassment of the poor people, consciously or unconsciously, by entering their houses. Under this Act even the policemen are empowered to enter the house of a peasant.

Now, 80 per cent of our people are peasants owning cattle. There will not be a single peasant who has not got a pair of bullocks. If he has got a poor and famished cow or buffalo the police can prosecute him. So, what I say is this; make the conditions of the people better first. Before that, if you give this harassing weapon in the hands of people, even though intentionally they may not like to harass people, because the provisions of law are such they are bound to harass people. What is the point in your coming afterwards and saying "These people have harassed them; it is not the intention of the law makers to do that; it is not the intention of

[Shri Warrior]

this august body, the Parliament, which wants only good things to be done; actually, it has blessed this Bill, because they thought there should not be any cruelty to animals"? There is no gainsaying that. Everybody admits all these objectives. In actual practice, what is going to be in the villages is this: harassment. In the beginning itself, I said this should not be viewed from the angle of philosophy, etc. Why should we import all those things here? My hon. friend Shri C. R. Pattabhi Raman has been telling us of vegetarianism and all these things. There are two sides to the question. If the Eskimos are asked to take sambhar and aviyal, I do not know what will be the effect. My hon. friend Dr. Melkote said that monkeys are not taking flesh. But monkeys eat fish.

**An Hon Member:** They eat insects also.

**Shri Warrior:** Man originated on the river banks and began to eat fish first before any vegetable. That also is a theory. Is it necessary to bring in all these theories here? I do not think it is necessary to bring in all these theories here. I will quote the first hymn of the Rig Veda. What does the hymn say? That hymn says: Oh Indra, soma is ready for you; meat is ready for you; come and enjoy them and help us with your thousand horses to defeat the dasyus. That is the first hymn. I am not saying that they must be condoned and accepted. Why should we import unnecessary extraneous matter when we are deciding upon something very mundane.

**An Hon. Member:** Where do you find it?

**Shri Warrior:** We find everywhere in the Rig Veda.

I am for the Bill. That is there, because I do not want unnecessary infliction of pain. But, necessary and

unnecessary are very indefinite terms. Such and such an act, such and such an act, such and such an act must be defined clearly and specifically and brought within the Act. That is my suggestion. These harassing clauses must be at least for the present taken away from the Bill, or at least kept in abeyance at the time of making rules.

**Shri Jaipal Singh** (Ranchi West-Reserved—Sch. Tribes): Mr. Chairman, I am, indeed, more than grateful to you for giving me this opportunity to participate in this debate.

I am more than shocked that my hon. friend the Minister of Food and Agriculture should be a party in any form, direct or indirect, in the presentation of this Bill. I had hoped that he would have continued to be occupied with the more important task of feeding animals, human beings and the like. The legislation is sheer waste of time. If you will forgive me, Sir, I had hoped that the Nehru Cabinet had better things to do in life. But to me, this seems something where their thinking had stopped suddenly and they had to take recourse to useless matter which would occupy us here in Parliament, in the Upper House and in the Lower House at the instance of a very worthy lady. I find it very difficult to accept this Bill. I want to tell my hon. friend over there that this Bill should be thrown out of this House lock, stock and barrel. I shall endeavour to give my reasons for all this virulent, forthright attitude.

First of all, what does this Bill stand for? If you look at the very first page, what is an animal? An animal means any living creature other than human being. Only behind the Chair the other day, there was a reptile. I want my hon. friend to say what he means by unnecessary pain, sufficient food, confinement and all these various things. I would like

him to give us a demonstration. I am proud of the fact that my hon. friend over there is a lover of animals. He has some very fine dogs. He has finer ones than we.

If we go through the Bill, we will discover that he can be put to trouble by any one in the street about his dogs, for chaining them or not taking them out for exercise. If I may say so, this unnecessary pain, reasonable opportunity for movement, sufficient food and drink, shelter etc., are all very vague things.

You do not make people kind of legislation. Our Government has failed to make people honest or sober or, for the matter of that, diligent by legislation. Our Government has painfully failed to implement prohibition by legislation, *et hoc genus omne*. By legislation you do not achieve something that can be achieved by education, by a certain, shall we say, spiritual development in man.

On the question of kindness to animals, as I have said on the floor of the House before, I have found my friends here worshippers of the cow, the horse and everything else. There is not one of them who has moved an inch to cut a blade of grass to feed the cow. Yet they talk about the slaughter of cows. They do not seem to be bothered very much about the slaughter of human beings. The cow is more important than anything else. I am not arguing against that, but the point is this: what are the positive, concrete steps that my friends take. As far as I am concerned, without trying to offend any one, it is much more important, is it not, Mr. Chairman, that one half at least gets a full meal, than both halves getting practically nothing. Well, the solution is there.

So, my main difficulty is that by having this type of legislation, we shall be bringing into existence and administration that will be of harassment to everybody.

My friends over there to the right only talk of the poor man, they say the poor farmer will be harassed. Actually, it will be the rich man who will be harassed because there is more money to get out of him. Out of the poor man, how much can you get?

**Shri Tangamani:** Both the poor and the rich will be harassed.

**Shri Jaipal Singh:** I am not worried about the poor man. The poor man can look after himself. Certainly, my friends will look after the poor man. But here is the case of a man who does not necessarily have to live on the animal. The poor man is dependent for his livelihood, agriculture, haulage, everything else on the animal, but with the rich man it is a question of love for the animal. As I said, harassed every one will be.

This type of legislation is going to multiply corruption in our country. Let any Member of Parliament come to my house, I will show him how animals are treated in my household. I have no place for bugs in my house, no place for mosquitoes. They are included as animals in my friend's Bill. They are also animals, and I must be very polite to them, I must not unnecessarily cause them pain. In fact, I must look after them. What is this type of legislation?

The point is, certainly the tradition of our country through the centuries has been one of kindness to life as such. We have even gone to the extent of believing that plant life has feeling. It was left to Shri Jagdish Chandra Bose to demonstrate that even a plant had feeling. I was an under-graduate those days at Oxford. It was the last thing he demonstrated to the rest of the world before others discovered and developed other theories, how when you plucked a twig, the plant also felt. So, it is not merely a question of what we do to animals as defined by my hon. friend's Bill, because there is no definition at all. He is going to keep

[Shri Jaipal Singh]

a reptile in his pocket every day in the name of kindness to animals. If he is going to live up to this Bill, that is what he should do. He should, in fact, breed all the mosquitoes in his own garden so that they do not go elsewhere. That is what he should do, so that others do not have an opportunity to be unnecessarily unkind and they need not be unnecessarily cruel to anything else. Let everything be concentrated in the hon. Minister's own place.

**Shri Chintamani Panigrahi:** Why should my hon. friend take the hon. Minister seriously?

**Shri Jaipal Singh:** It is a very serious thing. I thank you because of that. It is a very serious thing. It is just one other way of showing what hypocrites we are in this self-righteousness of kindness to animals. Is there any law that has prevented any one of us, any one of the forty crores of people in this country from being kind to anything? Do you need legislation to teach you to be kind to anything? Do you have to punish somebody to make him do the right thing? Is that our approach? I ask my hon. friends on the other side. Sir, by legislation, we solve no problem. Here, we have deep and ancient myths of kindness particularly to the cow. But the very essence of our civilisation throughout the ages has been one of kindness to life as such.

Now, today, I am hocked that we should have found it necessary to bring forward legislation to remind us of that, of something that should have been on our very blood, without having to be reminded of it. Today, we have become so impervious to what we are that legislation is necessary for us to be reminded of this.

I have a feeling that my hon. friend will oblige me; I think he wants to oblige me, but there will be strings, I do not know, not the American strings I am thinking of, but there may be strings. But if I know him at all, if

I know his love for his animals in his own house, the best thing he can do is to condemn this, withdraw himself and leave things where they should be.

**Shri Ganapathy (Tiruchendur):** It is a good thing that this Bill has been brought forward, and we are going to enact it into law. But under the guise of this Bill I am afraid more harassment will be caused to the villagers or agriculturists than good, so much so that I feel that the interest of animals should not be placed before the interests of human welfare.

For instance, clause 11 (1) (a) prevents beating, kicking etc., and sub-clause (1)(k) prevents starvation, thirst, overcrowding etc. Taking these two clauses into consideration, we have to consider how far we can help the agriculturists, because they are the people who will be very much affected by this.

15.59 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

For instance, a certain amount of goading or kicking or beating is required to make an animal do better performance. I hope everyone will admit that.

**Shri Narasimhan:** Even here, whipping is required.

**Shri Ganapathy:** For instance, while ploughing, if the bull lies down and refuses to work, then, what do the agriculturists do? They immerse its mouth and nose into water, suffocation is caused, then, immediately, it gets up and does its work. I think the pain caused by castration will be more severe than that caused by this suffocation to make the bull give a better performance. How are we going to prevent such things?

As regards starvation and overcrowding, the hon. Deputy Minister will know what is the state of affairs. Take the case of sending stray cattle to the south. How far is it practical?

The other day we had the experience of seeing it, the overcrowding and starvation in the Railway wagons on the way. When the cattle require water, we cannot provide the water. Such practical difficulties will arise.

A poor man will rear a small dog or small cat. They become pregnant. They will not bring forth only one baby; they will bring forth several babies. What is the poor farmer going to do with them? What provision can he make?

**Mr. Deputy-Speaker:** The Minister might have some plans in view. Why should he be so pessimistic?

**Shri Ganapathy:** The poor farmer will keep one or two of them and will throw the rest into a well or outside. That is the common experience in the village side. People who come from villages know about this. This is a practical way of disposing of them because the farmer cannot afford to maintain all the babies.

Then again, certain animals become unwanted. After we make use of them, they become old. Who is to take care of them? The farmer will take his old animal to the market. The market will be 20—30 miles away. There again the question of feeding it comes. Again it faces starvation. Such practical difficulties will arise. I hope in making rules the hon. Minister will look into these things.

Then I come to clause 28. It says:

“Nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community”.

Here I want to mention that there is already an Act in Madras State by which Hindus are prevented from sacrificing animals for religious purposes. It is not made cognisable. There was some respect for the law in the beginning, but when it was not cognisable, people had taken to the sacrificing of animals again. Are 1568(Ai) LS—8.

Government afraid of making this clause not applicable to the Hindus, that is, preventing them from killing and sacrificing animals for religious purposes? They could have boldly done it.

Again, I am not sure whether because of this exemption, the Act already in force in Madras will be repealed.

**Shri S. K. Patil:** No, no. It is not necessary.

**Shri Ganapathy:** Of course, I have my own doubt. That has to be cleared.

Again, forfeiture of animals is provided for in another clause. It is very uncharitable on our part to do this. Mere punishment by way of fines should suffice. For doing some harm to animals, a person should not suffer imprisonment. After all, especially on the village side, no agriculturists will cause harm to the animals or pains to them, just for pleasure. They will do it for some definite purpose, the purpose being to produce more food. These are the people who produce more food. By the introduction of this legislation, they should not be harmed very much.

Then care must be taken to incorporate rules to protect farmers who do certain acts to put animals to better performance.

Lastly, with regard to clause 30, presumption to guilt. If a man is found in possession of the skin or the bone, he is considered to have caused some offence with respect to animals. This is a deviation from the general principles of the Criminal Procedure Code and the Indian Penal Code. The burden of proof must always be on the complainant and not on the accused, sufficient care is not taken and if this is put into force, it will be very difficult to prevent people from causing unnecessary hardship to the persons who are in possession of the skin or bones or other things.

I think some other Bill will also be introduced or some amendment at

[Shri Ganapathy]

least to prevent Hindus from sacrificing animals. There are already Acts in Madras and Mysore to prevent this, killing of animals for religious purposes. It is an open way of killing a number of animals during festivals, the sight of which is horrible and intolerable. I hope our hon. Minister will do something immediately in that regard.

**Mr. Deputy-Speaker:** I find that there are so many hon. Members still wanting to participate in this debate. Originally, we had fixed 3 hours for this. We ought to have concluded by 5—all the stages. At that time I had suggested that we should apportion the time for the general consideration and the clause by clause consideration; but that was not done. Now, may I know the wish of the hon. Members, whether they want to continue this?

**Some Hon. Members:** Yes.

**Shri M. V. Krishnappa:** We can finish this.

**Mr. Deputy-Speaker:** Shrimati Subhadra Joshi.

**श्रीमती सुभद्रा जोशी (अम्बाला) :** उपाध्यक्ष महोदय, मैंने अभी कुछ एक-आध आनरेबुल मेम्बरों की जो तकरीरें सुनीं तो मुझे उनको सुन कर बड़ा ताज्जुब हुआ। मैं तो समझती थी कि बिल का नाम ही ऐसा है जिसमें किसी को ऐतराज नहीं हो सकता है। आखिर इस बिल के जरिए जानवरों के प्रति क्या करने की कोशिश की गई है? इस बिल के जरिए जानवरों के साथ क्रूरलिटी, कठोरता और बेरहमी को रोकने की कोशिश की गई है। ऐसा कौन इंसान होगा जो अपने आप को इंसान कहे, जिसको लोग इंसान समझें और जो यह कहे कि जानवरों के प्रति होने वाली बेरहमी रोकने की कोशिश नहीं करनी चाहिए। इस बिल में सिर्फ उस बेरहमी को रोकने की कोशिश की गई है।

अभी मेरे एक आनरेबुल मेम्बर ने कई बातें कहीं। मालूम तो यह हुआ कि वे बिल के खिलाफ बोल रहे थे मगर दरअसल उन्होंने वह तमाम कारण दिये जिन कारणों से कि यह बिल पास होना लाजिम होना चाहिए। उन्होंने कहा कि जब किसान का बैल गिर जाता है तो उसे उठाने के लिए कौन सा तरीका अख्तियार किया जाता है। उपाध्यक्ष महोदय, यह क्यों नहीं देखा जाता कि बैल किस लिए गिर जाता है। कोई हमेशा हठधर्मी नहीं होती है, कोई हड़ताल नहीं होती है बल्कि बैल अपनी कमजोरी की वजह से ज्यादा काम करने की वजह से और भूखा मरने की वजह से गिर जाता है और उठ नहीं पाता। इसी तरह कई कारण हो सकते हैं जिनकी कि वजह से वह गिर जाता है लेकिन उसे कोई एक जस्टिफिकेशन बनाना कि उस वजह से कोई कानून पास नहीं होना चाहिए और यह कि अगर ऐसा कानून पास किया गया तो किसान की पैदावार में कमी हो जायेगी सही और मुनासिब नहीं है। बैल के प्रति बर्ती जाने वाली कठोरता और बेरहमी को रोकने से वह किसान के प्रति कठोरता हो जायेगी यह मेरी समझ में नहीं आता है।

हमारे उन आनरेबुल मेम्बर ने यह भी कहा कि जब गाय दूध देने के काबिल और काम की नहीं रह जायेगी और वह दूर उसको बेचने के लिए ले जायेगा, २०, २२ मील बेचने के लिए ले जायेगा तो उसके खाने का प्रबन्ध वह कहां से करे। मैं तो उन की यह बात सुन कर हैरान हूँ कि यह बिल पास नहीं होना चाहिए और मेरे तो उन की तकरीरें सुन कर रोंगटे खड़े होने लग गये और मेरे दिमाग में यह बात आई कि काश कोई जानवरों की पार्लियामेंट बैठ सकती, कोई लोक-सभा जानवरों की बैठ सकती . . .

**उपाध्यक्ष महोदय :** वह लोक-सभा कैसे होती ?

**श्रीमती सुभद्रा जोशी :** कोई जानवरों की इस तरह की सभा होती, ऐनीमल्स की लोक-सभा मैं कह रही थी और उन मेम्बर साहब के मुताबिक ऐनीमल्स में सब आ जाते हैं, उनकी कोई सभा होती और वह इंसान जो अपने आप को इंसान कहते हैं उसको देखते कि वह किस कदर जानवरों के साथ कठोरता करते हैं, किस तरह से उन के साथ बेरहमी के साथ पेश आते हैं तब उन की समझ में आ सकता था कि 'वाकई इंसान जानवरों के साथ कैसा बेरहमी का सलूक करता है। यहां हम लोगों की लोक-सभा है जो अपने आप को जानवर नहीं कहते हैं, ऐनीमल्स नहीं कहते हैं, इंसान कहते हैं और अपने रोज-गार के बहाने और अपने काम के बहाने उन क्रुएलिटीज को प्रीच करते हैं और उस बेरहमी को डिफेंड करते हैं जो कि उन्हें बंद कर देनी चाहिए।

हमारे उन माननीय सदस्य ने पुराने जमाने का हवाला देते हुए बतलाया कि पुराने जमाने में इंसान गोष्ठ खाते थे और सोम रस पीते थे लेकिन वह भूल गये कि आज वह किस जमाने में रह रहे हैं और तब से सम्यता कितनी प्रगति कर गई है। अब मांस खाने की ही बात अगर कही जाये तो उनको मालूम होना चाहिए कि संसार में ऐसे भी मुल्क हैं जहां कि मनुष्य का मांस खाया जाता है, इंसान इंसान को खाता है, जानवर को खाने की कौन कहे। अब इस बिल के जरिए तो जो अननेसेसरी पेन पहुंचाया जाता है उसको रोकने की कोशिश की जा रही है। अब जो प्रयोग वैज्ञानिक क्षेत्र में आवश्यक समझे जायेंगे

उनको तो रोका नहीं जा रहा है अबलबता बिल में तो यह कहा जा रहा है कि जो पेन आज उन को उन प्रयोगों में पहुंचाया जाता है उसको अगर रोका जा सकता है तो वह रोक दिया जाये लेकिन जो वैज्ञानिक प्रयोग उचित और आवश्यक जान पड़ें, वे इस बिल के पास होने के बाद भी होते रहेंगे। मैं नहीं समझती कि इसमें किसी को क्या ऐतराज हो सकता है। लेकिन उन साहब का यह कहना है कि अगर कोई अपनी गाय बेचने के लिए २० मील ले जाना चाहे और वह उस को खिलाने का इंतजाम न करे तो उस को इस के लिए छूट मिल जानी चाहिए और वह इस कानून की जद में नहीं आना चाहिए, तो मैं उन से सहमत नहीं हो सकती क्योंकि साफ तौर पर जानवर के साथ यह बेरहमी करनी होगी। मैं समझती हूँ कि इस तरह की छूट देना उचित नहीं होगा। माननीय सदस्य की यह ध्योरी निहायत खतरनाक है क्योंकि आज जो हम यह छूट किसानों को के लिए मांगते हैं कल को हम कहेंगे कि जो शहर के रहने वाले हैं ज्यादा पैसे वाले हैं उन के हित में यह है कि वे किसानों पर जुल्म करें तो उन को भी इस किस्म की छूट मिलनी चाहिये, यह बहुत गलत चीज है। जानवरों के साथ बेरहमी करना निहायत गलत चीज है और इस नाते यह जो बिल लाया गया है वह एक सही कदम है और स्वागत योग्य कदम है और मैं अपने आनरेबल फूड मिनिस्टर साहब से कहूंगी कि इस बिल में जो कुछ अभी भी क्षामियां रह गई हैं उन को दूर करके इस को पास करें और जहां तक संभव हो सके जानवरों के प्रति होने वाली बेरहमी को रोकने की कोशिश करें। अगर हम अपने जानवरों को अच्छा खिलायेंगे-पिलायेंगे और उन के साथ अच्छा बर्ताव करेंगे तो जाहिर है कि वे हमें अच्छी सेवा दे सकेंगे और यह कहना कि जानवर बैल बगैरह बगैर डंडा मारे काम नहीं करते यह पुराने सरमायेदारों की सी दलील है कि मजदूरों से डंडे के जोर से काम

[श्रीमती सुभद्रा जोशी]

लिया जाता है । यह पुराने जमाने की बात है जिस को कि हम पीछे छोड़ चुके हैं । जाहिर है कि अगर हम अपने जानवरों को अच्छा खिलायेंगे-पिलायेंगे तो वे अच्छी तरह काम कर सकेंगे और वह हमारे लिए भी बेहतर होगा और जानवरों के लिए भी बेहतर होगा । इसलिए मैं और अधिक न कह कर इस बिल का समर्थन करती हूँ ।

**Shri Narasimhan:** Sir, the Bill had a long career. Nearly a year before this Bill was referred to a Joint Committee. I happened to be a member of that Committee. So many days passed before it could reach us. I am glad, after all, it has reached us. Most of the European countries have such good legislations on this subject, and for us to lag behind at this stage is rather very very undesirable. It is good that we have taken a step to be on par with other modern nations who have decided that notwithstanding there being cruelty or killing of animals such killings should be as painless as possible. Shakespeare has said that there could be a method in madness. Well, it is so. There could also be kindness even in cruelty. That is how we have to compromise in our activities. This Bill is very necessary particularly from this point of view. From the days of Asoka we have insisted on animal welfare. There is also a provision in the Directive Principles of State Policy that cattle should be protected. It is partially in pursuance of that provision this Bill has come up.

Coming to the Bill itself, a Welfare Board has been provided for. But education also is necessary. In this matter of prevention of cruelty to animals, there should be more scope for the Welfare Board through education at all stages to make people come together and adopt the civilised way of dealing with animals.

This Bill will definitely get general support. Therefore, it is necessary

that—we are on the eve of launching the Third Plan—enough money should be provided for implementing the provisions of this Act. I do not think enough provision has so far been made. I hope when the final Plan is drawn up enough attention will be paid to this aspect also. When the Board is constituted, it is necessary to see that people who are well-versed in the work of being humane to animals, humanitarians are given sufficient scope, because, it does happen that people with very little qualifications also get into these committees. Such a mistake should not take place, when the Board is constituted under the Act.

17 hrs.

Another thing to which I should like to refer in this connection is this. There is a provision in the Bill that animals kept in captivity should not be taken out and then killed for sport, and that killing them after releasing them from captivity be banned. There is a provision to that effect. But I saw in a press announcement that now arrangements are being made, during the visit of Her Majesty the Queen of England, for a tiger shooting. I do not think that we could start a legislation like this with such an event coming in its wake. After all, we know that when such celebrities are to come and begin shooting, a lot of previous arrangements has to be made. I really think it is not good sport to collect an army of people, make them hunt out and then find one poor tiger which has got out of tune with modern day and catch it somewhere and shoot it down. I do not think it is real sport.

We also know from previous records that sometimes, some animals in captivity used to be released in the forest and then to give satisfaction to a distinguished visitor, they are killed and thus some satisfaction is secured.



**Mr. Deputy-Speaker:** Would he suggest that a man should go unarmed just to grapple with a tiger?

**Shri Narasimhan:** It is a trial of strength. Even for a single man with a rifle to face a tiger, it needs a lot of courage. That will be real sport. It does not matter even if it is half a dozen people. But when a VIP comes, great arrangements are made for him to shoot. It is not really sport. So, I think the hon. Minister will use his influence to see that such a kind of thing is not encouraged.

**Mr. Deputy-Speaker:** The Minister will not be helpful in this respect and so the hon. Member might try!

**Shri Narasimhan:** I have my hopes in this respect, notwithstanding, Sir, your doubt, that he will use his in-

fluence. Even comments have appeared in the press, and it shows that the public do not appreciate it quite well.

**Mr. Deputy-Speaker:** Anything more?

**Shri Narasimhan:** That is all

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#### BUSINESS ADVISORY COMMITTEE

#### FIFTY-NINTH REPORT

**Shri Siddananjappa (Hassan):** Sir, I beg to present fifty-ninth report of the Business Advisory Committee.

17-03 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 13th December, 1960/Agrahayana 22, 1882 (Saka).*

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