

An Overview on the Prevention of Cruelty to Animals Act, 1960

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Abstract- The cruelty to the animals is not a new thing to discuss all over the world and India is also not a exception to it. The provisions are rigid but if implemented in effective manner. The complaints reported in early times are less but now there are certain Non - Governmental Organizations active in this regard to protect for the animals interests. The legislation for the protection of cruelty to animals in India must be rigidly follow in letter and spirit.

Keywords: Animal, cruelty, protect, penalty, human

I.METHODOLOGY

The sources of the present Research Study is the primary and secondary sources of information.

II.OBJECTIVES

The research study aims to summarize the overall mechanism of the provisions meant for the protection of cruelty to animals.

III.DISCUSSION

Prevention of Cruelty to Animals Act, 1960 is the primary legislation in India aimed at preventing unnecessary pain, suffering, or abuse to animals, defining them as any non-human living creature. It mandates proper care, regulates animal usage in performances and research, and establishes the Animal Welfare Board of India (AWBI) to oversee welfare measures

This Act namely the Prevention of Cruelty to Animals Act, 1960.

It extends to the whole of India except the State of Jammu and Kashmir.

It shall come into force on such date as the Central Government may, by notification in the Official

Gazette, appoint, and different dates¹ may be appointed for different States and for the different provisions contained in this Act.

The Terms Used:

In this Act, unless the context otherwise requires, —

(a) “animal” means any living creature other than a human being;

Duties of persons having charge of animals.—It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.

Treating animals cruelly.—(1) If any person—

(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animal to be so treated; or

(b) 1[employs in any work or labour or for any purpose any animal which, by reason of its age or any disease], infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed;

(c) wilfully and unreasonably administers any injurious drug or injurious substance to 2[any animal] or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by 2[any animal]; or

(d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or

(e) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or

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

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

(h) being the owner of 3[any animal] fails to provide such animal with sufficient food, drink or shelter; or

(i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or

(j) wilfully permits any animal, of which he is the owner, to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or

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

1[(l) mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner; or]

2[(m) solely with a view to providing entertainment—

(i) confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal; or

(ii) incites any animal to fight or bait any other animal; or]

(n) 3*** organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or

(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;

he shall be punishable, 4[in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both].

(2) For the purposes of sub-section (1), an owner shall be deemed to have committed an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence:

Provided that where an owner is convicted of permitting cruelty by reason only of having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to—

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

(b) the destruction¹.

of stray dogs in lethal chambers or 5[by such other methods 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) any matter dealt with in Chapter IV; or(e) the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

Penalty for practising *phooka* or *doom dev*.—If any person performs upon any cow or other milch animal the operation called *phooka* or 1[*doom dev* or any other operation (including injection of any substance) to improve lactation which is injurious to the health of the animal] or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to the Government.

Destruction of suffering animals.—

(1) Where the owner of an animal is convicted of an offence under section 11, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animal to any suitable person for that purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal or cause such animal to be destroyed in

his presence without unnecessary suffering, and any reasonable expense incurred in destroying the animal may be ordered by the court to be recovered from the owner as if it were a fine: Provided that unless the owner assents thereto, no order shall be made under this section except upon the evidence of a veterinary officer in charge of the area.

(2) When any magistrate, commissioner of police or district superintendent of police has reason to believe that an offence under section 11 has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion, it would be cruel to keep the animal alive.

(3) Any police officer above the rank of a constable or any person authorised by the State Government in this behalf who finds any animal so diseased or so severely injured or in such a physical condition that in his opinion it cannot be removed without cruelty, may, if the owner is absent or refuses his consent to the destruction of the animal, forthwith summon the veterinary officer in charge of the area in which the animal is found, and if the veterinary officer certifies that the animal is mortally injured or so severely injured or in such a physical condition that it would be cruel to keep it alive, the police officer or the person authorised, as the case may be, after obtaining orders from a magistrate, destroy the animal injured or cause it to be destroyed 2[in such manner as may be prescribed].

(4) No appeal shall lie from any order of a magistrate for the destruction of an animal.

Experiments on animals.—Nothing contained in this Act shall render unlawful the performance of experiments (including experiments involving operations) on animals for the purpose of advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or for prolonging life or alleviating suffering or for combating any disease, whether of human beings, animals or plants.

Committee for control and supervision of experiments on animals.—

(1) 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 officials and non-officials, as it may think fit to appoint thereto.

(2) The Central Government shall nominate one of the members of the Committee to be its Chairman.

(3) The Committee shall have power to regulate its own procedure in relation to the performance of its duties.

(4) The funds of the Committee shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any person.

Sub-committees.—

(1) The Committee may constitute as many sub-committees as it thinks fit for exercising any power or discharging any duty of the Committee or for inquiring into or reporting and advising on any matter which the Committee may refer.

(2) A sub-committee shall consist exclusively of the members of the Committee.]

Staff of the Committee.—Subject to the control of the Central Government, the Committee may appoint such number of officers and other employees as may be necessary to enable it to exercise its powers and perform its duties, and may determine the remuneration and other terms and conditions of service of such officers and other employees.

Duties of the Committee and power of the Committee to make rules relating to experiments on animals.—(1) It shall be the duty of the Committee to take all such measures as may be necessary to ensure that animals are not subjected to unnecessary pain or suffering before, during or after the performance of experiments on them, and for that purpose it may, by notification in the Gazette of India and subject to the condition of previous publication, make such rules as it may think fit in relation to the conduct of such experiments.

2[(1A) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:—

(a) the registration of persons or institutions carrying on experiments on animals; (b) the reports and other information which shall be forwarded to the Committee by persons and institutions carrying on experiments on animals.]

(2) In particular, and without prejudice to the generality of the foregoing power, rules made by the

Committee shall be designed to secure the following objects, namely:—

- (a) that in cases where experiments are performed in any institution, the responsibility therefor is placed on the person in charge of the institution and that, in cases where experiments are performed outside an institution by individuals, the individuals are qualified in that behalf and the experiments are performed on their full responsibility;
 - (b) that experiments are performed with due care and humanity, and that as far as possible experiments involving operations are performed under the influence of some anaesthetic of sufficient power to prevent the animals feeling pain;
 - (c) that animals which, in the course of experiments under the influence of anaesthetics, are so injured that their recovery would involve serious suffering, are ordinarily destroyed while still insensible;
 - (d) that experiments on animals are avoided wherever it is possible to do so; as for example, in medical schools, hospitals, colleges and the like, if other teaching devices such as books, models, films and the like may equally suffice;
 - (e) that experiments on larger animals are avoided when it is possible to achieve the same results by experiments upon small laboratory animals like guinea-pigs, rabbits, frogs and rats;
 - (f) that, as far as possible, experiments are not performed merely for the purpose of acquiring manual skill;
 - (g) that animals intended for the performance of experiments are properly looked after both before and after experiments;
 - (h) that suitable records are maintained with respect to experiments performed on animals.
- (3) In making any rules under this section, the Committee shall be guided by such directions as the Central Government (consistently with the objects for which the Committee is set up) may give to it, and the Central Government is hereby authorized to give such directions.
- (4) All rules made by the Committee shall be binding on all individuals performing experiments outside institutions and on persons in charge of institutions in which experiments are performed.

Power of entry and inspection.—For the purpose of ensuring that the rules made by it are being complied with, the Committee may authorize any of its officers or any other person in writing to inspect any institution

or place where experiments are being carried on and report to it as a result of such inspection, and any officer or person so authorized may—

- (a) enter at any time considered reasonable by him and inspect any institution or place in which experiments on animals are being carried on; and
- (b) require any person to produce any record kept by him with respect to experiments on animals.

Power to prohibit experiments on animals.—If the Committee is satisfied, on the report of any officer or other person made to it as a result of any inspection under section 18 or otherwise, that the rules made by it under section 17 are not being complied with by any person or institution carrying on experiments on animals, the Committee may, after giving an opportunity to the person or institution of being heard in the matter, by order, prohibit the person or institution from carrying on any such experiments either for a specified period or indefinitely, or may allow the person or institution to carry on such experiments subject to such special conditions as the Committee may think fit to impose.

Penalties. —If any person—

- (a) contravenes any order made by the Committee under section 19; or
- (b) commits a breach of any condition imposed by the Committee under that section; he shall be punishable with fine which may extend to two hundred rupees, and, when the contravention or breach of condition has taken place in any institution, the person in charge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly

IV.CONCLUSION

As of early 2026, the Supreme Court of India is focusing on regulating stray dogs, ordering their removal from high-footfall public institutions (schools, hospitals, transit hubs) to designated shelters. The Court has indicated it will impose heavy compensation on states for dog bites and fix liability on individuals feeding strays in public .Stray dogs, particularly aggressive ones, are to be removed from sensitive public areas. : Street dogs are protected under this act, alongside specific rules such as the Animal Birth Control (Dogs) Rules, 2001. There are incidence when there are cruelty on their animals performing jobs like overloading weights on the trolley pulled by

their animals . Some of the people and organizations working for the welfare of animals come forward to rescue such animals and to stop doing these cruelty by animal handlers which is a good sign for the protection of animals. The awareness about the cruelty done to animals and rapidly reporting of same via social media platform also helps in the prevention of the cruelty by such wrongdoers.

REFERENCES

- [1] The Prevention of Cruelty on Animals Act, 1960 https://en.wikipedia.org/wiki/Prevention_of_Cruelty_to_Animals_Act#:~:text=The%20Prevention%20of%20Cruelty%2