

The Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the PCA or the Act)

- **Section 2 - Definitions:**

Note: In any legislation, terms defined by a definition clause will assume the meaning provided in such definition throughout the statute. The following definitions will therefore aid you throughout your interpretation of this Act, according to the kind of animal you seek to aid.

In this Act, unless the context otherwise requires,

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

(c) “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 contrivance for the purpose of hindering or preventing its escape from captivity or confinement or which is pinioned or which is or appears to be maimed;

Note: Domestic animals cannot, therefore be considered as "captive" animals because they have been specifically excluded from this definition.

(d) “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 or partly tamed;;.

(e) “local authority” means a municipal committee, district board or other authority for the time being invested by law with the control and administration of any matters within a specified local area;

(f) “owner”, used with reference to an animal, includes not only the owner but also any other person for the time being in possession or custody of the animal, whether with or without the consent of the owner;

Note: This definition widens the scope of who can be held responsible for cruelty to an animal, as it includes for example, one who is temporarily taking care of an animal or one who may have stolen an animal from its original owner. The definition emphasises

that mere possession or custody of the animal will be sufficient to hold such persons accountable as "owners" of the animal.

(g) “phooka” or “doom dev” includes any process of introducing air or any substance into the female organ of a milch animal with the object of drawing off from the animal any secretion of milk;

(h) “prescribed” means prescribed by rules made under this act;

(i) “street” includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.

- **Section 3 - Duties of persons having charge of animals:**

Note: This section stipulates two fundamental duties for every person in the care or charge of animals, the first duty being that every person in charge of an animal has to take all measures to ensure the well-being of such animal, and the second duty being to prevent the infliction of any unnecessary pain or suffering on such animal.

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.

- **Section 11 - Treating animals cruelly:**

Note: Please refer to the definition of "owner" as to who all can be held accountable and brought under the purview of this definition. This section applies to the cruelty of animals generally. Sub-section (1) lists a number of acts as cruel treatment to animals.

Clause (o) of sub-section (1) provides for fining and imprisonment for the offence of shooting matches. Fines shall be a minimum of ten rupees and a maximum of fifty rupees for a first offence and where a second offence is committed within three years of the previous offence, a minimum of twenty five rupees and maximum one hundred rupees, or with imprisonment for a total of three months, or with both.

Sub-section (2) lays down that if an animal's owner fails to take standard reasonable care as would normally be expected in a given situation, and fails to exercise adequate supervision over his or her animal, then the said owner would be deemed to have committed an offence under sub-section (1) for the cruel treatment of animals.

However, the proviso to sub-section (2) states that in such a case of animal cruelty, the owner will not necessarily have to be convicted and sentenced to imprisonment, because he will be given the option of paying a fine. If he can pay the fine, he can successfully avoid imprisonment.

Sub-section (3) provides exceptions to the application of this Section 11 and lists situations where the acts carried out will not be considered cruelty to animals.

(1) If any person-

(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animals 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) employs in any work or labor 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; or

(c) willfully and unreasonably administers any injurious drug or injurious substance to any animal or willfully and unreasonably causes or attempts to cause any such drug or substance to be taken by 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 animals 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 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) willfully 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 animals, 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

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

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

(n) organizes, 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, 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 purpose 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 for 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 destruction of stray dogs in lethal chambers by such methods which 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 (*Experimentation on Animals, Sections 14 to 20*); 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.

- **Section 12 - Penalty for practicing phooka or doom dev:**

Note: This section lays down the penalty for any persons found practising phooka or doom dev or other similar harmful activities. The maximum penalty is one thousand rupees as a fine or imprisonment for two years or both.

If any persons upon any cow or other milch animal perform the operation called phooka or doom dev or any other operation (including injection of any or doom dev 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.

- **Section 14 - Experiments on animals:**

Note: This provision states that all provisions in favour of animals under the PCA will not be applicable to experimentation on animals, as the same is legal if it is for the furtherance of knowledge to save, prolong or alleviate human/animal/plant lives. There is thus no provision anywhere in this Act that can completely render the performance of experiments on animals, where such experimentation is being conducted with the objective of saving or prolonging human, animal or plant lives.

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.

- **Section 15** provides for the constitution of a committee for control and supervision of experiments on animals (herein after referred to as the Committee) while **Section 16** provides for the appointment of staff for the same. **Section 17** lists duties of the Committee and the power of the Committee to make rules relating to experiments on animals. In this regard, sub-section (4) is particularly significant as it states that the rules framed will be binding on all such individuals performing experiments on animals.

(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.

- **Section 19 - Power to prohibit experiments on animals:**

Note: This section bestows the Committee with the power to prohibit experiments on animals on the report of an officer following the results of an inspection under Section 18. This section aims to ensure that persons or institutions which conduct experiments on animals abide by the rules stipulated by the Committee under the power to make rules vested in it by Section 17. The Committee may issue an order indefinitely prohibiting them from experimenting on animals or it may alternatively impose conditions to be followed while experiments are continued 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 (*Power of entry and inspection by officers or other persons authorized by the Committee*) or otherwise, that the rules made 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 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.

- **Section 20 - Penalties:**

Note: This section lays out penalties for any person who contravenes the instructions in an order issued by the Committee under Section 19 or fails to follow the mandatory conditions imposed by the Committee for the continued experimentation on animals under Section 19. The fine shall be a maximum of two hundred rupees and where an institution is conducting experiments on animals, the person who is in charge of the institution shall be held responsible and punished for the same.

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.

- **Section 21 - Exhibit and train defined:**

Note: This section provides definitions for "exhibit" and "train".

In this Chapter (being Chapter V "Performing Animals"), "exhibit" means exhibit at any entertainment to which the public are admitted through sale of tickets and "train" means train for the purpose of any such exhibition, and the expression "exhibitor" and "trainer" have respectively the corresponding meaning.

- **Section 22 - Restriction on exhibition of performing animals:**

Note: This section prohibits the exhibition or training of performing animals by any person unless such person is registered according to the procedure laid down by this Act under Section. The exhibition of animals is also completely illegal if the animal is one which the Central Government has specified by notification as one which should not be exhibited or trained as a performing animal.

No person shall exhibit or train-

- (i) any performing animal unless he is registered in accordance with the provisions of this Chapter;
- (ii) as a performing animal, any animal which the Central Government may, by notification in the Official Gazette, specify as an animal which shall not be exhibited or trained as a performing animal.

- **Section 24 - Power of court to prohibit restrict exhibition and training of performing animals:**

Note: This section lays down the power of the court to issue an order against a person to completely prohibit the training or exhibition of animals or impose conditions to be followed when such training or exhibition of animals is carried out.

Sub-section (1) states that this order will be issued against such person when a police officer files a complaint before the magistrate and it is proved to the magistrate's satisfaction that the animal being subjected to training or exhibition has endured unnecessary pain or suffering.

Sub-section (2) provides the procedure for the paperwork required following the order.

This section has been explained only for your general knowledge, if you wished to know more about the powers of the court and the procedure thereof.

(1) Where it is proved to the satisfaction of any magistrate on a complaint made by a police officer or an officer authorized in writing by the prescribed authority referred to in section 23, that the training or exhibition of any performing animal has been accompanied by unnecessary pain or suffering and should be prohibited or allowed only subject to conditions, the court may make an order against the person in respect of whom the complaint is made, prohibiting the training or exhibition or imposing such condition in relation thereto, as may be specified by the order.

(2) Any court by which an order is made under this section shall cause a copy of the order to be sent, as soon as may be after the order is made, to the prescribed authority by which the person against whom the order is made is registered, and shall cause the particulars of the order to be endorsed upon the certificate held by that person, and that person shall produce his certificate on being so required by the court for the purposes of endorsement, and the prescribed authority to which a copy of an order is sent under this section shall enter the particulars of the order in that register.

- **Section 26 - Offences:**

Note: This section lists a number of acts which are considered offences and states that such offences are punishable with either a fine of maximum five hundred rupees, or imprisonment for a maximum period of three months or both.

If any person-

- (a) not being registered under this Chapter, exhibits or trains any performing animal; or
- (b) being registered under this Act, exhibits or trains any performing animal with respect to which, or in a manner with respect to which, he is not registered; or
- (c) exhibits or trains as a performing animal, any animal which is not to be used for the purpose by reason of a notification issued under clause (ii) of section 22; or
- (d) obstructs or willfully delays any person or police officer referred to in section 25 in the exercise of power under this Act as to entry and inspection; or
- (e) conceals any animal with a view to avoiding such inspection; or
- (f) being a person registered under this Act, on being duly required in pursuance of this Act to provide his certificate under this Act, fails without reasonable excuse so to do; or
- (g) applies to be registered under this Act when not entitled to be so registered.

he shall be punishable on conviction with fine which may extend to five hundred rupees, or with imprisonment, which may extent to three months, or with both.

- **Section 27 - Exemptions:**

Note: This section excludes the application of Sections 21 to 26, ie, Chapter V "Performing Animals" to military/police animals and animals being used as specimens in any organisation which is formed with the main objective of science or education.

Nothing contained in this Chapter shall apply to-

(a) the training of animals for bona fide military or police purpose or the exhibition of any animals so trained; or

(b) any animals kept in any zoological garden or by any society or association which has for its principal object the exhibition of animals for educational or scientific purposes.

- **Section 28 - Saving as respects manner of killing prescribed by religion:**

Note: This section declares that nothing contained in this Act can make the religious requirement to kill an animal an offence, if it is required by the religion of any community.

Nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community.

- **Section 30 - Presumption as to guilt in certain cases:**

Note: Essentially this provision states that actual evidence of the act stated in Section 11(1)(l) is not required. Where the accused retained possession of the skin of the head of the animal, his or her guilt is presumed before the Court and he or she will have to prove innocence with substantial evidence.

If any person is charged with the offence of killing a goat, cow or its progeny contrary to the provisions of clause (l) of sub-section (1) of section 11, and it is proved that such person had in his possession, at the time the offence is alleged to have been committed, the skin of any such animal as is referred to in this section with any part of the skin of the head attached thereto, it shall be presumed until the contrary is proved that such animal was killed in a cruel manner.

- **Section 31 - Cognizability of offences:**

Note: A cognizable offence is an offence where a police officer is allowed to carry out an arrest without the requirement of a warrant issued by a court.

Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under clause (l), clause (n) or clause (o) of sub-section (1) of section 11 or under section 12 shall be a cognizable offence within the meaning of that Code.

- **Section 36 - Limitation of prosecutions:**

Note: This section is extremely important as it lays down a timeline of three months from the date the offence is carried out, for it restricts opportunities for activists to demand prosecution for the same offence with this timeline.

A prosecution for an offence against this Act shall, not be instituted after the expiration of three months from the date of the commission of the offence.