



PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

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ABSTRACT :

God created this planet with so much love and care so that cruelty doesn't exist among the things created. The best creation among them is the human beings but we have lost all the love we had by acting selfish. Our selfishness led to the cruelty to animals. It is said we will never find peace among people whose heart finds satisfaction in killing living things. To curb the menace of cruelty against animals, various laws have been initiated by the central government, but one of the main laws concerning prevention of animals cruelty are the "PREVENTION OF CRUELTY TO ANIMALS ACT, 1960". This article gives an overview of the Act by explaining what is cruelty and what amounts to cruelty, the measures taken by the Government to prevent cruelty to the mute spectators. Thus, living things include human beings, animals, plants, etc. and not only human beings so let us keep this in mind and try to prevent the cruelty caused to animals and not to act selfishly.

INTRODUCTION:

All living things have a right to live on this earth but, we very often become, totally, insensitive to their pain, only because

animals cannot speak the language of humans, they don't have a voice. When God created this planet he had a specific purpose for all living things and he did so to strike a balance in his creation. He wanted a world where harmony and peace prevailed and so he made the 'food chain' which maintains the ecological balance in nature but man in his greed has recklessly been plundering the natural abode of animals, killing them indiscriminately for pleasure, for food, for their skin and other parts of their body and some to serve his needs. Mahatma Gandhi once rightly said, "the greatness of a nation is judged by the way it treats its animals". But in today's world, no need is paid to basic morals and ethos and in a rat-race to earn more and more money, animals become the targets. They are exploited since they are mute spectators and are incapable of raising their voice against these cruelties. To curb the menace of cruelty against animals, various laws have been initiated by the central government, but one of the main laws concerning prevention of animals cruelty are the "PREVENTION OF CRUELTY TO ANIMALS ACT, 1960" under this act, police have all powers to arrest an offender who is found to be involved in any illegal activity or in cruelty against animals. It also provides provision wherein a private individual under the provisions of Section 43 of Cr.P.C can detain or cause to detain such individual involved in any such act.¹

ANIMAL CRUELTY:

Animal cruelty refers to unwarranted cruel treatment of animals. Any unnecessary harm and pain inflicted upon an animal would amount to animal cruelty. The range of stakeholders involved in the animal welfare

¹ Section 43 of Cr.P.C.



debates include industry and producer groups, science bodies and animal welfare non-governmental organizations and professional groups, including the veterinary and legal profession². Animal cruelty would be either due to negligence or intentional act. Negligence may be like failing in providing good food, shelter and care for animals. Sometimes the owner may not be aware of certain facts that makes the animal uncomfortable and unhealthy. Intentional Act like making them participate in commercial profit games like cock fighting, dog fighting and illegal slaughter house. Animal cruelty could be recognized when we see wounds on animal body, when there are several outgrown nails, extremely thin animals that are starving, while they limp, keeping animals out in extreme climate conditions, animals being crammed into tiny cages that are not their size. Kept in unhygienic conditions and so on.

PREVENTION OF CRUELTY TO ANIMALS ACT, 1960:

The prevention of cruelty to animals act, 1960 was enacted by the parliament in the eleventh year of the Republic of India on 26th December 1960. It consists of 6 chapters and 44 sections along with 16 Rules.

OBJECT OF THE ACT:

1. An act to prevent the infliction of unnecessary pain or suffering on animals.

2. It provides ANIMAL WELFARE BOARD OF INDIA, a committee for control and supervision of experiments on animals.

DEFINITIONS:

ANIMAL: ‘animal’ means any living creature other than a human being.³

CAPTIVE ANIMAL: ‘captive animal’ means any animal (not being a domestic animal) which is in captivity or confinement, whether permanent or temporary, or which is subjected to any appliance or continuance for the purpose of hindering or preventing its escape from captivity or confinement or which is maimed or which is or appears to be maimed.

DOMESTIC ANIMAL: ‘domestic animal’ means any animal which is tamed or which has been or is being sufficiently tamed to serve some purpose for the use of man or which, although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly a partly tamed⁵.

PHOOKA (OR) DOOM DEV: ‘phooka’ or ‘doom dev’ includes any process of introducing air or any substance into the female organ of a milch⁶ animal with the object of drawing off from the animal and secretion of milk.⁷

DUTY TOWARDS ANIMALS:

Apart from the fundamental duty imposed on citizens of this country to have compassion towards living creatures⁸, Section 3 of PCA

² A.C. David Bayuel & Nicki Cross, “Animal Welfare : A complex domestic and international public- policy issue-who are the key players?.”

³ Section 2(a) prevention of cruelty to animals act, 1960.

⁴ Section 2(c), id.

⁵ Section 2(d), id.

⁶ Milch means milk

⁷ Section 2(g), PCA Act, 1960.

⁸ Article 51A (g) Indian constitution.



confess a statutory obligation on persons having the care or charge of any animal to take all reasonable measure to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering⁹.

ANIMAL WELFARE BOARD OF INDIA:

An animal welfare board shall be constituted for the purpose of protecting animals from unnecessary pain or suffering¹⁰. The board is fully funded by the central government¹¹ and consists of 23 members¹² from different fields, including

1. Inspector- general of forests- ex officio.
2. Animal husbandry commissioner to the government of India- ex officio.
3. Ministries of home affairs and education- 2 members.
4. Indian board for wild life- 1 member.
5. Association of veterinary practitioners- 1 member.
6. Practitioners of modern and indigenous system of medicine- 2 members.
7. 1-Member to represent 2 municipal corporations each.
8. 1-Member to represent 3 organisation actively interested in animal welfare each.
9. 1-Member to represent each of 3 societies dealing with prevention of cruelty to animal.
10. 3-Members nominated by the central government.

11. 6-Members of parliament.

FUNCTIONS OF THE BOARD:¹³

- Any matters connected with animal welfare.
- Matters related to animal hospitals.
- Amendments of the act to be taken time to time.
- Improvement of vehicle design to transport animals.
- Improvement of providing facilities to animals.

Like :-

1. Construction of sheds.
2. Water trough.
3. Veterinary assistance etc..
- Giving financial and other assistance to animal welfare organization.
- Giving advice to central government or other on methods of killing of animals and maintenance of animal house.

The animal welfare board of India (AWBI) the first of its kind to be established by any government in the world, was set up in 1962 in accordance with section 4 of the act. Smt .Rukmini devi arundale pioneered the setting up of this board, with its headquarters in Chennai.

ACTS OF CRUELTY AGAINST ANIMALS:

We may have an understanding as to what may amount to cruelty against animals, the act provides an exhaustive list of offences which would amount to treating of animals cruelty and are punishable. Section 11 of the PCA enumerates the instances as:-

⁹ Shantakumars introduction to environmental law, lexis nexis, 2nd edn, reprint2010,p.302.

¹⁰ Section 4 of PCA Act,1960

¹¹ Section8,id.

¹² Section 5,,id.

¹³ Section 9,id.



- Beating ,kicking, over-riding, over-loading, torturing or treating any animal in a manner that causes unnecessary pain or suffering.
- Employing any animal which is not fit for employment due to age, any disease, infirmity, wound-sore or other similar cause.
- Willfully and reasonably administering any injurious drug or injurious substance to any animal or attempting to cause such substance to be taken by any animal.
- Conveying or carrying any animal in any vehicle in a manner leading to unnecessary pain and suffering.
- Keeping or confining any animal in any cage or receptacle which does not measure sufficiently in height, length and breadth, preventing reasonable movement of such animal.
- Keeping any animal chained for an unreasonable time.
- Being the owner¹⁴ of any animal and failing to provide such animal with sufficient food, drink or shelter or abandoning any animal without any reasonable cause which would result in pain due to starvation or thirst.
- Mutilation or killing any animal including stray dogs by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner.
- For entertainment purpose, confining or inciting any animal to fight or bait any other animal.
- Performs any act for the purpose of increasing the lactation of any milch animal shall be punished with a fine which may extend to thousand rupees or imprisonment for a maximum term of two years or both.¹⁵

ACT NOT CONSIDERED CRUEL:

The exceptions to cruelty to animals ¹⁶are

- The dehorning of cattle or the castration or branding or nose-roping of animal, in the prescribed manner.
- The destruction of stray dogs in lethal chambers.
- The extermination or destruction of any animal under the authority of any law for the time being in force.
- The commission or omission of destruction or such preparation of destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.
- The act makes it lawful to kill any animal in a manner required by the religion of any community.¹⁷

EXPERIMENTATION:

Section 14 of PCA experimentation of animals for the purpose of prolonging life or alleviating suffering or for combating any disease, whether of human beings, animals or plants, then this act will be unlawful. The central government may constitute a committee for controlling and supervising such experiments if it wishes to¹⁸. That committee has the power to

1. Constitute further sub-committees.¹⁹
2. Prohibit experiments on animals after allowing the person conducting the experiment a reasonable chance to explain.²⁰

¹⁴ Section 2(f) of PCA Act,1960.

¹⁵ Section 12,id.

¹⁶ Section 11(3),id.

¹⁷ Section 28, id.

¹⁸ Section 15, id.

¹⁹ Section 15 A, Of PCA Act,1960.

²⁰ Section 19, id.



3. Conferred with power of entry and inspection.²¹

4. Impose certain penalties on event of contravention of any of the orders given by the committee.²²

ENTERTAINMENT:

The act prohibits exhibition and training of any animal, which is notified by the central government²³. If any person has registered with the prescribed authority for the purpose of exhibiting or training any performing animal he may exhibit or train subject to certain conditions. The act also provides the definitions of exhibit and train exhibit means exhibit or any entertainment to which the public are admitted through sale of tickets, and train means train for the purpose of any such exhibition.²⁴ The court has the power to restrict or prohibit the training of such performing animals²⁵. The magistrates needs to be satisfied that the training or exhibition of any performing animals has not been accompanied by satisfied that the training or exhibition of any performing animals has not been accompanied by unnecessary pain or suffering. Any person authorized by the prescribed authority or police office not below the rank of a sub- inspector may enter and inspect any premises in which performing animals are being trained or exhibited or kept for and require the trainee or exhibitor to produce his certificate of registration.²⁶

EXCEPTION:

1. Training or exhibition of such animals for bonafide military or police purpose.

2. Exhibition of animals for education or scientific purpose by any zoological garden or by any society or association, which keeps the animals with the principal object of education or scientific purposes.²⁷

PUNISHMENT:

SECTION 11:

- First offence of cruelty (offence).
- Fine not less than Rs.10 which may extend to Rs.50 (punishment).
- Second or subsequent offence of cruelty committed within 3 years of previous offence (offence).
- Fine not less than Rs. 25 which may extend to Rs. 100 or imprisonment for a term which may extend to 3 months or both (punishment).

SECTION 12:

- Practice of phooka or doom dev (offence).
- Fine which may extend to Rs.1000 or with imprisonment which may extend to 2 years or both.

SECTION 20:

- Experimentation (offence).
- Fine which may to Rs.200 (punishment).

SECTION 26:

- Exhibits or trains any performing animal without registration or in a manner with respect to which he is not registered or any animal not be used or obstructs or willfully delays any person or police officer from exercising of power to enter and inspect or

²¹ Section 18, id.

²² Section 20, id.

²³ Section 22, id.

²⁴ Section 20, id.

²⁵ Section 23, id.

²⁶ Section 25 of PCA Act,1960.

²⁷ Section 27, id.



conceals any animal with a view to avoid inspection or fails to produce his certificate registration.(offence).

- Fine which may extend to Rs.500 or imprisonment which may extend to 3 months or both.

SECTION 38:

- Contravenes or abets the contravention of any rules made by central government (offence).
- Fine which may extend to Rs.100 or imprisonment extend to 3 months or both (punishment).

CASE LAWS:

1. N.R.NAIR V. UNION OF INDIA²⁸

ISSUE: The validity of section 22 of the PCA act and the notification issued under section 22 to the effect that ‘no person shall train or exhibit any animals specified therein namely, bears, monkeys, tigers, panthers, and lions’.

HELD:

The welfare of the animals is of the paramount consideration and it is only if the government is satisfied on the material record that unnecessary pain or suffering is inflicted on an animal during the course of training or at the time which it is exhibited that a notification is issued. The court has the duty to look into the matter that the government had arrived at the said decision after considering all the facts relevant for it to make that decision. The court was also satisfied that the impugned notification was within the parameters of the prevention of cruelty to animals act,1960.

²⁸ AIR 2001 SC 2337.

2. ANIMAL WELFARE BOARD OF INDIA V. A. NAGARAJA²⁹

ISSUE:

Whether events of bullock- cart race that were being conducted in states of Tamil Nadu and Maharashtra were in violation of sections 3, 11 (1) (a), 21 and 22 of prevention of cruelty to animals act, 1960.

HELD:

Facts showed that during Jallikattu, many animals were observed to engage in flight response as they try to run away from arena when they experience fear or pain, since the area was completely enclosed. Jallikattu demonstrated link between actions of humans and fear, distress and pain experienced by bull. Also the court held that studies indicate that rough or abusive handling of bulls compromises welfare and for increasing bulls fear, often, they were pushed, hit, prodded, abused, causing mental as well as physical harm. Further held the organizers of jallikattu were depriving rights guaranteed to bulls cannot be used as a performing animals for jallikattu and bullock- cart race, since they are basically draught and pack animals, not anatomically designed for such performance. Therefore the appellant was right in their stand that jallikattu, bullock- cart race and such events per se violate sections 3, 11(1) (a), 21&22 of the PCA Act. Therefore, bulls cannot be used as performing animals, either for jallikattu events or bullock- cart races in state of Tamil Nadu or Maharashtra or elsewhere in the country.

RULES MADE UNDER THE PREVENTION OF CRUELTY TO ANIMALS ACT,1960:

²⁹ (2014) 7 SCC 547.



Section 38 of the PCA Act, has made the following rules:

1. PREVENTION OF CRUELTY TO DRAUGHT AND PACK ANIMALS RULES, 1965

The rules prescribed that:

- a) the maximum loads for draught animals.
- b) maximum load for certain animals.
- c) maximum number of passenger for animal drawn vehicle.
- d) working hours for draught and pack animals.
- e) prohibition conditions for the use of spiked stick.

2. GENERAL CONDITIONS FOR THE USE OF DRAUGHT & PACK ANIMALS:³⁰

- a) use any animal for drawing any vehicle or carrying any load.
 - 1. for an average of more than 9 hours in a day.
 - 2. for more than 5 hours continuously without a break or rest for the animal.
 - 3. any area where the temperature exceeds 37 degree celcius during the period between 12 noon and 2 pm.

3. THE PREVENTION OF CRUELTY TO ANIMALS (LICENSING OF FARRIERS) RULES, 1956.

The rules prescribes.

- 1. the procedure for licensing of farriers.³¹

- 2. persons entitled to apply for license.
- 3. term of licence and renewal.
- 4. cancellation of licence.

4. THE PREVENTION OF CRUELTY (CAPTURE OF ANIMALS) RULES, 1972.

The rules prescribes

- 1. the capture of birds.
- 2. the capture of other animals.

5. PERFORMING ANIMALS RULE, 1973.

These rules prescribes.

- 1. application for registration.
- 2. form of certificate of registration.
- 3. maintenance of register.
- 4. copies of certificate, etc. sent to animal welfare board.

6. TRANSPORT OF ANIMALS RULES, 1978.

Prescribes rules for

- 1. transport of dogs, cats, monkeys, cattle, equines³², sheep and goats.
- 2. size and type of crate for transportation of dogs, cats etc.

7. THE PREVENTION OF CRUELTY TO ANIMALS (APPLICATION OF FINES) RULES, 1978.

Prescribes rules for

- 1. application of fines levied under the PCA Act.

³⁰ Section 6 the prevention of cruelty to draught and pack animals rules, 1965.

³¹ Farriers means a person who carries on the business of shoeing cattles.

³² Horses, mules and donkeys.



2. fines, after deducting cost of collection to be made over to board.
3. application of fines made over to board.
4. principles to govern application of fines.

8.THE PREVENTION OF CRUELTY TO ANIMALS (REGISTRATION OF CATTLE PREMISES) RULES, 1978.

Prescribes rules for

1. registration of premises.
2. application for registration.
3. certificate of registration.
4. inspection of premises.
5. cancellation of registration.

9.ANIMAL BIRTH CONTROL(DOGS) RULES,2001.

1. controlled breeding.
2. immunization.
3. sterilization and licencing.
4. euthanasia of street dogs.

10.PREVENTION OF CRUELTY TO ANIMALS (REGULATION OF LIVESTOCK MARKETS) RULES, 2017.

1. provides adequate facilities like housing, feeding etc. to animals.
2. apply only to animals which are brought and sold in the notified live stock markets and animals that are seized as case properties, and not on other animals.
3. envisage to protect the animals from cruelty and not to regulate the existing trade in cattles for slaughter houses.

4. advocate the trade of only healthy animals for agricultural purpose from the livestock market.

11.PREVENTION OF CRUELTY TO ANIMALS (DOG BREEDING AND MARKETING) RULES,2017.

1. defines the breeding requirements/ conditions for sale.
2. mandatory to register themselves with the state animal welfare board of the respective state governments.
3. defences the requirements to be med by the breeders and the establishments used for breeding.
4. every dog breeder is required to submit yearly report to the state board regarding animals sold etc.
5. mandatory for dog breeders to maintain proper records of both male and female dogs, their breeds etc.

CONCLUSION:

“Animals are not over to eat, wear, experiment on use for entertainment or abuse in anyway”.³³

In many religions, animals were worshipped in the past and any cruelty towards them was condemned by the society and so their rights were protected but, today we are becoming insensitive not only towards animals but also towards other human beings. Everything on this earth has a well defined purpose, thus, there is a need to have strong laws for protecting the rights of animals, only they can be saved from man’s greed and selfishness and balance of nature can be maintained. Thus, prevention of cruelty to

³³ Slogan of PETA.



animals act, was enacted to prohibit any person from inflicting causing or if it's the owner, permitting, unnecessary pain or suffering to be inflicted on any animal. It is still not too late, let us together pledge to make a difference. Eventhough we have several organizations to prevent cruelty to animals, their voices are not raised properly and are ineffective. So it is everyones duty to not harm animals.

