

THE KHYBER PAKHTUNKHWA ANIMAL WELFARE ACT, 2024.

(KHYBER PAKHTUNKHWA ACT NO. XV OF 2024)

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THE KHYBER PAKHTUNKHWA ANIMAL WELFARE ACT, 2024.

(KHYBER PAKHTUNKHWA ACT NO. XV OF 2024)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 05" November 2024).

AN  
ACT

to provide for prevention of infliction of unnecessary pain to animals and to set standard to govern the humane handling, regarding care, treatment and transportation of animals in the Province of Khyber Pakhtunkhwa

WHEREAS, it is expedient to provide for the prevention of infliction of unnecessary pain to animals and to set standards regarding humane handling, treatment and transportation of animals in the Province of Khyber Pakhtunkhwa and for matters connected therewith and ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Animal Welfare Act, 2024.

(2) It shall extend to the whole of Province of Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say,-

(a) "animal" means the domestic animals and includes cattle, buffalo, sheep, goat, camel, horse, ass, mule, poultry, pheasant, quail, geese, ostrich and any other animal or bird as the Department may, by notification, specify from time to time;

(b) "animal fighting venture" means any venture that involves a fight between at least two animals or between animal and human being, and is conducted for sports, wagering, or entertainment, but does not include any activity of hunting under the Khyber Pakhtunkhwa Wildlife and Biodiversity (Protection, Preservation, Conservation and Management) Act, 2015 (Khyber Pakhtunkhwa Act No. I of 2015);

(c) "animal welfare" means the physical and mental status of an animal, in relation to their lives that the animal is in a good status and is healthy, comfortable, and well-nourished, safe, able to express innate behaviors and is not suffering from unpleasant conditions such as suffering from hunger, thirst, pain, injury, disease, fear and distress;

(d) "Code" means the Code of Criminal Procedure,1898 (Act No. V of 1898);

(e) "Committee" means the Animal Welfare Committee, constituted under section 3 of this Act;

(f) "contagious" means an infectious disease, communicable by contacting the person having that disease;

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“Court” means the Court of Judicial Magistrate First Class;

“domestic animal” means any animal, who has been tamed or kept by human beings over generations for companionship, food, fiber or work, but does not include a captive animal or a wild animal kept by human beings;

“Department” means the Livestock, Fisheries and Cooperative Department;

“Director” means the Director, Animal Health and production of the Directorate General;

“Directorate General” means the Directorate General (Extension), Livestock and Dairy Development, Khyber Pakhtunkhwa;

“Government” means the Government of Khyber Pakhtunkhwa;

“humanely euthanized” means killing of an animal using suitable tools, applied by person with the necessary training and expertise using a procedure which induces either the instantaneous death of an animal or uses stunning or anaesthetization that renders the animal unconscious and insensible until death supervenes. In both cases, it shall be

accomplished with the absence of pain, suffering, fear or distress, including during the period of induction of unconsciousness;

“infectious disease” means a disease, caused by a micro-organism including bacteria, virus, fungus or parasite;

“Inspector” means the Veterinarian designated by the Department as Inspector under section 7 of this Act;

“local administration” means a local government, constituted under the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013);

“owner” means any person, who is responsible for the animal health and well-being, either on a permanent or on a temporary basis, or has an animal in his care or under his supervision or control and includes any other person for the time being in possession or custody of the animal, whether with or without the consent of owner;

“phooka or doom” means any process of introducing air or any substance into the female organ of a milk animal with the object or drawing off, any secretion of milk;

“prescribed” means prescribed by rules;

“rules” mean the rules made under this Act; and

“Veterinarian” means a veterinary graduate, registered with the Pakistan Veterinary Medical Council.

3. Animals Welfare Committee.---(1)The Department may by Notification constitute a committee to be known as the Animal Welfare Committee which shall consist of-

(a) Secretary to Government of the Chairperson Department;

(b) Director General (Extension) Livestock Vice and Dairy Development, Khyber Chairperson Pakhtunkhwa;

(c) Director, Veterinary Public Health of the Member Directorate General;

(d) a representative of the Forestry, Member Environment and Wildlife Department, not below the rank of BPS-18;

(e) a representative of the Brooke Pakistan; Member and

(f) Director, Animal Health and Production, | Member-cum-Directorate General. Secretary

(2) The Chairperson may co-opt any member of the Committee, for the purpose of specialized expert opinion over an issue relating to animals:

Provided that the co-opted member shall not be entitled to cast his vote.

4. Meetings of the Committee.---(1) The Committee shall meet at least twice a year on such date, time and at such place as may be communicated by the Chairperson.

(2) The meetings of the Committee shall be presided over by the Chairperson and in his absence, the Vice Chairperson shall preside over the meeting of the Committee.

(3) The quorum for a meeting of the Committee shall be two third of its total members.

(4) The decision of the Committee shall be taken by majority of its members present and voting.

5. Powers and functions of the Committee.---(1) The Committee shall-

(a) advise Government, any local administration or any other person or entity involved in the maintenance of slaughterhouses or connected with the welfare of animals, to ensure that as far as possible necessary pain or suffering, whether physical or mental, is eliminated in the pre-slaughter stages, in the most humane manner;

(b) cooperate with and coordinate the work of associations or bodies established to prevent unnecessary pain suffering by animals;

- (c) recommend to Government or any local administration, specification for the design of vehicles or carts to lessen the burden on draught animals;
- (d) humanely manage the population of stray or ownerless animals;
- (e) in collaboration with the local administrations, take all such steps, which the Committee may think fit or necessary for

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providing safe and conducive living conditions, like construction of shelters, rehabilitation centers or sanctuaries for animals;

recommend to Government on matters, in relation to the medical care and attention which may be provided in veterinary hospitals and the financial and other assistance to veterinary hospitals as the Committee may deem fit; and

impart education in relation to the humane treatment of animals and to aware the public against the infliction of unnecessary pain and suffering to animals and for the promotion of animal welfare by means of lectures, books, posters etc.

6. Powers and functions of the Director.---The Director shall-

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exercise the powers of the Inspector under section 8 of this Act and such other powers as may be conferred upon him by the Director General for the purpose of this Act;

be responsible for the enforcement and implementation of this Act;

monitor the activities of the Inspectors; and

accomplish any other task as may be assigned to him by the Director General.

7. Inspectors.---The Department may, by notification, designate from amongst the Veterinarian working in the Directorate General, as Inspector, with a specific area of jurisdiction, for the purpose of this Act.

8. Powers and functions of Inspector.---The Inspector, shall,-

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with the assistance of local police, enter, search and inspect

at any time, any person, premises, area, vessel, vehicle, cart, package, receptacle or covering, with warrant, so as to satisfy himself as to whether or not an offence under this Act has been committed:

Provided that the Inspector, for the purpose of search made in a dwelling house, shall obtain prior search warrant from the Court and shall conduct search in accordance with the provisions of the Code;

with the assistance of local police, seize or confiscate animal, dead or alive, as well as any weapon, poison, firearm, net, trap bow, arrow, vehicle, vessel, cart or any other item or property used or suspected to have been used in the commission of an offence under this Act;

permanently remove and take into custody any animal from any place or owner, where he believes that the animal is suffering unnecessary pain and where the animal is not in a good condition, and to ensure that the animal receives veterinary care and treatment at the cost of the owner, to place that animal in possession of any other person, he reasonably believes that, may provide good welfare conditions, to that animal;

- (d) take all such measures, necessary to prevent by lawful means, the commission of any offence under this Act;
- (e) stop, search and seize any vehicle or cart, at any time, where he believes that, an animal is on or in that vehicle or cart is suffering, or is likely to suffer, unreasonable or unnecessary pain or distress;
- (f) take immediate action, where he believes that an animal is being overloaded, unwell, weak or injured, to alleviate further suffering, for the purposes of this Act;
- (g) receive and investigate the complaints of general public on animal cruelty in the manner as may be prescribed; and
- (h) after finding that any violation has been committed under this Act or rules, shall file a complaint in the Court, against such person.

9. Assistance to the director and Inspectors.---(1) A police officer or local administration or the owner or person, in-charge of an animal or vehicle carrying animal, shall provide immediate assistance to the Director or Inspectors as the case may as and when required in carrying out his duties under this Act.

(2) The animal who appears to be ill, injured or in pain or distress any owner or in-charge of such an animal, shall ensure that the animal is inspected, cared for and treated appropriately as possible, without delay. A Veterinarian shall be consulted whenever in case of any health issues, illness, injury or other possible emergency which cannot be identified. Any ill or injured animal shall be accommodated in accordance to their special needs and where deemed necessary, in separate accommodation. No sick or injured animal shall be transported, unless for emergency purposes and to ensure the animals welfare.

(3) In case of ownership dispute concerning the animal or animals, the issue shall be decided by the competent court, taking into account the best interests of the individual animal or animals.

(4) An owner or in-charge of an animal who contravenes the provisions of this section shall be punishable with a penalty as per provided in section 17 of this Act.

10. Transportation of animals.---(1)A person, in-charge of a vehicle or cart in which animals are being transported, shall ensure that an animal is-

(a) provided with reasonable, comfortable and secure accommodation and the cage, vehicle, cart or receptacle in which the animal is confined shall be large enough for the animal to stand up, turn around and comfortably lie down in; and

(b) supplied with adequate food and a continuous supply of potable water at regular intervals, which in no event shall be given at an interval which is longer than twelve hours in case

of food and six hours in case of water.

(2) Any person, who confines or transports an animal in a manner that causes the animal unreasonable or unnecessary pain or distress or contravenes the provisions of section 9 shall be deemed to have committed an offence under this Act and shall be liable to a penalty in accordance with section 17 of this Act.

11. —‘ Animal fighting venture.---Any person who-

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knowingly owns, possesses, keeps, trains or breeds an animal for the purposes to participate in an animal fighting venture;

knowingly sell, buy, transport or deliver to another person an animal to participate in an animal fighting venture;

sets an animal on another animal, incites animal fighting or causes an animal against another animal to fight by humane being;

organize, assists or attends the animal fighting venture;

keeps, uses, manages or assists in the management of any premises or place used for the purpose or partly for the purpose of an animal fighting venture, or permits any premises or place to be so kept, managed or used for the same; or

promotes or advertises any animal fighting venture or receives or causes or procures any person to receive any money or other valuables for the admission of any person to such premises or place or for the purpose of betting on or assisting at such fights; or possesses, whether for sale or self-use, video images of such fights; the persons who falls within the category of clauses (a) to (f),

shall be deemed to have committed an offence and shall be liable to punishment under section 17 of this Act.

12. Experiments on animals.---(1)The use of animals in research, testing and teaching is confined to cases in which there is good reason to believe that-

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the findings of the research or testing or the results of the teaching shall enhance-

(i) the maintenance or protection of human or animal

health or welfare;

- (ii) the production and productivity of animals; or
- (iii) the achievement of educational objectives;

in relation to animals used in research, testing and teaching, all reasonable steps shall be taken to ensure that the physical health and behavioral needs of those animals are met in accordance with both good practice and scientific knowledge; and

where animals used in research, testing and teaching are unwell or injured, they shall receive where practicable, treatment that alleviates any unreasonable or unnecessary pain or distress or where necessary as determined by a qualified veterinarian, be humanely euthanized if such treatment is not provided, it shall be deemed to have committed an offence under this Act and shall be liable to a penalty in accordance with section 17 of this Act.

13. Performance of surgical procedure.---(1) No person shall perform any surgical procedure, on any animal, unless that person is a certified or license holder Veterinarian. In case the person who perform any surgical procedure on an animal, is certified or licensed Veterinarian, shall give adequate anesthetic to the animal, in

such a manner as to eliminate or at the very least, minimize the discomfort or pain felt by the animal during the procedure.

(2) All surgical procedures on animals shall be performed, in a sterile environment, in accordance with international veterinary best practices.

(3) Any person, who contravenes any provision of this section, shall be deemed to have committed an offence under this Act and shall be liable to a penalty, in accordance with section 17 of this Act.

14. Exemption.---The following actions shall not be deemed to be cruelty under this Act:

(a) the dehorning of cattle, or the castration or branding or nose roping of any animal; or

(b) the elimination of those specific stray animals which have been determined to be dangerous in a humane manner by administering sodium pentathol after following such procedure as may be prescribed; or

(c) the extermination or destruction of any animal under the authority of any law for the time being in force; or

(d) the commission or omission of any act in the course of removal of killing or the preparation for the removal of killing of any domestic animal, as food for mankind, unless such removal of killing or preparation was accompanied by the infliction of unnecessary pain or suffering.

15. Obstruction and false statements.---If any person-

(a) obstructs the Director or the Inspector or the police officer as the case may be, in the exercise of the powers under this Act as to entry, inspection, search and seizure; or

(b) conceals any animal, with the intention to avoid inspection, entry, search or seizure under clause (a); or

(c) makes any false or misleading statements to an Inspector, either verbally or in writing, while the Inspector is conducting inspection, search or seizure under the provisions of this Act;

shall be punishable with fine which may extend to ten thousand rupees or with imprisonment which may extend to three months or with both.

16. Offences.---If any person or an organization, who-

(a) overdrives, overburdens, beats or otherwise treats any animal, so as to subject it to unnecessary pain or suffering;

(b) binds, keeps, carries or consigns for carriage any animal in

such a manner or position as to subject it to unnecessary pain or suffering;

(c) inflicts pain because of mutilation, starvation, thirst, overcrowding, overburdening or other ill treatment on any animal or offers such animal for sale;

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offers for sale any dead animal or part of a dead animal  
which has been killed by unnecessarily cruel manner;

abandons any animal in circumstances which render it likely  
that it shall suffer pain because of starvation or thirst;

performs upon any cow or other milch animal, the operation  
called phooka or doom, or permits such operation to be  
performed upon any such animal in his possession or under  
his control;

engages or put to work any animal which because of any  
disease, infirmity, wound, sore or other cause is unfit or  
permits any such unfit animal in his possession or under his  
control to be so engaged;

willfully permits any animal, of which he is the owner, to go  
at large in any public places, while the animal is affected  
with a contagious or infectious disease or without reasonable  
excuse, permits any diseased or disabled animal, of which he  
is the owner, to die in any public places;

willfully and unreasonably administers any injurious drug, or  
injurious substance to animal, or willfully and unreasonably,  
causes, or attempts to cause any such drug or substance to be  
taken by any animal;

restrains or confines an animal in a cage or container or any other place, which is not sufficient in height, length and breadth which prevent the animal a reasonable opportunity for movement;

holds the animal for unreasonable time, chained or tied with a short or heavy chain, or cord which will inflict pain or distress on the animal;

being the owner or keeper, fails to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement or being the owner of any animal fails to provide such animal with sufficient food, drink, shelter or veterinary care;

mutilates any animal or kills any animal, by using the method of strychnine injections in the heart, shooting, poisoning or in any other unnecessarily cruel manner;

solely, for the purpose of providing entertainment, confines or causes to be confined an animal, including the tying of an animal as a bait in a tiger or other carnivorous sanctuary, to make it an object or prey for any other animal;

promotes or participate in any shooting match or competition, wherein animals are released from captivity, for the purpose of shooting;

exposes an animal to temperatures, weather conditions, wrong chemistry for aquatic animals, lack of oxygen or restriction of free movement, inflicting or likely to inflict pain, suffering injury or fear on the animal;

(q) engages in sexual contact or sexual conduct with an animal or knowingly causes, aids and abets another person in engaging in sexual contact or sexual conduct with an animal; or

(r) carries out an intervention, including amputation or destruction of organs and tissue on an animal, other than for therapeutic or diagnostic purposes, in accordance with the relevant laws or rules-

shall have committed an offence of cruelty and shall be liable to such punishment, as provided in section 17 of this Act.

Explanation.---For the purposes of this section the owner of an animal shall have committed an offence of cruelty, if he has failed to exercise reasonable care and supervision, to the prevention of such offence.

17. Penalties.---(1) Any person, who violates the provision of sections 8, 9, 10, 11, 12, 13 and 16 of this Act shall be punished with imprisonment for a term which may extend to three months or with a fine, which may extend to rupees fifty thousand or with both.

(2) In case of subsequent violation, the person shall be punished with imprisonment for a term which may extend to six months or with a fine which may extend to rupees one hundred thousand or with both.

(3) Any other offence for which no specific penalty is provided under this Act, the offender shall be punished with imprisonment up to one month, or with fine which may extend to rupees ten thousand, or with both.

18. Offences to be cognizable.---(1) Notwithstanding anything contained in the Code, an offence punishable under this Act, shall be cognizable and bailable.

(2) The Judicial Magistrate First Class shall conduct the trial of an offence under this Act as per the provisions of the Code.

19. Indemnity.---No suit, prosecution or other legal proceeding shall lie against any person empowered under this Act for anything done or intended to be done in good faith in pursuance of any provision of this Act, rules or order made thereunder.

20. | Appeal.---(1) Any person, aggrieved by the order of Director or Inspector, passed under the provisions of this Act, may within thirty (30) days, prefer an appeal to-

(a) the Director General, where the order is issued by the Director; or

(b) the Director, where the order is issued by the Inspector.

(2) The procedure, mechanism and duration for the disposal of an appeal under sub-section (1), shall be in the manner, as may be prescribed.

21. Power to make rules.---(1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may provide for-

(a) the maximum load including any load occasioned by the weight of passengers to be carried or drawn by any animal;

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the conditions to be observed for preventing the overcrowding of animals; the period during which, and the hours between which, any class of animals shall not be used for draught purposes;

prohibiting the use of any bit or harness involving cruelty to animals;

the precautions to be taken in the capture and breeding of animals for the purposes of sale, export or for any other purpose, and the different appliances or devices that may be used for the purpose; and the licensing of such capture or breeding and the levying of fees for such licenses;

the procedures to manage, house and treat abandoned, lost or stray animals;

the procedure for reproductive control of stray animals including through the use of trap, neuter, vaccinate release programs;

the precautions to be taken in the transport of animals, whether by rail, road, inland waterway, sea or air and the manner in which and the cages or other receptacles in which they may be so transported;

the training of animals for sports performance or exhibition in a manner that uses only positive reinforcement as opposed to negative reinforcement and punishment; and

any other matter which has to be or may be prescribed.

22. Repeal and savings.—(1) The Prevention of Cruelty to Animals Act, 1890 (Act No. XI of 1890), in its application to the extent of the Province of Khyber Pakhtunkhwa is hereby repealed.

(2) The repeal under sub-section (1), shall not affect-

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the previous operation of any such provision of law or anything duly done or suffered thereunder;

any right, privilege, obligation or liability acquired, accrued or incurred under any such provision of law;

any penalty, forfeiture or punishment incurred in respect of any offence committed against any such provision of law; or

any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and every such investigation, legal proceeding or remedy may be continued, instituted or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid provisions of law had continued.

(3) Anything done or any action taken under any provision of the Act repealed under sub-section (1), including any notification, order, notice or receipt issued or declaration made, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, issued or made under the corresponding provisions of the said Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken

under this Act.