

THE PREVENTION OF CRUELTY TO ANIMALS BILL, 1959—continued

SHRI N. M. LINGAM (Madras): Sir, the Bill before the House appears to me to be rather an extraordinary one, because although its aim or objective seems to be very laudable, the provisions contained in the Bill seem to be very impracticable. The Government have come forward to move this measure, but we, Members of this House, know the genesis of this Bill. It was an hon. Member who introduced a private Bill and ultimately Government agreed to introduce a comprehensive measure. I understand, Sir, the strong feeling of the prime mover of the Bill, her lofty ideals and her great compassion which have been responsible for bringing this measure by the Government ultimately before the House. But the fact that the Government have not been enthusiastic about the measure themselves, that they have not vouchsafed to this House a review of the working of the measure of 1890, although it was restricted to a smaller area, show that Government has been sceptical about the utility of a measure of this kind, *in the circumstances in which we are placed at present.*

Sir, before I come to the provisions of the Bill, I would like to draw the attention of the House to some larger problems connected with animal welfare. The question can be looked at from two standpoints. One is the economic side of animal welfare or rather the question of animal welfare and its repercussions or its effects on the economy of the country. The other is the humanitarian aspect of animal welfare. My own feeling, is that this Bill, which is based on the recommendations of the Committee appointed to go into this question is weighted more in favour of the humanitarian considerations that should govern the treatment of animals than the other aspect. Sir, it is unfortunate that the economic aspect of the welfare of animals in the country is not fully realised by the Government.

Sir, it is said that India is an agricultural country and that it is going to be for a long time to come. But it is forgotten that animal husbandry or the maintenance of proper livestock or the proper care of such animals is the *sine qua non* of the proper development of agriculture. What is the position today? The most important requisite of animal welfare is the availability of fodder and grazing facilities. I want to put a straight question to the Government. Is the Government satisfied that there are enough grazing facilities, that there is enough fodder for our cattle in the country? What is the use of having a Bill for animal welfare when we cannot feed the cattle? I have had a long tour recently into the interior parts of the country, especially the community project areas which are supposed to pay attention to this problem of providing fodder to cattle. What do I find there? I have seen veterinary dispensaries opened, first-aid centres established and also artificial insemination centres, key-village schemes and all that kind of thing. There cattle are being inoculated against rinderpest, or for the foot and mouth disease. All this is being done. But when I asked the people about fodder and about pastures for the cattle, they simply did not know. There is nothing there. There is not even drinking water available in adequate quantities for the cattle. I do not know if the hon. Members of the Committee went into the question of cattle in our rural areas and saw the state of health of the cattle in those areas in our country. Sir, the cattle there are mere skin and bone, they are more dead than alive. Here we talk of attending to animal welfare, of preventing cruelty to animals. But what greater cruelty can there be than this starvation which is taking place before our very eyes? What has the Government done to rectify this deficiency? Let us attend to first things first and let us not be carried away by sentiment. It is true that some reprehensible methods are adopted in dealing with animals and I am sure

the House does agree that these should go. But we seem to place the emphasis at the wrong place at the moment. We are enacting a legislation to prevent what we call cruelty. Sir, I feel strongly that Government should, even at this stage, withdraw this Bill and bring forward a more comprehensive measure by paying more attention to what is immediately required to be done for the welfare and proper treatment of animals in this country not only with a view to seeing to their humane treatment but also with a view to seeing that they play their important role in the agricultural development of the country.

It is not as if animals are merely being neglected. Our very soil is being ruined by the pressure on soil and by the vandalism of man. There is this pressure on land, the pressure on natural resources everywhere and it is such that the soil is not cared for. Forests are being denuded of tree growth. No wonder animals also have not got enough resources to feed upon. This important matter has not been tackled properly by the Government.

We also see that rare species of birds and animals also are disappearing. Even lions and rhinos are receding more and more into the interior and we do not know how long they will be in our land.

That is the state of affairs with regard to human vandalism with regard to the pressure of man on nature. I do not know how without providing for the fundamental requisites of animals we can talk of animal welfare.

I now propose to examine some of the provisions of the Bill. I am glad, Sir, that this question has not been mixed up with our beliefs in *ahimsa* and theories like these. Government have taken care to see that this Bill deals with certain known offences and tries to remove the occurrence of such offences as far as possible but the machinery is extremely inadequate. The scheme of the Bill is that there is an Animal Welfare Board

constituted to see that the provisions of the Bill are enforced. A set-up like this is inadequate having regard to the vastness of the problem. What is the composition of this body? It is composed of certain officials and non-officials. Its resources are extremely meagre. Government propose to allot about Rs. 25,000 annually to this Board and this amount is not intended to be distributed for schemes for the development or furtherance of animal welfare. This sum is meant only to meet the expenses connected with the establishment and other incidental charges. My fear is that we are adding another legislative piece to the Statute Book. If Government believes that this problem should be tackled earnestly, let us face it squarely and do all that is necessary to make the scheme of the Bill a success but, Sir, what do we propose to do with the machinery of this Animal Welfare Board? If you look at the catalogue of the offences mentioned in clause 11 of the Bill, it takes one's breath away. The very first sub-clause says:

"If any person beats, kicks, over-rides, over-drives, over-loads,...."

How is one to determine that there has been an over-doing of any of these things? We know that in the villages even the human beings have no shelter; people and cattle are huddled together and here the owner of the cattle is required to provide separate accommodation for cattle, is required to see that he does not indulge in any of these offences. How is any offence to be proved? Unless we prosecute the vast millions in the rural areas, we cannot attend to these things and the police will be let loose on the rural areas. Instead of this Bill becoming a measure for the prevention of cruelty to animals, it is going to be a measure for the infliction of cruelty on human beings.

Take, for instance, over-loading. In the rural areas, in a bad road, the bullocks may not be able to haul a certain load but with pneumatic tyres on macadamised roads, it will be easy

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for them to haul the same load. Powers have been taken to determine what a permissible load is. How can you distinguish between one load and another? It depends on so many other factors. Does a poor ignorant villager who ill-treats his animals derive any sadistic pleasure out of this? I do not think our people are opposed to the humane treatment of animals. They do so because there is necessity on economic grounds, there is an inexorable necessity. He thinks that by pulling two bags of paddy instead of one, he can earn a little more. It is the economic necessity and it is not that man is cruel or is bad by nature. We ignore this fundamental fact. I agree that we are very primitive in some of our methods in the matter of castration, of de-horning, etc. By all means include these but to presume that we as a nation are very harsh towards animals, that we do not treat them humanely or with kindness is wrong and to catalogue these offences with the idea of making them cognizable is to make the provisions of the Bill Draconian.

There are other sub-clauses following this, for instance (g),—

“being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement;”

Do we expect seriously our people to take dogs outside for evening walk and come back? Is failure to do that an offence under this Bill? Monkeys are exported in thousands. What about the elephants that are caught in the *keddah* operations for the benefit of Government themselves? We talk of cruelty to animals and we have in mind only physical cruelty. What about artificial insemination? Will the members of the Committee realise that a method like artificial insemination is more cruel than physical cruelty? What is being done to stop a thing like that? I for one cannot imagine greater cruelty to animals than the resort to a method like that.

Then there is this sub-clause:

“wilfully and unreasonably administers any injurious drug or injurious substance to any domestic or captive animal or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any domestic or captive animal;”

How can you prevent animals being treated in the nooks and corners of the country? We know that human beings are being subjected to all kinds of treatment by quacks of all kinds, men professing to be experienced. How can you stop a thing like this? Is there a veterinary centre at every village, at every convenient centre which can be availed of by the owners of the animals? When such a provision is not there, why do we make a provision like this in the Bill? This is most extraordinary.

There is the provision for the destruction of suffering animals. There is a lot of controversy going on, as you are aware; it is said that euthanasia is not humane. There are people who have said that people suffering from incurable diseases should be done away with but there is a lot of controversy and the general public opinion is against it. That being so, why should we inflict it on the poor animals? Is it because they cannot protest? Sir, this Bill, without taking into consideration the results obtained in the working of the Act of 1890 and without having regard to the facilities in the country for veterinary aid, for fodder and other amenities, tries to impose all kinds of penalties on the poor and ignorant people of the country. An animal is maintained and looked after by almost everyone in the land. A man owns a dog, a pair of bulls, a cow or a horse. Therefore, this measure affects almost every individual and India probably leads in the matter of the number of cattle. So, my submission is that the Bill is not as innocuous as it appears to be. It is not only the vast millions of cattle that are involved but millions of human beings are also involved in the implementation of this measure. I feel strongly that Government

should think of all the consequences of a measure like this and, if possible, at this stage, withdraw the Bill and bring in a more comprehensive measure, making it more practicable and placing emphasis on immediate necessities rather than trying to solve problems which are there but which cannot be solved satisfactorily nevertheless. Then I come to the provisions in Chapter VI.

MR. CHAIRMAN: I thought you were winding up.

SHRI N. M. LINGAM: If you want, I shall. Clause 30 says that an offence punishable under clause (l), clause (m) or clause (n) of sub-section (1) of section 11 or section 12 shall be a cognizable offence within the meaning of the Criminal Procedure Code. Sir, these are deterrent provisions and this is one of the recommendations of the Committee. They seem to think that by making the provisions more stringent people can be made to behave. Sir, the whole approach is wrong. As I said at the outset, our people are not animal haters they do not derive any pleasure by ill-treating them. If they are forced to treat the animals as they are doing now, it is because of circumstances beyond their control. Sir, I do not want to take up more time of the House. This is a measure which has to be gone into in greater detail and if they are really serious about ensuring animal welfare and harnessing animal development to agriculture properly, the whole approach has to be different. They have to think on different lines and bring forward altogether a new measure. Thank you.

PROF. A. R. WADIA (Nominated): Mr. Chairman, Sir, there is an unfortunate paradox in our life in India and that is that there is a good deal of reverence for life as such but there is also a good deal of cruelty in the treatment of animals and I am afraid there are many of us who are carried away by mere sentiments. Now, I do recognise the need for having a Bill like this for prevention of cruelty to animals. There is an Act in existence

which is sought to be repealed by the present legislation and, therefore, I do not agree with those hon. Members who have said that there is no need for legislation on this subject. But whatever legislation we have, it should be practicable and we should not be carried away by mere blind sentiments and the few remarks that I wish to offer on the present occasion are offered in the hope that the Joint Select Committee will consider this Bill as reasonably as possible and will make the Bill as reasonable and as practicable as possible.

Well, Sir, on the very first page in clause 2 in the definition of the word 'animal', there is something ambiguous about it. It says:

"animal" means every species of animal other than a human being and every species of bird.

I presume the implication is that animal includes every species of bird. The word 'animal' includes birds and I do not know why it is necessary to put it here because as it is, it looks as if birds are not included within the scope of the Bill. Of course, one can understand that this Bill does not relate to human beings

Sir, I welcome the appointment of an Animal Welfare Board. Some very important functions are assigned to it and one of the most important functions is to seek the elimination of sacrifice of animals in public places or the sacrifice of animals involving unnecessary pain or suffering. I would like to go a step further and say that it should be the business of the Animal Welfare Board to seek as much as possible the complete elimination of sacrifice of animals on religious grounds. I do not understand that in the 20th century, any really religious person could believe that God would welcome animal sacrifice. There was a protest against it as far back as in the days of Buddha and we have got a continuous series of saints and reformers who have been against it. Unfortunately, we know that animal sacrifice does exist. Some examples were mentioned here and

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there is a fear that we cannot go against the religious sentiments and perhaps there is some justification for that fear.

SHRI H. P. SAKSENA (Uttar Pradesh): Only some.

PROF. A. R. WADIA: But I do hope that the Animal Welfare Board as such will do its very best to root out the idea of animal sacrifice on religious grounds.

[MR. DEPUTY CHAIRMAN in the Chair.]

Then, Sir, the most important clause in the whole Bill is clause 11 which points out the various types of cruelty. As has already been pointed out by Mr. Lingam and so many others, many of these things are really impracticable. Take, for example, the very first provision where it says 'beats, kicks'. Surely beating of an animal cannot by itself be an act of such cruelty as can be looked upon as an offence. Kicking may not be very polite but still it may at times be necessary. For example, if a dog rushes at you, you may find it necessary to kick it away and you cannot consider it as something criminal for which a person should be hauled up before a magistrate. Then it says, over-drives, over-rides, over-loads etc. These are very relative terms and when you frame a law it should be framed in such a way that it will not lead to the possibility of the harassment of the poor ignorant people. Almost every one of these acts will require very very close study at the hands of the Joint Select Committee both in language and in content. Take, for example, sub-clause (c):

"wilfully and unreasonably administers any injurious drug or injurious substance to any domestic or captive animal or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any domestic or captive animal;"

How do we know which drugs are particularly harmful? If the owner

of an animal gives a drug, surely, it is with the best of intentions and you can hardly make it a crime. Take, again sub-clause (f):

"keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord;"

All these are very relative terms hardly capable of being absolutely proved in a court of law. It will only lead to a lot of harassment at the hands of hostile neighbours or at the hands of people whom we do not like. Then it goes on to say:

"being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement;"

Now, Sir, any person who keeps a dog may be reasonably expected to be fond of that dog and if he chains that dog for some time for some reason you cannot lay a sort of statutory duty on him to spare some time to take out his dog for exercise. This sort of thing really renders this piece of legislation almost ridiculous and it is the duty of every Government to see that their legislation is such that it can be easily carried out and not be rendered ridiculous. The same remarks I would offer in connection with sub-clauses (i), (j), (k) etc., in fact practically all the sub-clauses here. Every word of this clause, every line of this clause, requires very close scrutiny. For example, sub-clause (k) says:

"offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, over-crowding or other ill-treatment;"

If the animal is suffering from any of these things, I do not know who the person is who will offer it for sale and who the fool will be who will be prepared to buy it? What is the use of making this a criminal offence?

THE MINISTER OF FOOD AND AGRICULTURE (SHRI A. P. JAIN): It is a criminal offence under the existing law.

PROF. A. R. WADIA: I should like the Select Committee to proceed on two lines. One of these lines may not appeal to all in this House but I submit it is quite reasonable. The first line is that the owner of an animal should have the right to kill it whenever he wants. According to the definition in Roman Law, property implies the right of owning it or of destroying it and I suppose that was the reason why human slaves could be killed by their owners. Well, we have passed that stage, but so far as animals are concerned, I think that right ought to be given. I am positively certain that no ordinary decent human being would rejoice in killing an animal for the sake of just killing it. I know, for example, very high class Englishmen and perhaps some Indians too who are so fond of some particular animal that they have been owning for a long time—maybe a horse, maybe a dog—and it may be that if any of these animals begins to suffer any disease, the owner would rather kill it than see it continuously suffering from the disease, or even if the animal is healthy and if for one reason or another the owner is unable to keep it any further, he may prefer to kill it instead of selling it to a person who may not keep that dog or horse well. He may not like the idea that his pet should fall into bad hands. My friend, Mr. Lingam, did not accept that right. Of course I know there are differences of opinion even so far as human beings are concerned. Personally I think there are cases where it would be legitimate to put an end to suffering in the case of human beings even, but of course there are legal difficulties and so on. But so far as an animal is concerned, that right should be given to the owner to see how long he should keep it, under what conditions he should keep it and under what conditions he should even have the right of killing it.

The second principle on which the Joint Committee should proceed is that whatever they suggest should be reasonable and practicable. What is not practicable should not be made a part of the Bill. Now I find, Sir, that one whole chapter is devoted to experimentation, that is Chapter IV—Experimentation on Animals. I would much rather omit this chapter completely, because we must accept the right of the scientist to experiment on animals, and it is not possible for other human beings, specially the members of the Society for the Prevention of Cruelty to Animals, to sit in judgment on them and see under what conditions the experiment should be performed. Now the main justification for carrying on experiments on animals is very simple. It is done with a view to discovering the causes of certain diseases or remedies for certain diseases which affect human beings. And therefore, I do admit that cruelty to an animal for the sake of scientific experiment is ultimately justified in the interests of human beings themselves, and I do not think there is anything wrong in it. I know that there is in this country a good deal of feeling against the export of monkeys, but I know there are many Indians who know that there are far too many monkeys in our country and they are far too destructive in our society even. If some of them are exported with the legitimate object of carrying on experiments on them with a view to discovering remedies for the alleviation of human suffering, I think that type of suffering and to that extent is justified. It may be cruel, I do not deny it, but life cannot be governed by considerations of mere sentimentality. We have to be a little practical in these cases.

Now, Sir, I find that on page 8 if an animal is mortally wounded or injured and so on, the Bill recognizes the right of a magistrate to order its destruction on the certificate of a veterinary officer. I do not know the need for all this complex procedure. If a veterinary officer thinks that

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there is no possibility of curing a particular animal suffering from a particular disease and that, it is in the best interests of the animal to be killed, it seems to me that the certificate of the veterinary officer is quite enough. There is no need to go to a police superintendent, no need for the police superintendent to run up to a magistrate, all to prolong the agony of the poor animal for nothing.

Then, Sir, there is a whole chapter devoted to the performing animals. Here too it seems to me that the penalty laid down is a little too high. One elementary consideration we ought not to forget, and that is that the performing animals are a source of income to the owners, and it is in the interests of the owners to keep these animals in as good a condition as possible, because it is only then they will be able to earn money for themselves, and therefore I think the fear that the performing animals will be badly treated or ill treated is not quite justified.

One more consideration, Sir, I should like to offer, and that is the maintenance of pinjrapoles. I am not sure that every city in India has a pinjrapole; but it is the duty of those people who feel it a duty to observe the extreme sanctity of animal life,—it is quite open to them to maintain these pinjrapoles,—and any person or owner who does not want to maintain a suffering animal any further should have the right of sending away that animal to the pinjrapole. And I am not sure that the cost of transporting it and so on should be made payable by the owner himself, because he may find it cheaper to kill the animal in those circumstances.

Well, Sir, it has been said, and I think said with a considerable amount of truth, that in our country there are far too many cattle and cattle which are not well fed and healthy. In other countries they do not make a fetish of animal life, and in Europe and America particularly the animals may be fewer but they are kept in a very healthy, fine, trim condition,

which is a credit to them. Ultimately that is the better mode of showing kindness to animal life than the way in which we have been going on in our country by multiplying the life of useless animals, making them compete not merely with other animals for the food that they are consuming but in various other ways act as a sort of drag on our economy. Sir, I should not like it to be understood that I am in any way against the principle of prevention of cruelty to animals. I am entirely at one with it. My only suggestion is that we should not make a fetish of our sentiments, and whatever we pass must be reasonable and practicable, because it is only then that the law could come to be respected.

DR. P. V. KANE (Nominated): Mr. Deputy Chairman, much of what I wanted to say has been said by my friend, Prof. Wadia. I am not against the Bill for the prevention of cruelty to animals, but let us remember that we have an Act applicable only to urban areas since about 1890. Now we are coming in after sixty years and making it applicable to the whole of India. That has to be remembered. That is one thing. My second point is that the Bill is rather very complicated. We people here in Parliament, I suppose many of us or some of us at least, want to eradicate all sorts of evil, moral, material and so forth, by legislation. That seems to be the great obsession with many people here. This Bill is a fruit of that. Otherwise it should have been a simple measure. Simply to make something like *phooka* criminal throughout India—my objection is not to things like that. But vast powers are given to the police officers. In eradicating one evil you might create other evils. It often happens. Take, for example, the performing animals. Some hundreds of poor people get employment by showing the animals. They collect one goat and two or three monkeys and go on making them perform tricks for their maintenance. These people will have to be registered. All of them are illiterate and each will have to be

registered. It would be a very complicated procedure. In clause 22, you will notice these words "No person shall exhibit"—that is a sweeping thing—"or train—

(i) any performing animal unless he is registered in accordance with the provisions of this Chapter;"

So every one of these people has to be registered. I find that in Delhi there are hundreds of them and in the mofussil also, there are so many who go about performing these things. So this is too much. Go slow.

SHRI A. P. JAIN: May I correct the hon. Member that the law will not apply to persons giving performance on the streets? It applies only to persons giving performance in circuses where admission is by ticket.

DR. P. V. KANE: My point is, why do you want registration for these things? You have got powers; give them to the police—inspectors and even lower officers—to do many things. So this registration business, in a country in which even 20 per cent. are not literate, is too much. That is what I am saying. The Committee should consider all these things. I am not saying that it should be altogether abolished. But then, this is too wide—"No person shall exhibit or train—". My point is, why do you have such a comprehensive measure raising it from the urban area at once to the whole of India? Forty crores of people are being affected. So, my submission would be, you first educate the people.

Now, look at the Board's functions. The Board has to do many things. Look at clause 9(j). The Board has

"to impart education in relation to animals and to encourage the formation of public opinion against the infliction of unnecessary pain . . ."

This should come first and the Act afterwards. That is what I am contending. Let the Act come after you have educated the people—the illi-

terate people—on their duty to the animals. Here now you almost clamp down the Act upon them, create a Board and a very complicated machinery. That is what I am against. You seem to have a facile assumption that everything can be cured by legislation. That aspect, that obsession, should go. That is my point. There are many societies and it is now easy. You are having the Community Projects, the *gram panchayats* and all sorts of things. And you should lay the duty upon these *gram panchayats* or the Community Project people that they should go about and tell the people about their duty. That should first be done. We have slept for over sixty years and there is no harm in sleeping for ten years more. That is my point. Do not put the cart before the horse. First let us have the proper training and proper propaganda. Then only can we decide on this.

Then, sometimes, topsyturvy things are done. The ordinary presumption is that an offence has to be proved by the prosecution. But here there is a presumption laid down in clause 29. I am not conversant with the killing of goats and all that. Clause 29 reads—

"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 . . ."

It is a presumption; not only 'it may be presumed', but 'it shall be presumed'.

"until the contrary is proved. . ."

The poor fellow has to prove.

"that such goat was not killed in an unnecessarily cruel manner."

This is against all principles of jurisprudence and general law. Such

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a section should not occur here. You have to prove everything. If you complain against a man, the complainant—the government or whoever is there—has to prove. Here, not only is the burden of proof changed, but 'it shall be presumed'. That is, there is no escape from it unless he proves to the contrary.

SHRI A. P. JAIN: Existing law.

DR. P. V. KANE: No, no. That is not the point. You are going against the accepted principles of jurisprudence as regards the criminal law. You can say something about a man being asked to give an undertaking not to do this thing. I can understand that. But here, he has to prove something which a general law does not ask him to prove. Such a provision, I think . . .

SHRI A. P. JAIN: I may point out to the hon. Member that this has been on the statute since 1917, for the last 40 years, more than 40 years.

DR. P. V. KANE: 1917?

SHRI A. P. JAIN: Yes, 1917.

"5A. If any person has in his possession the skin of a goat, and has reason to believe that the goat has been killed in an unnecessarily cruel manner, he shall be punished. . . ."

DR. P. V. KANE: That was when nobody raised his voice. Presumption should not be there.

SHRI A. P. JAIN: Presumption also there.

DR. P. V. KANE: My point is, this is the general rule. When the contrary is proved—the proving of a certain fact—the whole burden changes, and the court is bound to hold that he is guilty. It shall be presumed. So my point is, either make it less emphatic or change the wording into 'may be presumed'. This 'shall be presumed' is too much. The skin may be found in the house; it might have been killed

by the son and the father may have it simply in his possession. The wording is like this:—

"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,".

What I am submitting is, this Act requires a great deal of consideration. One or two other points also I would bring to the notice of the House. Otherwise, I am not against, as I said, the principle of prevention of cruelty to animals. But we must proceed slowly; we must educate the people first. Otherwise, we shall be playing into the hands of the police, and in the rural areas there will be enmity and factions and all sorts of things. This is, as I said, another engine of trouble. I do not use a stronger word. We know the trouble which ordinary people who cannot defend themselves in courts get into. Therefore, I think this should be made simpler than it is now. Plan a definite thing. I think those wide words "beats, kicks", and so on, as Prof. Wadia has already shown, are unnecessary and irrelevant words. A man kicks another man. You may kick your own son. Therefore, if you kick a dog or even kick some other animal, that should not be an offence to be proceeded against. That is my point. I do not want to add anything. As I said, this may go to the Joint Committee, but they should be told that this was the opinion of many people in the House that we are running rather too fast and that we are thinking that mere legislation can improve morals and everything else.

SHRI T. BODRA (Bihar): Mr. Deputy Chairman, Sir, I think it my duty to request the hon. Minister piloting this Bill to take into consideration the habits and the pastime of the Adivasis especially of Bihar, Bengal, Orissa and Madhya Pradesh. As my learned friend submitted

yesterday before this House, even in some parts of South India also, cock-fights are in vogue. If you look at the definition of 'animals', you will find that it includes all species of birds, and certainly cock is included in it. If you come to my part of Bihar where there are forty lakhs of Adivasis, you will find that even in great cities like Jamshedpur, people indulge in cock-fighting right from three of the clock in the afternoon down to six of the clock. If this Act is put into force, it will antagonise and agitate the minds of the Adivasis not only in the State of Bihar, but also in the State of Orissa where there are 28 lakhs, in the State of West Bengal where there are about 16 lakhs and in Madhya Pradesh where there are 56 lakhs. Due to political grounds, the Congress Government wants to have this forced on the Adivasis. Cock-fighting should be exempted because if a police officer or a constable wants to harass and persecute these people, they all come very easily under clause 11. If an Adivasi permits his cock to fight with that of another man, both the fellows can be prosecuted. If such prosecutions take place in cities like Jamshedpur or in small towns like Baripada, Rairangpore and Chaibasa there will be a number of prosecutions and there will naturally be a huge agitation against it by the Adivasis. It is no use becoming over-enthusiastic about anything; it does not pay always. The moment the police officers and the subordinate officers are vested with powers to prosecute, these simple and illiterate Adivasis who indulge and have indulged in the last so many years in cock-fighting will all be prosecuted, or they will have to pay Rs. 2 or Rs. 5 to the police constable who goes to the cock-fighting place. It is a favourite pastime with the Adivasis and this Bill will strike at the root of their custom, a very old established custom of the Adivasis. So, in my opinion, the passing of this Bill will do harm to the Adivasis unless there is some provision in it exempting cock-fighting. If you make a

provision to that effect, it is all right. But the moment you say that cock-fighting will be included—which does come under clause 11—you will be agitating and antagonising the minds of the Adivasis, if not of the whole of India, at least of half of India.

SHRI A. P. JAIN: Mr. Deputy Chairman, Sir, I am grateful to the House for according general approval to the objectives and the broad outlines of the Bill. However, when we come to the detailed provisions there have been differences of opinion, and they were bound to be. The observations made here will be before the Select Committee, and I am sure the Select Committee will take due note of what has been said in this House. I do not want to say anything that would prejudice the proceedings of the Select Committee. Nonetheless, Sir, there are certain broad principles which have been raised in the House, and I feel that I am called upon to express my views upon those questions.

Now, Sir, dealing with the specific provisions of the Bill, some observations have been made about the constitution of the Board, the Animal Welfare Board. My friend, Mr. Biswanath Das, who just at the moment does not happen to be present here, said that there were too many officials on the Board. I have examined the clause dealing with the constitution of the Board and I find that only two officials will be there in their *ex-officio* capacity. The remaining members of the Board—numbering fifteen—may be officials or non-officials, and mostly they will be non-officials. In any case, Sir, whatever observations have been made about the constitution of the Board will be there before the Select Committee.

Now another observation has been made about the performing animals. I feel, Sir, that there is a considerable amount of misunderstanding about that provision. I would like to draw the attention of the House to clause 21 which defines "exhibit" and "train".

[Shri A. P. Jain]

"In this Chapter, "exhibit" means exhibit at any entertainment to which the public are admitted through sale of tickets, . . ."

Now it is very clear that the hundreds and thousands of performers who carry the monkey or the bear or the goat and give performance in the streets will not be affected by this clause.

DR. A. N. BOSE (West Bengal): Where is the provision in the Bill to exclude this class of people?

SHRI A. P. JAIN: Well, the law applies to the persons who are specifically defined therein and not to others who are not defined there. So the position is quite clear.

The hon. Member, Shri Deokinandan Narayan, raised a point in this connection that while it may not apply to persons giving exhibitions in the streets it will apply to a large number of small men who give exhibitions in small towns or in small places. Now that is the position of the present provision; it will be for the Select Committee and the Select Committee will decide whether to make any amendment.

Then some objections have been raised about clause 29. I am somewhat surprised at one type of objections that have been raised about clause 29, for example, the objection raised by the hon. Dr. Kane. This provision of law exists in the existing Act, and it has been existing for the last forty-two years, since 1917. The object of this Bill is to extend the scope of the law on the subject and not to restrict it. Anyway, this provision has given rise to no difficulty. Of course, it will be for the Select Committee to consider whether the application of this clause should be confined only to goats or it should be extended to others, but personally speaking, I think that there is no case for restricting the application of clause 29, or the presumption raised therein.

SHRI JASWANT SINGH (Rajasthan): The point is not clear here. I raised one point in regard to this clause 29 in its application to goats. But goats are not the only animals that are slaughtered; 50 per cent. of those slaughtered are sheep, perhaps even more. So, why have they been excluded and only goats included?

MR. DEPUTY CHAIRMAN: That is what he is saying; he is dealing with that point.

SHRI A. P. JAIN: As I said, this question will be before the Select Committee, whether this provision should be confined only to the goats, or it should be extended to other animals.

Now, Sir, some observations have been made about the police. Personally speaking, to me it appears that the power given to the police is not excessive. In any case, that question will also be before the Select Committee.

Now coming to another observation, Professor Wadia has suggested that the Chapter on Experimentation should be deleted. I must confess, Sir, that I was somewhat surprised to have that observation from a man of his eminence. This Chapter nowhere says that it will be the Society for the protection of animals which will lay down as to how the experiments should be done. Clause 15 provides:

"If at any time, on the advice of the Board, the Central Government is of opinion that it is necessary so to do for the purpose of controlling and supervising experiments on animals, it may, by notification in the Official Gazette, constitute a Committee consisting of such number of persons, whether officials or non-officials, as it may think fit to appoint thereto."

Naturally they will have to be scientists and specialists, who can sit in judgment over their colleagues, and I don't see any objection to this. Of course, at the moment no committee

has been set up, but if the need arises, the Board may advise and a committee may be set up. The Committee will see to it that even these experiments may not be accompanied by an injury or by a pain which can be avoided. I think it is a very desirable idea.

Then, Sir, some criticisms, perhaps of a more important nature, have been made in the House. Many things have been said about *halal* and *jhatka* and about the sacrifice of animals before the deities. In framing this Bill we did not want to introduce any controversial matters because I am perfectly clear in my mind that the introduction of any controversial matter will defeat the objects of the Bill; it will create hostility; it will divide the society. The success of this Bill will depend upon the mass support which the society is prepared to give to the provisions of the Bill. I have no doubt in my mind that we cannot prevent cruelty to animals by legislation. Legislation is good; it is necessary; it is to be enacted. But far more important is the question of awakening the people, of making them conscious of the love to be shown to animals. And if we introduce these provisions, for instance if we say there shall be no *halal* as it involves a type of cruelty which may be avoided, such an attitude will antagonise a large section of people; it will deprive them of the animal food that they are getting to-day. Now, sacrifice of animals before the deities. Well, that is a custom. I am not happy about it, but there are others who believe in it, and I think social consciousness at the moment would not warrant that there should be any legislation against it.

1 P.M.

In fact, it is in the interest of the animals that we should not introduce any controversial matters here which, I think, will do more to defeat the object of law than help it.

The hon. Member, Shri Jaswant Singh, talked a good deal about sports.

I am sorry, Sir, that he did not perhaps read the Report. The whole chapter VI . . .

MR. DEPUTY CHAIRMAN: Will you take more time?

SHRI A. P. JAIN: I will finish in five minutes or let me speak after lunch, if you do not mind.

MR. DEPUTY CHAIRMAN: You may continue after lunch. The House stands adjourned till 2-30 in the afternoon.

The House then adjourned for lunch at one minute past one of the clock.

The House reassembled after lunch at half past two of the clock, THE VICE-CHAIRMAN (PANDIT S. S. N. TANKHA) in the Chair.

MESSAGE FROM THE LOK SABHA

THE BANKING COMPANIES (AMENDMENT) BILL, 1959

SECRETARY: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Banking Companies (Amendment) Bill, 1959, as passed by Lok Sabha at its sitting held on the 12th August, 1959."

Sir, I lay the Bill on the Table.

THE PREVENTION OF CRUELTY TO ANIMALS BILL, 1959—continued

SHRI A. P. JAIN: Sir, before the House adjourned for lunch I was saying that there is a whole chapter on animal sports in the Committee's Report. Sir, some hon. Members here have said that sport should be abolished altogether. They seem to be under the impression as if sport is meant