

GOVERNMENT OF INDIA
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING
DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING
LOK SABHA
UNSTARRED QUESTION NO. 90
TO BE ANSWERED ON 2nd February, 2021

CONFISCATION OF ANIMALS UNDER PCA ACT

90. SHRI SYED IMTIAZ JALEEL:

SHRI ASADUDDIN OWAISI:

Will the Minister of FISHERIES, ANIMAL HUSBANDRY AND DAIRYING
मात्स्यिकी, पशुपालन और डेयरी मंत्री

be pleased to state:

(a) whether Prevention of Cruelty to Animals (PCA) Act do not allow the authorities to confiscate animals from traders during pendency of cases;

(b) if so, whether the Government has framed rules against the PCA Act to confiscate animals;

(c) whether the Supreme Court has directed the Government either to amend the Act or set aside the rules;

(d) if so, the steps being taken by the Government on the ruling of the Supreme Court; and

(e) the steps taken or being taken by the Government to ensure that animal traders are not harassed on false ground of cruelty to animals?

ANSWER

THE MINISTER OF STATE FOR FISHERIES, ANIMAL HUSBANDRY AND DAIRYING
(DR. SANJEEV KUMAR BALYAN)

(a) No. Sir. As per provision of Section 29 provides for the Power of court to deprive person convicted of ownership of animal and Section 29(2) states that No order under sub-section 29 (1) shall be made unless it is shown by evidence as to a previous conviction under this Act or as to the character of the owner or otherwise as to the treatment of the animal that the animal, if left with the owner, is likely to be exposed to further cruelty. The Section 35 of the Prevention of Cruelty to Animals Act, 1960 deal with confiscation of animal both after and during pendency of the case. Also, Section 34 of the Act has given general power of seizure for examination.

(b) No; Sir.

(c) No. Sir. The Supreme court of India vide its order dated 4.1.2021 asked the Union of India to file an affidavit.

(d) The Department of Animal Husbandry and Dairying has filed a Counter Affidavit with in the Apex Court defending the existing rules. The matter is sub judice before the Hon'ble Supreme Court.

(e) The PCA, Act, 1960 under section 29 takes extreme care that no ill use of this provision may be taken by filing false complains to harass traders by granting power to the local magistrate to decide in each case by its own discretion to give interim custody sometimes of the animals to local pinjrapoles or Guashala, when the accused is not fit to get custody during pendency of the case.

As directed by the Hon'ble Supreme Court **in the matter of State of Uttar Pradesh versus Mustakeem (Criminal Appeal No. 283-287/2002); Pinjrapole Deudar versus Chakram Moraji Nat (1998) 6 SCC 520; M.P. versus Islam (2007) 15 SCC 588**), the Local magistrate shall keep in mind the certain actors such as the condition in which the animal was found at the time of inspection and seizure; and possibility of the animal being again subjected to cruelty; is relevant factor while deciding the interim custody application of the accused owner.
