

COMPASSION FOR LIVING CREATURES BILL

Preamble.—Our Constitution provides for humanism as a fundamental duty in its amplest signification. So too are fundamental rights. More importantly, Article 51A uniquely inscribes, as a fundamental duty, compassion for all living creatures. This extraordinary dimension of Constitutional compassion is imperfectly met by the SPCA working under the Prevention of Cruelty to Animals Act. These institutions are often indifferent, indigent, unaccountable and ineffective and rarely invigilated by State agencies. The result is tragic failure of the public duty towards sub-human creatures in the land of Buddha, Chaithnya and Gandhi. The negativity can be corrected only by law reform taking positive steps to create institutional remedies and vibrant public involvement. These and other grounds justify a legislative Bill sensitizing and activating people's consciousness, conscience, rights and duties under the Constitution and the Laws. These deficiency is made up by the above Bill.

Now therefore this bill is being enacted.

1. *Short title, extent and commencement.*—(1) This Act may be called Compassion for Living Creatures Act —.

(2) It extends to the whole of State of Kerala.

(3) It shall come into force at once.

2. *Public Policy of showing compassion towards all creations.*—The welfare of all living creatures is the concern of the State and Society as an expression of reverence to life in all its forms and as a cultural recognition of the fellowship of all created beings. This fundamental value shall be hallowed by the State and society, except in exceptional cases where avoidance of injury to human life necessitates infliction of pain on animals and birds. Such infliction shall be kept to the minimum, judging by veterinary standards certified by the Veterinary Director of the State; in all slaughter houses and all animal experimental stations and all festivals religious or other or sports and competitions.

3. *Birds or animals shall not be made generally the victims of experiments.*— No bird or animal shall be the victim of experiments for medical or other purposes except with the approval of the veterinary department of the Government or any other expert body authorized fit by the Government of India in this behalf.

4. *Conditions for slaughtering of animals and birds.*—(1) The slaughter of animals and birds shall be an offence under this Act except in slaughter houses certified by the State Government under conditions and restrictions with reference to age, health and environment prescribed by Rules in that behalf under this Act. No meat shall be sold or offered for sale except such as is obtained from a sanctioned slaughter house or hotel or restaurant which has the sanction of the health department of the Government for killing and selling or otherwise making meat for consumption.

(2) No animal or bird slaughtered for the purpose of eating meat of such animal or bird shall be displayed in any public place open to the vision or gaze of the public.

(3) The killing of animals and birds permitted under this Act shall be done only in licensed slaughter houses without inflicting indiscriminate pain and torture.

(4) Any Act or omission in violation of the provisions of this Act shall constitute an offence punishable with imprisonment for five years and of with fine. The Judicial First Class Magistrate of the area shall have jurisdiction to take cognizance of the offences under this Act, try and punish the offenders.

5. *No bird or beast shall be used for entertainment etc.,*.—No bird or beast shall be used for entertainment or competitive display except with the sanction and subject to the conditions prescribed by authorities appointed in that behalf by the State Government.

6. *Use of certain animals and birds only subject to conditions.*—No pig, cattle, frog or fowl or other living creature shall be subjected to cruelty or pain for any purpose whatsoever including export or interstate transport save with sanction of the State Government except fish. No animal shall be used for getting milk if it is in a state of illness or otherwise, too sick to yield healthy milk. It shall be the duty of the keeper of every head of cattle or pig or draft animal to keep them safely and in good health conditions and it is his duty to give them proper treatment for diseases like soar neck limping leg etc.

7. *Duty of keepers of animals to take care of the animals.*—No keeper of an animal shall neglect the proper feeding and maintenance of his keep or its proper medical attention when it is ill or old. Any inspector of a Society for Prevention of Cruelty to Animals (SPCA) within whose jurisdiction an animal is kept and any veterinary officer shall have the powers of entry, inspection, seizure and other measure of protection of an animal with all the powers of police vis-a- vis a cognizable offence.

8. *Facilities and necessities needed for Elephants.*—Elephants shall have all the freedoms of wild life animals and shall be afforded all the facilities and necessities for fair survival of such needs—like water, jungles for shelter, fodder and other fruits and commodities, palm leaves and bamboo available for such needs. No hunters, visitors or other intruders shall be allowed into the wild life sanctuaries and forest except with the permission and supervision of the conservator of forests. Any cruelty or hardship or deprivation of limb or life of elephants shall be permitted and every such act shall be a crime under the Wild Life Protection Act. No elephant or other wild life shall be killed by anyone on the ground of encroachment and damage to cultivation or safety of domestic life. Any violence calculated to scare away such animals for the purpose of the safety of domestic life of the people including killing shall be permissible only with due information to the concerned forest official.

9. *Capturing of elephants only subject to conditions.*—No elephant shall be captured by trapping or other strategy without great care for the safety and survival of the animal. Training and domesticating of any captive elephant shall be with due care for its health and safety. Elephants used for carrying wood or other commercial purposes shall not be subjected to any undue hardship or violation of its natural needs.

10. *Restrictions on the use of Elephants during festivals and other entertainments.*—(a) No elephant shall be used for any purpose connected with festivals in any private or public place of worship or where any public ceremony is conducted continuously at a stretch of more than a maximum period of 4 hours without giving a rest period of not less than 2 hours. Even after giving such rest period no elephant can be used for a period more than 8 hours during a continuous period extending to 24 hours.

(b) The authority who conducts festivals and other functions shall seek and obtain prior permission for use of elephants from the officer nominated by the Government in this behalf. On receiving the request the authority shall conduct such enquiries as he deems fit regarding the suitability of the elephant concerned for the purpose and issue certificate of fitness accordingly.

(c) If during the festivals, any fire work is conducted, elephants if any present at the festival place, shall be taken to their resting place and properly chained so that the elephants may be under control of the mahouts so that breach of peace can be avoided.