# ANIMAL PROTECTION LAWS FOR THE GUIDANCE OF POLICE, HAWOs, NGOs AND AWOs

## The Prevention of Cruelty Animals Act,1960

**Q 1) What amounts to cruelty on animals?**

A) Section 11 (1) (a) to (o) of The Prevention of Cruelty to Animals Act, 1960 prescribes and enumerates the forms of cruelty mentioned hereunder:

Sect 11(1)(a) Beating, Kicking, Over-riding, Over-driving, Over-loading, Torturing, Causing unnecessary pain or suffering to any animals;

(b) Employing any animal which, by reason of its age or any disease, unfit to be so employed, and still making it work or labour or for any purpose;

(c) Wilfully and unreasonably administering any injurious drug or injurious substance;

(d) Conveying or carrying, either in or upon any vehicle in such a manner as to subject it to unnecessary pain or suffering;

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

(f) Keeping for an unreasonable time any animal chained or tethered upon an unreasonably heavy chain or chord;

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

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

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

(j) Wilfully permits any animal, of which he is the owner to go at large in any street 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 street;

(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

(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;

(m) Solely with a view to providing entertainment -

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

(ii) Incites any animal to fight or bait any other animal.

(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;

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

**Q 2) Is treating animal cruelly, a punishable offence?**

A) Yes. If any animal is subjected to any form of cruelty specified treated in any cruel way, in any of the ways provided under Section11 (a) to (o) of The Prevention of Cruelty to Animals Act, 1960, the offender (in the case of a first offence) will have to pay fine which shall extend to fifty rupees and if it is the case of second offence or subsequent offence committed within three years of the previous offence, he will be fined with not less than twenty-five rupees but which may extend to one hundred rupees or with the imprisonment for a term which may extend to three months or with both. Also, in the case of second offence, the offender's vehicle is confiscated, and he will never be allowed to keep an animal again.

**Q3) What are Cognizable and Non-Cognizable offences?**

A) Section 2 (c) of the Code of Criminal Procedure, 1973 defines ***"Cognizable Offence"***. The cognizable offences means that such of the offences wherein Police Officer is empowered to arrest the accused/ offender without warrant. All cognizable offences comes under the specified offences under the Indian Penal Code such as Murder, Robbery, Theft, Rioting, Counterfeiting etc.

B) Section 2 (l) of the Code of Criminal Procedure, 1973 defines ***"Non-Cognizable Offences"***. The non-cognizable offences are such offences where the Police Officer is not empowered to arrest the accused/offender without warrant. In the commission of any Non-Cognizable Offences, the Police Officer should obtain a warrant from the Magistrate concerned to arrest the accused/offender. The cases of Public nuisance, Mischief, Assault, Causing Simple Hurt, are some of the offences which are Non-Cognizable Offences.

**Q 4) What are the common offences against the PCA and which ones are cognizable?**

A) The following tabulation/chart enumerates the forms of offences – Cognizable and Non-Cognizable under the PCA Act, 1960:

| **Nature Of Offence** | **Section Violated** | **Cognizable (Cog.) Or Non-Cognizable (Non-Cog.)** |
|---|---|---|
| Beating, Kicking, Over-riding, Over-driving, Over-loading, Torturing, Causing unnecessary pain or suffering to any animals; | Section 11(1)(a) | Non-Cog |
| Employing any animal which, by reason of its age or any disease, unfit to be so employed, and still making it work or labour or for any purpose; | Section 11(1)(b) | Non-Cog |
| Wilfully and unreasonably administering any injurious drug or injurious substance; | Section 11(1) ( c) | Non-Cog |
| Conveying or carrying, either in or upon any vehicle in such a manner as to subject it to unnecessary pain or suffering; | Section 11(1) (d) | Non-Cog |
| Keeping or confining any animal in any cage or any receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; | Section 11(1)(e) | Non-Cog |

| | | |
|---|---|---|
| Being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement | Section 11 (1)(g) | Non-Cog |
| Being the owner of any animal fails to provide such animal with sufficient food, drink or shelter; | Section 11(1)(h) | Non-Cog |
| Without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; | Section 11(1)(i) | Non-Cog |
| Willfully permitting any animals, 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; | Section 11(1)(j) | Non-Cog |
| 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 | Section 11(1)(k) | Non-Cog |
| 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; | Section 11(1)(l) | Cog. |

| | | |
|---|---|---|
| Solely with a view to providing entertainment<br><br>1) Confines or causes to be confined any animals (including tying of an animal as bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal;<br><br>2) Incites any animal to fight or bait any other animal. | Section 11(1)(m) | Non-Cog |
| 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; | Section (1)(n) | Cog. |
| Promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting. | Section 11(1)(o) | Cog. |
| If any person performs upon any cow or other milch animal the operation called phooka or any other operation, including injection of oxytocin given by dairies to their milch animals in order to induce milk, which is injurious to health | Section 12 | Cog. |

**Q5) Can an individual 'arrest' someone who is treating an animal cruelly and bring him to a police station?**

A) Any person or individual under whose presence any offence under the Act is committed, such person can immediately lodge a written complaint with the nearest Police Station for taking action.

**Q 6) What are the powers that a police man can exercise when he see the cruelty being done on animals?**

A) Section 34 of The Prevention of Cruelty to Animals Act, 1960 provides the general power of seizure for examination to the police officer above the rank of constable. If the police officer comes to know about an offence against commission of any offence under PCA Act has been committed or is been committed on any animal, he can seize the animal and produce the same for examination by the nearest magistrate or by the Veterinary Officer. Whether it is the case of overloading of animals or beating of animal or any offences under this PCA Act, the police have the power to seize the animals and send them to infirmaries for the treatment and care of animals. This is provided under Section 35 of The Prevention of Cruelty to Animals Act, 1960. Section 35 states that the animals are to be detained and have to be produced before the magistrate. Animals are to be treated and cared for in an infirmary, until they are fit for discharge. The animal sent for care and treatment to an infirmary cannot be released from such places unless the veterinary officer issues the certificate of its fitness for discharge. The cost of transporting the animal to an infirmary and its maintenance and treatment in an infirmary, has to be paid by the owner of the animal.

**Q 7) If a person kills another person's dog or any other pet deliberately, what action should be taken?**

A) Killing of an animal/pet is illegal and its is an offence being to cruelty on animals as defined under Section 11of The Prevention Of Cruelty to Animals Act. It is a cognizable offence under Section 428 and Section 429 of the Indian Penal Code. **Section 428 of the IPC** deals with the punishment for committing mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten rupees or upwards. The punishment for such acts/offences are simple or rigorous imprisonment for a term, which may extend to two years, or with a fine, or with both. While **Section 429 of the IPC** deals with the punishment for the same nature of crime but for the animals of the value of fifty rupees or upwards. It must be immediately lodged as an F.I.R with the area police station. The punishment in this case will be imprisonment of either description for a term, which may extend to five years or with a fine, or with both.

**Q 8) What is the legal action to be taken on a complaint of stealing of a dog or any other animal?**

A) Section 378 of Indian Penal Code deals with ' Theft', stating that whoever, intending to take dishonestly any moveable property out of the possession of any person without

that person's consent, moves that property in order to such taking, is said to commit theft. And the property, under this section includes 'animals' too. The section itself explains the matter related to animals. A person, who by any means causes an animal to move, is said to move that animal without the consent of the owner.
For example; A, being Z's servant and entrusted by Z with the care of his dog, takes the dog and sells it to the other party, without Z's consent. The act of A will amount to theft. A Pet, or any other animal within the possession of the owner is considered to be the property of the owner. And any property taken away from the owner without the consent of the owner, amounts to theft.

Section 379 of Indian Penal Code, penalizes 'theft'. Under this Section, the punishment of theft is imprisonment of either description for a term, which may extend to three years, or with fine, or with both.
So, like in any other theft case, the procedure will be the same. When a person approaches the police station with the complaint regarding the theft of an animal, the complainant should be encouraged to give a detailed description of the lost animal, if possible with a photograph. And it should be immediately filed as an F.I.R in the police register/records, the copy of which should be duly signed, stamped and dated, along with the time and be handed to the complainant. The duty officer of the police station is responsible for making all the necessary entries. The complainant has right to file an F.I.R. This should be read together with the Prevention of Cruelty to Animals Act 1960 as forcibly taking an animal out of its environs amounting to cruelty.

**Q 9) In a complaint under Section 428/429 of the IPC in respect of a dog of the complainant who has been poisoned by a neighbour, what kind of evidence should be looked and asked for?**

A) If the owner believes that the neighbour is responsible, the owner should immediately contact the nearest police officer. The police officer should visit the site and note the condition of the dog. The dog has to be taken to a vet, either private or government, for a post-mortem to determine the cause and approximate time of death. In the meantime the police officer can collect any physical evidence that is available, indicating both the perpetrator and the method used. The police officer must record the statement of the witnesses who have seen the poisoning or witnesses who can record the attitude or history of previous cruelty of the alleged perpetrator towards the deceased. Thereafter, the police officer must put up a challan before the court of the concerned magistrate.

**Q 10) Can people who feed animals in their areas be stopped by the RWAs or Societies or neighbour under the law?**

A) Article 51A of the Constitutional Law of India, speaks about the duties of every citizen of India. One of these duties includes having compassion for living creatures. So the animal lover is protected under the Constitution.,

Article 19 of the Constitution of India, deals with right to freedom and in this freedom comes the right to profession, occupation, trade and business. Therefore, it means that every citizen has the right to occupation and if someone has taken the caring of animals as his occupation, it is legal and he has every right to carry on with his occupation.

Article 21 of the Constitution of India states the right to personal life and liberty. This is a very vast right. If someone wants to feed and provide shelter to dogs, he is at liberty to do so. He has the same right to liberty that the law provides to every citizen of India.

Section 503 of the Indian Penal Code 1860, provides that intimidation is a criminal offence which is cognizable. Anyone who threatens or intimidates any person taking care of dogs, is liable for criminal intimidation under Section 503 of Indian Penal Code and can be arrested without a warrant.

But, above every law and rights, there is a natural right, which is a universal right, inherent in the nature of ethics and contingent on human actions or beliefs. It is the right that is claimed to exist even when it is not enforced by Government or society as a whole. It is the right of the individual and considered beyond the authority of a Government or international body to dismiss. Therefore, if there are any rights at all, there must be right to liberty, for all the others depend on this. And the choice of loving, caring, feeding and giving shelter to dogs is the natural right of any individual.

In a Judgment passed by the Delhi Court, it has been stated that the Animal Welfare Board of India and the Municipal Authorities have in the guidelines issued by them specified the problem often faced by individuals and families who adopt and feed stray animals. The court says that it is necessary to bring into record that these individuals and families who adopt stray animals are doing a great service to humanity as they are acting in the aid and assistance of Municipal Authorities by providing these animals with food and shelter and also by getting them vaccinated and sterilized. Without assistance of such persons no local Municipal Authority can successfully carry out its ABC programme. The Court has proceeded to say that the local police and the municipal authorities are under obligation not only to encourage such adoption but also to ensure protection to such persons who come forward to take care of these animals specifically the community or neighborhood dogs so that they are not subjected to any kind of cruelty, finally, the Court has said that every individual has the right to live his life in the manner he wants and it is necessary that the society and the community recognize it.

**Q11) Can an RWA/Society or any individual remove or have removed the dogs in a colony that are already sterilized and vaccinated and throw them away anywhere?**

A) Under the Govt. of India, Animal Birth Control Rules 2001, no sterilized dogs can be relocated from their area. As per five different High Court orders, sterilized dogs have to remain in their original areas. If the dog is not sterilized, the Society can simply ask an animal welfare organization to sterilize and vaccinate the dog. They cannot relocate them. Relocation is not permissible, as it would cause more problems such as an increase in dog bites as new dogs will move into the area who are unfamiliar with residents and therefore more likely to be hostile.

B) The Government of India has issued a circular Dy No 1237 dated 30/9/2006, specifically directing all RWAs and any other recognized citizens associations as follows:

- As per Section 11 of Prevention of Cruelty to Animals Act,1960, beating, kicking ,over-riding, overloading, over-driving, torturing or otherwise treating any animals so as to subject it to unnecessary pain amounts to cruelty on animals. And whoever indulges in an act of cruelty to animals makes himself liable for action under Prevention of Cruelty to Animals Act.
- There are designated agencies in Govt/local self-government Organizations that are authorized to deal with stray animals. Such Organizations regularly undertake inoculations, sterilization of animals and other programmes.
- Recognized Associations may approach such institution for redressal of their grievances if any, with regard to stray animals. Un-recognized associations may also approach such bodies with their grievances, but they should not pretend to represent the residents in general.
- All problems of stray animals have to be handled within the institutional framework available. No association, recognized or unrecognized, shall take recourse to any action regarding stray animals on their own, either themselves or through any person employed by them like security guards.
- Where there is no recognized association, residents may take up grievances through the AWO/Office of the CWO.
- While residents and Associations are free to address institutional agencies for redressal of grievances in this matter, no resident/association will interfere with the freedom of other residents in caring and attending animals. Intimidating in any manner, those who feed and care for animals is a criminal offence. Apart from action under appropriate criminal law, such persons will render themselves liable for action under CCS Conduct Rules.

**Q 12) Does practicing phooka or doom dev amount to cruelty?**

A) Yes. Section 12 of The Prevention of Cruelty to Animals Act, 1960, penalizes practicing of phooka or doom dev or any other operation being performed upon any cow or other milch animal, to improve its lactation. This is injurious to health of the animal. It is a cognizable offence and the person shall be punishable with a fine, which may extend upto one thousand rupees, or with imprisonment for a term which may extend upto two years, or with both and the animal on which the operation was performed shall be forfeited to the Government.

Also, if a Police Officer, not below the rank of Sub-Inspector, has reason to believe that Phooka or any other operation of the nature referred to in Section 12, has been performed or will be performed on any animal within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for the examination by the Veterinary Officer in charge of the area in which the animal is seized.

**Q13) Dairies give their milch animals injections of oxytocin in order to induce milk. Is this illegal?**

A) Yes. Use of Oxytocin Inj. on milching animal in order to induce milk is illegal and amounts to cruelty on animal under Section 12 of The Prevention of Cruelty to Animals Act, 1960. It is a cognizable offence and the person shall be punishable with a fine, which

may extend upto one thousand rupees, or with the imprisonment for a term which may extend upto two years, or with both and the animal on which the operation was performed shall be forfeited to the Government. The proprietor of the shop selling these drugs to a dairy shall be liable to lose his license as a pharmacist and shopkeeper in addition to criminal charges with punishment of upto 5 years in prison.

The Government of India has acknowledged the negative effects of oxytocin and has declared it as a scheduled substance. It is illegal under the Food and Drug Adulteration act to buy, sell or administer these injections without a physician's permit. These rule apply to milkmen too.

Under the provisions of the Drugs and Cosmetics Act, Oxytocin has been classified as a Prescription drug. No person/milkman can purchase the drug without having the requisite prescription from a Registered Medical Practitioner or Registered Veterinarian. But, despite this, Oxytocin ampoules are easily and readily available not only at chemists but also from other unauthorized outlets in market situated close to dairies.

**Q14) How can one tell dairymen or milkmen are using oxytocin?**

A) If oxytocin is being used, there will be marks and bruises caused by the needles all over the body of the cow. Needles, syringes, discarded vials, blood soaked cotton can be found near the milch animal.

## The Performing Animals Rules,1973 and The Performing Animals( Registration) Rules,2001

**Q 15) What are "Performing Animals"?**

Under Section 2(b), of the Performing Animals Rules, 1973, Performing Animals means any animal which is used for the purpose of any entertainment to which the public is admitted through the sale of tickets.

Section 2(h) of the Performing Animals (Registration) Rules, 2001 specifies that this includes animals used in films and for equine events.

**Q 16) Is the exhibition and training of performing animals restricted?**

A) Yes, Section 22 of The Prevention of Cruelty to Animals Act 1960 restricts the exhibition and training of performing animals, unless the person interested in exhibiting and training the animal is registered in accordance with provisions of the Act. No animal can be exhibited or trained, where the Central Government, by notification in the Official Gazette, has restricted the exhibition and training of such animal. These following animals can't be exhibited or trained:

1) Bears
2) Monkeys
3) Tigers
4) Panthers
5) Lions

**Q17) What are the conditions for the exhibiting and training of performing animals?**

A) The first and foremost condition is the registration of the person seeking permission to train and exhibit. Section 3 of The Performing Animals (Registration) Rules, 2001, provides for Application of registration stating that any person desirous of training or exhibiting performing animals has to apply for registration to the prescribed authority. Without being registered such a person is not allowed to exhibit or train any animal as a performing animal.

Apart from this, Section 8 of The Performing Animals (Registration) Rules, 2001 lays down general conditions for registration, which the prescribed authority while granting registration may impose such terms and conditions. The following are the general conditions:

(1) Every owner who has ten or more such performing animals shall have a veterinarian as a regular employee for their care, treatment and transport;

(2) The owner shall not transport such animals by road continuously for more than 8 hours;

(3) The owner shall ensure proper watering and feeding halts during such transportation;

(4) The owner after transportation shall provide feeding and retiring enclosures in respect of the animals;

(5) The owner shall ensure that any animal is not inflicted unnecessary pain or suffering before or during or after its training or exhibition;

(6) The owner shall not deprive the animal of feed or water in order to compel the said animal to train or perform any trick;

(7) The owner shall train an animal as a performing animal to perform an act in accordance with its basic natural instinct;

(8) The owner shall not make a performing animal perform if it is sick or injured or pregnant;

(9) The owner shall ensure that no sudden loud noise is deliberately created within the vicinity of any performing animal or bring an animal close to fire, which may frighten the animal;

(10) The owner in case the performing animal is to be exhibited under artificial light, the overall intensity of such light shall not be more than 500 LUX;

(11) The owner shall not subject the animals to any action, which may either kill or injure or use the animals in scenes, which may cause injury to the animals;

(12) The owner shall not use any tripping device or wires or pitfalls for such animals;

(13) The owner shall not expose any animal to either burning fire or to fire accidents;

(14) The owner shall not keep any animal including horses in close proximity while shooting scenes involving explosives or other loud noises;

(15) The owner shall ensure that props such as spears, nails, splinters, barbed wires or other such props shall not cause injury to the animals during performance;

(16) The owner shall ensure that equines are not made to walk on hard surfaces without being shoed and shall further ensure that the animals are not used in downhill slides or rodeo slide stops without proper skid and hock boots;

(17) The owner of any equine shall not use any whip;

(18) The owner shall ensure that the animal is not used on floors that are very smooth without the use of non-skidding mats;

(19) The owner shall ensure that a large gathering of animals is not allowed in such a way, that may cause or result in a stampede.
(20) The owner shall ensure that the animal is not made or incited to fight against other animal and shall further ensure that sedatives or tranquillizers or steroids or any other artificial enhancers are not administered to or inserted in any animal.
(21) The owner shall ensure that the animal shall not be transported or kept or confined in cages and receptacles, which do not measure in height, breadth or length in accordance with the comfort of animal.
(22) The owner shall ensure that the animal is not continuously used for excessive number of takes in shooting a film without providing adequate rest to the animal and in the event of a snake being used it shall not be made to ingest any substances or made to crawl across tarred or any other heatened surface and shall not be contorted to wrestle.
(23) The owner shall ensure that while using an animal in shooting a film, the fight sequence shall not be shot in any livestock holding area including poultry area and shall further ensure that no birds are shown in cages.
(24) The owner shall inform the prescribed authority at least four weeks in advance informing the place, date and time of the actual making of the film wherein the animal is to be used;
(25) Persons desirous of transporting horses from one place to another shall adhere to the minimum norms to enhance conditions of travel safety of the horses, namely:-

1) No horse shall be tied up in such a way that his head and neck movements are unnaturally restricted while traveling
2) All horses must be watered at least every four hours and provided adequate ration of hay during the journey lasting more than eight hours
3) Adequate ventilation and free flow of fresh air in the vehicle shall be ensured during transport
4) Rubber mats shall preferably be used for flooring instead of straw bedding
5) Horses shall not be transported within twenty four hours of having raced
6) No horse shall be raced, where the period of journey exceeds six hours, unless twenty four hours have lapsed since completion of the travel.

**Q 18) Are animal fairs where animals are traded, legal?**

A) When the sale takes place this fair is normally meant for farmers. However, in recent years they have become exclusively devoted for providing animals to butchers. This is illegal. In order to prevent this from happening local administration should make sure that no trucks are allowed near the fair and that no cattle is put inside trucks and no buyer can buy more than two animals. The Municipality has a special role to play in animal protection. The Local authority of the place where the *'Haat'* or fair is held should check that there is the proper maintenance of animals by their owners. The municipality must allocate sufficient funds for the proper cleaning, feeding, housing and treatment of these animals. The money earned from their auction and release, must be spent on the care of these animals. Wherever possible, it should involve local NGOs/AWO in the running of these Pounds. When cattle are auctioned, the buyer must specify for what purpose he is buying the animal and that should be verified to avert cow slaughter, which is a criminal offence.

The Municipality can also designate local shelters as Infirmaries for the care and treatment of impounded animals.

But no wild animals or birds and other wild species any endangered species could be sold or brought in the fairs.

**Q19) Does the Prevention of Cruelty to Animals Act, 1960 provide any procedure for registration with regard to the exhibition and training of performing animals?**

A) Yes, Section 23 of the above mentioned Act provides procedure for registration. There are five conditions that need to be fulfilled with regard to the registration of performing animals.

1. Every person desirous of exhibiting or training any performing animal has to make an application in the prescribed form, to the prescribed authority and on payment of the prescribed fee.
2. An application for registration contains such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained and the particulars so given shall be entertained in the register maintained by the prescribed authority.
3. The prescribed authority shall give to every person whose name appears on the register kept by them, a certificate of registration in the prescribed form containing the particulars entered in the register.
4. Every register is open for inspection by any person on payment of the prescribed fee.
5. And the person whose name is entered in the register, is entitled, on making an application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied, the existing shall be cancelled and a new certificate will be issued.

**Q20) What does it mean by Prescribed Authority and the prescribed payment of fee for registration? What are the performing animals? And also, what is the prescribed payment of fee for inspection of the register by any person?**

A) Under Section 2 (b), of The Performing Animals Rules, 1973 performing animal means any animal, which is used for the purpose of any entertainment to which the public are admitted through the sale of tickets.

B) The Prescribed Authority is the Animal Welfare Board of India, which is established by the Central Government. This Board has been established for the promotion of animal welfare and for protecting them from being subjected to unnecessary pain or suffering.

*Animal Welfare Board of India*
*Post Box No.8672*
*No. 13/1, 3rd Seaward Road*
*Valmiki Nagar*
*Thiruvanmayur*
*Chennai-600041*
*Ph: (044)-24454935, 24454958*
*Fax:044-24454330*
*Website: www.awbi.org*

E-mail: awbi@md3.vsnl.net.in

Section 4 of The Performing Animals Rules, 1973 prescribes about fee and registration which says that every application for registration shall be accompanied by a fee of rupees twenty-five which can be either paid in cash or in such other manner as may be specified by the prescribed authority.

Section 7 of The Performing Animals Rules, 1973 states that anyone who is interested in inspecting the register can do so during office hours on any working day upon payment of a fee of two rupees.

**Q21) What rules does the Central Government have with regard to the Performing Animals Registration?**

A) The Central Government has prescribed Rules with regard to the registration of performing animals, which are provided in The Performing Animals (Registration) Rules, 2001.

Section 2(g) states that Prescribed Authority means the central government, or such other authority including the Animal Welfare Board of India or the State Gvernment, as may be authorized by the central government.

Section 2(h) says that the performing animal means an animal, which is used at or for the purpose of any entertainment including a film, or an equine event to which the public are admitted. This includes horse races, polo matches and any other public event involving horses.

Section 4 talks about the fee and registration, where a fee of rupees 500 (five hundred) shall accompany every application for registration.

**Q 22) What are the acts that amount to offences with regard to performing animals?**

A) Section 26 of The Prevention of Cruelty to Animals Act, 1960 list the acts that amounts offences with regard to performing animals. Section 26 says that if any person

a) Not being registered exhibits or trains any performing animal;

Or

a) 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
b) Exhibits or trains as a performing animal, any animal which is not to be used for the purpose of exhibition
c) Obstructs or Wilfully delays any person or police officer from entry and inspecting the premises where the performing animals are kept
d) Conceals any animals with a view to avoiding such inspection

Any person found guilty of such offences will be punishable on conviction with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months or with both. The animal will be confiscated and the person will not be allowed to keep an animal again.

**Q 23) Is it an offence to train or exhibit an animal for police purpose?**
A) No. Section 27 of The Prevention of Cruelty to Animal Acts, 1960 acts as an exemption clause. It permits the training of animals for bonafide military or police purposes. However, Section 11 of The Prevention of Cruelty to Animal Acts, 1960 applies to those animals too. It has to be kept in mind that no animals can be treated cruelly or in a way that harms or injures them.

**Q 24) Does Police have the power to inspect the premises in which any performing animals are being trained or exhibited?**
A) Yes. If it comes to the knowledge of the Police officer that the training or exhibition of any performing animal has been accompanied by unnecessary pain or suffering, Section 25 of The Prevention of Cruelty to Animals Act, 1960, provides that any police officer not below the rank of sub-inspector may enter at all reasonable times and inspect any premises in which any performing animals are being trained or exhibited or kept for training or exhibition and ask for the certificate of registration from the trainer or exhibitor. Section 26 states that anyone who –

- Obstructs or willfully delays any person or police officer from entry and inspecting the premises where the Performing Animals are kept
- Conceals any animals with a view to avoiding such inspection

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

**Q 25) Does the Prevention of Cruelty to Animals Act, 1960, provides the powers of search and seizure to the police?**
A) Yes. Section 32 of the Act, states that if a police officer not below the rank of sub-inspector, has reason to believe that an offence of cruelty has been committed or that any person has in his possession the skin of any such animal with any part of the head attached thereto, he may enter and search place or any place in which he has reason to believe any such skin to be, and may seize such skin or any article or thing used or intended to be used in the commission of such offence.

Also, if a police officer, not below the rank of sub-inspector, has reason to believe that phooka or any other operation of the nature referred to in Section12, has been performed or will be performed on any animal within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for the examination by the Veterinary Officer in charge of the area in which the animal is seized.

## <u>The Prevention Of Cruelty To Draught And Pack Animals Rules,1965</u>

**Q 26) What is the maximum load for draught animals?**
A) Below is the table, stating the maximum weight that are allowed for animals or animal drawn vehicles to carry.

TABLE I

| | | |
|---|---|---|
| 1) Small bullock or Small buffalo | Two wheeled vehicle-<br>a) if fitted with ball bearings<br>b) if fitted with pneumatic tyres<br>c) if not fitted with pneumatic tyres | <br>1000 kilograms<br>750 kilograms<br>500 kilograms |
| 2) Medium bullock or Medium buffalo | Two wheeled vehicle-<br>a) if fitted with ball bearings<br>b) if fitted with pneumatic tyres<br>c) if not fitted with pneumatic tyres | <br>1400 kilograms<br>1050 kilograms<br>700 kilograms |
| 3) Large bullock or Large buffalo | Two wheeled vehicle-<br>a) if fitted with ball bearings<br>b) if fitted with pneumatic tyres<br>c) if not fitted with pneumatic tyres | <br>1800 kilograms<br>1350 kilograms<br>900 kilograms |
| 4) Horse or mule | b) if fitted with pneumatic tyres<br>c) if not fitted with pneumatic tyres | 750 kilograms<br>500 kilograms |
| 5) Pony | b) if fitted with pneumatic tyres<br>c) if not fitted with pneumatic tyres | 600 kilograms<br>400 kilograms |
| 6) Camel | Two-wheeled vehicle | 1000 kilograms |

**27) What is the maximum load permitted on pack animals?**

A) Provided is a table giving the maximum loads that may be carried by pack animals

**TABLE II**

| | |
|---|---|
| 1) Small bullock or buffalo | 100 kilograms |
| 2) Medium bullock or buffalo | 150 kilograms |
| 3) Large bullock or buffalo | 175 kilograms |

| | |
|---|---|
| 4) Pony | 70 kilograms |
| 5) Mule | 200 kilograms |
| 6) Donkey | 50 kilograms |
| 7) Camel | 250 kilograms |

**Q 28) What are the powers provided to police officers under The Prevention of Cruelty to Draught and Pack Animals Rules, 1965?**

A) Section 11 of the Act, provides that if a police officer above the rank of a constable feels that the animal is overloading, he may ask the owner or any other person in charge of such animal to take the animal or the vehicle or both to the weighbridge for the purpose of determining the weight of the load which animal has been or is drawing or carrying.

And if the owner in charge of the aforesaid animal refuses to comply with the demand of the police officer, the policeman has every right to take the animal or the vehicle or both to the weighbridge and get it weighted. And as soon as any weight is determined under this rule, the owner or other person in charge of the said animal shall be given a statement in writing signed by the police officer as to the weight so determined and any other information relevant for the purpose.

**Q 29) What are the general conditions for the use of draught and pack animals?**

A) Section 6 of The Prevention of Cruelty to Draught and Pack Animals Rules, 1965, lays down the general conditions for the use of draught and pack animals. No person is allowed to use any animal for drawing any vehicle or carrying any load: -

(i) For an average of more than nine hours in a day;

(ii) for more than five hours continuously without a break or rest for the animal;

(iii) in any area where the temperature exceeds 37 degree C (99 degree F ) during the period between 12 noon and 3 p.m.This means it is illegal to use draught and pack animals in North India, Chennai and all other places where the temperature remains routinely above 40 degrees Celsius in summer.

**Q30) What are the other relevant provisions with regard to The Prevention of Cruelty to Draught And Pack Animals Rules, 1965?**

A) The following are the important sections that should be noted, observed and implemented. These are:

Section 7: - Animals to be disengaged after work:- No person shall continue to keep in harness any animal used for the purpose of drawing vehicles, after it is no longer needed for such purpose.

Section 8: - Use of spiked bits prohibited:- No person shall, for the purpose of driving or riding an animal or causing it to draw any vehicle or for otherwise controlling it, use any spiked stick or any other sharp tackle or equipment which causes bruises, swellings, abrasions or sever pain to the animal.

Section 9: - Saddling of horses: - No person shall cause a horse to be saddled in such a way that the harness rests directly on the animal’s withers without there being sufficient clearance between the arch or the saddle and the withers.

**The Transport of Animals Rules,1978**

**Q31) What are the general conditions for transport of animals?**

A) Section 98 of The Transport of Animals Rules, 1978 provides the general conditions for transport of animals.

1) Animals to be transported shall be healthy and in good condition. They should be examined by a veterinary doctor for freedom from infectious diseases and their fitness to undertake the journey, provided that the nature and duration of the proposed journey shall be taken into account while deciding upon the degree of fitness.
2) An animal which is unfit for transport shall not be transported and the animals that are newborn, diseased, blind, emaciated, lame, fatigued or having given birth during the preceding seventy-two hours or likely to give birth during transport shall not be transported.
3) Pregnant and very young animals shall not be mixed with other animals during transport.
4) Different classes of animals shall be kept separately during the transport
5) Diseased animals, whenever transported for treatment, shall not be mixed with other animals.

**Q32) What should be noted and observed when animals are being transported?**

A) As mentioned above, the general conditions laid down in Section 98 of The Transport of Animals Rules, 1978 should be strictly adhered to. And apart from that, there are different rules for transporting different categories of animal, provided under The Transport of Animals Rules, 1978. Overloading of animals amounts to treating of animals cruelly under Section 11 of The Prevention Of Cruelty to Animals Act, 1960. If the above general conditions with regard to the transportation of animals are not met, the animals should be immediately unloaded and sent to the nearest animal shelter. Some further conditions that must be observed are:

In the case of trucks whose wheelbase is over 142 inches shall not carry more than six cattle without calves or five with calves.

- The Vehicle transporting them should be large enough to carry animals comfortably and the animals should not be packed and jammed inside. The animals should also be protected from the weather.
- Animals are not allowed to be transported by tempo.
- Within the vehicle, partitions, must be provided at every two or three metres across the width to prevent the crowding and trapping of animals.
- Sufficient food and water shall be carried to last during the journey and watering facility should be provided at regular intervals.
- First aid equipment should be available in the vehicle.
- Suitable ramps should be provided for loading and unloading the animals.
- Materials for padding such as straw, shall be placed on the floor to avoid injury and this shall be not less than 5 cm thick.

Apart from this, there are specific rules for transporting different categories of animals provided under The Transport of Animals Rules, 1978 which specifies the maximum number of animals that can be carried by different types of vehicles. Overloading of animals amounts to treating of animals cruelly under Section 11 of The Prevention of Cruelty To Animals Act, 1960. The offender (in the case of a first offence) will have to pay a fine which shall extend to fifty rupees and if it is the case of second offence or subsequent offence committed within three years of the previous offence, he will be fined with not 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. Also, in the case of second offence, the offender's vehicle is confiscated, and he will never be allowed to keep an animal again.

**Q33) What are the Rules of transportation for monkeys provided under The Transport of Animals Rules, 1978 ?**

A) Monkeys are to be transported in suitable wooden or bamboo cages. The following two sizes of cages shall be used during the transportation of monkeys through rail.

a) 910 x 760 x 510 mm- This cage shall contain not more than twelve monkeys, weighing between 1.8 and 3.00 kilograms each or ten monkeys weighing between 3.1 and 5.0 kilograms each

b) 710 x 710 x 519 mm- This cage shall contain not more than ten monkeys weighing between 1.8 and 3.00 kilograms each or eight monkeys weighing between 3.1 and 5.00 kilograms each.

Also, not more than one cage shall be placed over the other and gunny packing shall be placed between two cages, when one is placed over the other.

But when the monkeys are transported by air the following two sizes of cages shall be used:

(a) 460 x 460 x 460 mm- This cage shall contain not more than ten monkeys weighing from 1.8 to 3.0 kilograms each or four monkeys weighing from 3.1 to 5.0 kilograms each

(b) 760 x 530 x 460 mm :- This cage shall contain not more than ten monkeys weighing from 1.8 to 3.0 kilograms each or eight monkeys weighing from 3.1 to 5.0 kilograms each.

**Q34) What is the distance between different types of gauges of railway tracks?**

A) Gauge is the distance between two parallel railway tracks where;

a) In Broad Gauge the distance between two tracks is 5 feet 6 inches

b) In Metre Gauge the distance between two tracks is 3 feet 3 inches

c) In Narrow Gauge the distance between two tracks is 2 feet 6 inches)]

**Q 35) What are the Rules of transportation for Cattle provided under The Transport of Animals Rules, 1978?**

A) When cattle are to be transported by rail an ordinary goods wagon shall carry not more than ten adult cattle or fifteen calves on broad gauge, not more than six adult cattle or ten calves on meter gauge, and not more than four adult cattle or six calves on narrow

gauge. While transporting cattle by goods vehicle, only six cattle can be loaded per truck. The permissible loading in a truck is only 4 buffaloes, and truck having wheelbase below 142 inches, shall not carry more than five cattle without calves or four with calves.

**Q36) What are the Rules for transportation of Equines provided under The Transportation of Animals Rules, 1978?**

A) For the transport of equines by rail, an ordinary goods wagon shall not carry more than eight to ten horses or ten mules or ten donkeys on broad gauge and not more than six horses or eight donkeys on meter- gauge.

If equines are to be transported by a goods vehicle, each vehicle may not carry more than four to six equines.

With regard to the transport of equines by sea, horses may normally be accommodated in single stalls and mules in pens, each pen holding a maximum of four to five mules.

**Q37) What is the Rule for transportation of sheep and goats provided under "The Transportation of Animals Rules, 1978?"**

Following is the chart of transport of sheep and goats through railway wagon, for different gauge.

| Broad Gauge | | Metre Gauge | Narrow Gauge |
|---|---|---|---|
| In the area of wagon less than 21.1 sq Metre permissible number of shee or goats is 70 | In the area of a wagon 21.11 Sq Metres and above permissible number of sheep or goat is 100 | In the area of a Wagon less than 12.5 Sq Metres permissible number of sheep or goats is 50 | In the area of a wagon 12.5 Sq Metres and above permissible number of sheep or goats is 60 |

Goods vehicle of capacity of 5 or 4.5 tons, which are generally used for transporting animals, shall not carry more than forty sheep or goats.

**38) What are the rules provided for the transportation of poultry by rail, road and air?**

A) Containers are used for transporting poultry by rail, road and air. The crates used for transporting poultry must be sterilized and may not be piled one above the other. There are specific numbers of poultry that may be accommodated in such containers.

| Type of Poultry | Number in a container |
|---|---|
| 1) Month old chicks | 24 |
| 2) Three-month old chicks | 12 |
| 3) Adult stock (excluding geese and turkeys) | 12 |
| 4) Geese and turkeys | 10 young<br>2 growing<br>1 adult |

| | |
|---|---|
| 5) New born chicks | 80 |
| 6) Poult | 60 |

**Q39) What are the Rules provided for the transportation of pigs by rail or road?**

A)In transport of pigs by road, goods vehicles, which are generally used for transporting of animals, shall not carry more than twenty pigs.

While transporting pigs by rail, no railway wagon shall accommodate more than the number of pigs as provided in the following table: -

| **Broad Gauge** | | **Metre Gauge** | | **Narrow Gauge** |
|---|---|---|---|---|
| In the area of a wagon less than 21.1 Sq Metres number of pigs allowed is 35 | In the area of wagon more than 21.1 Sq Metres number of pigs allowed is 50 | In the area of wagon less than 12.5 Sq Metres number of pigs allowed is 25 | In the area of wagon more than 12.5 Sq Metre the number of pigs allowed is 30 | Not Allowed |

- Only four passengers excluding the driver are allowed on a tonga or a total of 325 kgs.

**Q40) Are there any regulations regarding transporting animals by foot?**

**A)** Yes. The Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules 2001 applies wherever the distance involved is 5 Km or more.

- Each animal must be certified healthy by a Vet in the prescribed form.
- The owner must provide first aid equipment to accompany the animals as well as make proper watering and fodder arrangements en route. Animals must be rested for 20 minutes after watering and one hour after feeding.
- No whip or stick may be used to hurry up the animals.
- No animals shall be tied by the nose or leg, only around the neck. Only two animals and only of the same size may tied adjacent to one another using a single rope. The space between then shall be a minimum of two feet.
- No animals shall be transported on foot before sunrise or after sunset or during heavy rain or extremely dry conditions.
- Heavily pregnant, new born, blind, emaciated, diseased and lame animals may not be taken on foot.
- Animals who are not shod eg. goats, elephants etc cannot be transported on foot on hard cement or metal tarred roads or rocky terrain.
- Any police officer above the rank of constable or any other person authorized by Central or State Govt or AWBI can require any owner who is violating these rules to take the animals to the nearest magistrate.

## The Prevention of Cruelty to Animals( Slaughter House) Rules,2001

**Q 41) What Laws governs slaughterhouses?**

A ) There are certain rules provided under The Prevention Of Cruelty To Animals Act,1960 namely Slaughter House Rules, 2001.

Section 2(c) of the above mentioned Act defines 'slaughterhouse' as a place wherein 10 or more than 10 animals are slaughtered per day and is duly licensed or recognized under a Central, State or Provincial Act or any rules or regulations made thereunder.

Section 3(1) of the above mentioned Act provides that animals cannot be slaughtered except in a recognized and licensed slaughter house.

Section 3(2), prohibits slaughtering of any animal

- which is pregnant or
- has an offspring less than three months old, or
- the animal which is under the age of three months or
- which has not been certified by a Veterinary Doctor that it is in a fit condition to be slaughtered.

**Q42) Is slaughtering of an animal apart from in the slaughter house, legal ?**

A) Wherever there is a Government slaughterhouse, slaughter cannot be done anywhere else. If there is no government slaughterhouse in that area then killing can only take place in licensed slaughterhouse, which should be situated, where they are not a public nuisance or an environmental hazard. These slaughterhouses have to follow all Municipal Corporation laws and the ISI regulations. No animals can be slaughtered in slums, in roadside meat shops or in dhabas or in private houses. Slaughtering of any animal at any place other than a licensed slaughterhouse is prohibited. .

With regard to environmental hazard and public nuisance. Smt. Maneka Gandhi moved the Delhi Court against the Idgah Slaughterhouse of Delhi, in the larger public interest. The court gave the following directions, which apply, to all slaughterhouses:

(1) Children below the age of 18 years shall not be allowed to work in the slaughterhouse
(2) Each Slaughterhouse has a licence for a prescribed number of animals. The number of animals slaughtered may not exceed 2500 per day, i.e. 2,000 sheep and goats and 500 buffaloes.
(3) There should be adequate number of veterinary doctors for the purpose of proper examination of animals thoroughly before issuing a fitness certificate for the animals to be slaughtered.
(4) Compounding fee in respect of sheep/goats is increased from Rs 50 to Rs 500 and for buffaloes from Rs 200 to Rs 2000.
(5) The maximum number of animals allowed to be carried in open trucks must not exceed 40 goats/sheep and 4 buffaloes.
(6) The slaughterhouse should have proper light, electricity, fans and coolers in its various section.

According to the Municipal laws, if there is a Municipal Authorised slaughterhouse then there can be no private slaughterhouse and no licence can be issued to such slaughterhouses, as they are illegal.

As per the Indian Standard (IS), the basic requirement for a slaughterhouse are as follows :-

a) Slaughterhouse may be located outside or on the periphery of a city or town and away from an airport.
b) There must be services of potable water, electricity and proper hygienic sewage disposal facilities.
c) There must be a resting place for the animals before slaughter.
d) There must be adequate facilities for 'before-killing' inspection.
e) Carrying out of humane slaughter
f) Flaying, dressing and washing of the carcasses
g) Inspection of meat and disposal of meat unfit for human consumption.

If any slaughterhouse does not adhere to these standards, it cannot be licensed.

The Prevention of Cruelty to Animals (Slaughter House) Rules, 2001 prescribes the following requirements for a slaughterhouse.

Section 4 (1) to (8) states that: -

- The slaughterhouse shall have a reception area of adequate size sufficient for livestock subject to veterinary inspection.
- The veterinary doctor after examining the animal shall issue a fitness certificate for each animal.
- The veterinary doctor shall examine thoroughly not more than 12 animals in an hour and not more than 96 animals in a day
- The reception area of slaughter house shall have proper ramps for direct unloading of animals from vehicles or railway wagons and the said reception area shall have adequate facility sufficient for feeding and watering of animals
- Separate isolation pens shall be provided in slaughter house with watering and feeding arrangements for animals suspected to be suffering from contagious and infectious diseases, and fractious animals, in order to segregate them from the remaining animals.
- Adequate holding area shall be provided in slaughterhouse according to the class of animals to be slaughtered.
- Ante-mortem (before death) and pen area shall preferably be covered and shall be paved with material such as concrete non slippery herring bone type or brick suitable to stand wear and tear by hooves, and suitable drainage facilities shall be provided around the borders of the area except at the entrances.

Section 5 (1) to (5) states that:-

- Every animals after veterinary examination shall be passed on to a resting place, adequate in size and sufficient for the number of animals for resting for 24 hours before slaughtering.

- The space provided in the pens shall be not less than 2.8 sqm per large animal and 1.6 sqm. per small animal.
- The animals shall be kept separately depending on their type and class and protected from heat and rain.
- The resting place shall have adequate facilities for watering and post-mortem inspection..

**Q43) What are the Laws, Rules governs Meat Shops or Stalls?**

A) Meat shop refers to the shop that does not kill the animal but sells the meat. There are rules that regulates such outlets. The Bureau of Indian Standard rules deals with the basic requirements for a stall for sale of meat of small and large animals. It is the norm to be followed for licensing and regulating the sale of meat and maintenance of hygienic conditions of the meat stall. It states that-

- All meat stalls can only be set up in designated places, as a unit of a meat market and shall be located at a place away from vegetable or other food markets
- The meat shall be free from undesirable odour, smoke, dust or other contaminants
- The main services, such as potable water supply, electricity and proper hygienic sewage disposal facilities are essential prerequisites
- A block shall consists of a number of meat stalls and shall be enclosed in compound walls which barricades entry of dogs, cats, birds and other undesirable elements into the block
- Each block shall be provided with potable water storage supply tank with taps to facilitate withdrawal of water by meat stalls
- A meat stall shall consist of a meat preparation room, sales counter or ante-room and covered passage in front or a verandah for customers
- The meat preparation room may be of minimum 3.75 x 3m x3m for small animals and 4.5 x 4.5 x 4.5 m for large animals depending on the stock
- Screened ventilators shall be provided near the ceiling for facilitating cross ventilations
- Care should be taken that no direct sunlight falls on the dressed carcasses.
- The room shall suitably be made fly-proof and provided with fly-traps
- The floors of all the rooms shall be of such construction that easy washing and cleaning with water is possible.
- A covered passage protected from the rain and sun shall be provided in the meat stall for the customers
- Each stall shall be provided with a water tap
- The Knives, tools, and hooks used shall be of stainless steel.

**Q44) Is it crime to kill or sell camel's meat?**

A) Camel's meat is not notified a item of food, as per the provisions of the Prevention of Cruelty to Animals Act, 1960. Presently, provision is available only for slaughtering cattle, goats, sheep and pigs, within the Corporation limits. There is no qualified Veterinary Surgeon, who can certify the fitness of a camel or the suitability of its meat for consumption by human beings, or a licensed person to slaughter a camel. There are no

licensed persons within the Corporation limits for the sale of camel's meat. The license to sell beef will not enable the sale of camel's meat.

**Q 45) Is slaughtering of cows on Bakri-id considered illegal?**
A) .No animal can be slaughtered except goats. The Division Bench of Calcutta has ruled that the slaughter of cows by members of Muslim community on Bakri-eid day is not a requirement of the Muslim religion and should be banned. The Supreme Court has upheld this decision.

The Prevention of Cruelty To Animals (Slaughter House) Rules, 2001 provides that no one can slaughter animals in slums, in roadside meat shops or in dhabas or in private houses. This rule applies in the slaughtering of goats on Bakri-Eid. Slaughter can only take place in government designated Idgahs, but not in mosques.

## Laws on Animal Sacrifice

**Q46) Is it illegal to sacrifice animals ?**

A) Yes, animal sacrifice is illegal. The act of animal sacrifices is covered under **Local Municipal Corporation Acts, Prevention of Cruelty to Animals Act, 1960, Wildlife (Protection) Act, 1972, Indian Penal Code (IPC). It is also specifically forbidden in the following states under The Prohibition of Bird and Animal Sacrifice Act:**
   a) **Andhra Pradesh**
   b) **Gujarat**
   c) **Karnataka**
   d) **Kerala**
   e) **Pondicherry**
   f) **Rajasthan**
   g) **Tamil Nadu**

- **Local Municipal Corporation Acts:**

Municipalities laws prohibit the slaughter of any animal within a Corporation area, other than in a licensed slaughterhouse. Since temples and streets, where animal sacrifices usually occur, are unlicensed, it becomes illegal to slaughter animals at these places.

- **The Prevention of Cruelty to Animals Act, 1960**

The Act, prohibits the infliction of unnecessary pain and suffering on an animal and makes such unnecessary pain and suffering a penal offence. Sub- section (3) of section 11 PCA says that it is the duty of every person having the care and charge of any animal to take all reasonable measure to ensure the well being of such animal and to prevent the infliction of unnecessary pain or suffering. The penalty under this Act is, the offender (in the case of a first offence) will have to pay fine which shall extend to fifty rupees and if it is the case of second offence or subsequent offence committed within three years of the previous offence, he will be fined with not less than twenty-five rupees but which may

extend to one hundred rupees or with the imprisonment for a term which may extend to three months or with both. Also, in the case of second offence, the offender's vehicle is confiscated, and he will never be allowed to keep an animal again.

- **Wildlife (Protection) Act, 1972**

This Act prohibits injury to any wild animal, which is considered to be government property, under section 39. The definition of an "animal" in the Act includes amphibians, birds, reptiles and mammals and their young. In the case of bird and reptiles, even their eggs are included in this category. Section 51 of the Act provides the penalty for the person guilty of an offence under this Act. The accused on conviction, will be punishable with imprisonment for a term of three years or with fine of twenty- five thousand rupees or with both. And in the case of a second or subsequent offence, the term of imprisonment will be seven years with fine of ten thousand rupees.

- **Indian Penal Code (IPC):**

  Under Section 268 of IPC, 1860 a person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have persons who may have occasion to use any public right. A common nuisance is not excused on the ground it causes some convenience or advantage. Under 269/270It can be a negligent act or a malignant act which can spread infection or disease dangerous to life. These sections enable a person to file a charge sheet to prohibit the killing of an animal or the sale of the meat obtained from sacrificed animals, in any public place, other than those which are registered for this purpose. Also, the killing of an animal in public place amounts to public nuisance, and annoyance to the public.

**The Experiments On Animals( Control And Supervision) Rules,1968**

**Q 47) What does the law say regarding the conducting of experiments on animals?**

A) Section 4 of the Experiments on Animals ( Control and Supervision ) Rules, 1968 lays down certain conditions regarding the conducting of experiments which are as follows :-

e) Experiments should be performed with due care and humanity
f) Experiments shall be performed in every case by or under the supervision of persons duly qualified, in a laboratory adequately equipped and staffed for the purpose and under the responsibility of the person performing the experiment.
g) Minimum number of animals shall be used in an experiment
h) Experiments involving operative procedure more severe than simple inoculation or superficial venesection shall be performed under the influence of anaesthetic of sufficient power to prevent the animal feeling pain and it shall remain so throughtout the experiment.

i) The experiment shall not be performed for the purpose of attaining or retaining manual skill.
j) Experiment shall not be performed by way of an illustration of lecture in schools or colleges
k) Experiments shall not be performed as a public demonstration except for advancement of knowledge
l) The substance known as Urari or Curari or any such paralysant shall not be used or administered for the purpose of any experiment except in conjunction with anaesthetic of sufficient depth to produce loss of consciousness;

**Q 48) Is it illegal to sell animals for experiments?**

A) Yes, it is illegal to sell animals for experiments. Section 4A of The Experiments on Animals (Control and Supervision) puts restriction on sale etc., of animals for experiments. It says that no officer, employee or agent of any animal-control authority shall sell, give, transfer, trade, supply or otherwise provide any animal coming into his or her possession to any animal dealer, commercial kennel, pet shop, laboratory, educational institution or other person for the use in research, product development testing, education, biological production or other scientific, biomedical or veterinary purposes. Also the hospital, educational institution, laboratory or any person is prohibited to purchase or accept any dog or cat not purposely bred for research from any animal-control authority, commercial kennel, pet shop or animal dealer for use in research, product development, testing, education, biological production, or other scientific, biomedical or veterinary purpose.

## The Wildlife Protection Act,1972

**Q 49) What kind of birds is it legal to keep?**

A) No Indian birds can be legally kept under the Wildlife Protection Act, 1972. Only exotic species can be kept and that too if the seller/ owner establishes that they have come from outside the country. In order to prove that, the seller must have an import licence and permission from the CITES Bureau.

CITES or the United Nations Convention on International Trade In Endangered Species of Wild Fauna And Flora came into effect in order to protect rare and endangered species of wild fauna and flora against over-exploitation. The convention ensures that international trade does not pose a threat to the survival of species in the wild.

The convention also provides strict regulation over export of those species threatened by trade.

Even the keeping of a permissible bird must be in conformity with the provisions of Section 11 of the Prevention of Cruelty to Animals Act, which stipulates that any person who keeps and confines any animal in any cage which does not measure sufficiently to permit the bird a reasonable opportunity of movement or does not provide the bird with sufficient food, drink and shelter shall be guilty of treating that bird cruelly. The failure to comply with these provisions of Section 11 of PCA is a punishable offence and the offender would be liable to be arrested and punished. Hence the sane and safe course of action is to let the birds go free.

**Q 50) What does the law say about selling wild birds in the local market?**
A) The word ‘ wild bird’ means a bird that has come under the purview of The Wildlife Protection Act, 1972, which extends its protection to about 122 species of birds.
Section 9 of the WPA prohibits hunting of wild birds. “Hunting” in common parlance signifies the pursuit, trapping and then killing of an animal. But under the WPA ‘hunting’ also includes capturing and trapping of any wild animal. Further, Section 57 of W.P.A raises a legal presumption that if a person is in possession, custody or control of any captive animal (including wild birds), it shall be presumed that such a person is not in lawful possession of such a captive animal. Hence, a person selling a wild bird in the local market is guilty of the offence of ‘hunting’ and is liable to be punished with imprisonment for a term, which may extend to three years as stipulated under Section 51 of the WPA.

**Q 51) Does the Police have the power to arrest under the Wildlife Protection Act?**
A) Section 50 of WPA authorizes the Director, or the Chief Wildlife Warden or any officer authorized by them or any forest officer or any police officer not below the rank of sub-inspector to arrest any person without warrant and detain him, if the arresting officer has reasonable grounds for believing that such person has committed an offence against the WPA. Section 51(1) of the WPA stipulates that any person who contravenes any provision of Act or any rule or order made thereunder shall be guilty of an offences under this Act and shall, on conviction, be punishable with imprisonment for a term which may extend to three years or with fine which may extend to twenty-five thousands rupees or with both.

**Q 52) What are the duties and responsibilities of Honorary Wildlife Wardens?**
A) Honorary Wildlife Wardens are appointed under sub-section (c) of section 4 of the Wildlife Protection Act, 1972 and are deemed to be public servants. The main duty and responsibility of an Honorary Wildlife Warden is to assist wholeheartedly the State organization responsible for wildlife conservation work, especially with regard to the following matters:

a) Control of poaching and clandestine trade in wild animals and products/articles thereof
b) Detection and prosecution of offences under the Wildlife (Protection) Act and the Rules made thereunder
c) Preventing damage to the habitat of wildlife
d) Identification and selection of areas suitable to be declared as sanctuaries, national parks, closed areas, etc., as well as measures for their proper protection
e) Measures for dealing with the problem of damage by wild animals to life and property, including the assessment and payment of compensation, etc.
f) Carrying the message of conservation to the people and enlisting public support for nature and wildlife conservation. The effort should be specially directed towards the communities living in or near the declared wildlife reserves.
g) Any other matter connected with the protection of wildlife, which may be entrusted by the Wildlife Advisory Board or the Chief Wildlife Warden of the State, from time to time.

Along with , their duties Honorary Wildlife Wardens have specific powers delegated to them under the Wildlife Protection Act, 1972, for making them useful and effective. These powers are:

(a) Power to inspect records of the licenses under section 47 (b) of the Act
(b) Powers of entry, search, seizure, and detention under Section 50 for the prevention and detection of offences.
(c) They are also authorized to complaint in court in accordance with Section 55 of the Wildlife Protection Act, 1972.

**Q 53) What is the law that pertains to madaris/kalandars?**

A) No private person in India is allowed to capture, own, buy, sell, train or show any wild animals for public exhibition. The animals that are sued by madaris; i.e. monkeys, snakes, bears, mongooses, parakeets are all protected by the Wildlife Protection Act, 1972 and cannot be used. Section 22 of the Performing Animals Rules of the Prevention of Cruelty to Animals Act, 1960 is also applicable. Since, both are cognizable offences, the madari can be arrested on the spot, and the animal confiscated and handed over to the Wildlife Dept, Zoo or a Local Animal Welfare Shelter. In the case of healthy snakes, mongooses or birds, the animals should be released in a wooden area.

**Q 54) Can anyone including the Government hire people with langurs to drive away monkey from their premises?**

A) No, this is illegal. Langurs are covered under the Wildlife Protection Act making it illegal to buy, sell, own or keep them. If a madari is not allowed to own a protected species, how can he use that animal in his trade or profession and how can Government recognize the illegal use of an animal. The person recruiting the madari and langur is to be arrested under the same laws as the madari.

# TRANSPORT OF ANIMALS

Prevention of Cruelty to Animals Act 1960
Transport of Animals Rules 1978
Transport of Animals Amendment Rules 2001
Motor Vehicles Act
Indian Penal Code 1860

## GENERAL CONDITIONS FOR TRANSPORT OF ALL ANIMALS

| | |
|---|---|
| Rule 96 Transport of Animals Amendment Rules 2001 | **Issue of certificate before transportation**<br><br>(1) A valid certificate issued by an officer or any person or Animal Welfare Organisation duly recognised and authorised for this purpose by the Animal Welfare Board of India or the Central Government shall be procured by any person making transport of any animal before transportation of such animal verifying that all the relevant Central and State Acts, rules and orders pertaining to the said animals including the rules relating to transport of such animals have been duly complied with and that the animal is not being transported for any purpose contrary to the provision of any law.<br><br>(2) In the absence of such certificate, the carrier shall refuse to accept the consignment for transport. |
| Rule 97 Transport of Animals Amendment Rules 2001 | **Cancellation of permit or authorisation for transport -**<br><br>(1) In the event of contravention or non compliance of any of the rules contained in these rule for transport of animals, if it is pointed out in writing by any officer or persons or Animal Welfare Organisations authorised for this purpose by the Animal Welfare Board of India or the Central Government, then, any permit or authorisation issued for such transport shall be immediately cancelled by the concerned authority and it shall be the duty of the police to stop the further transport even from the intermediary station and proceed against the said offenders and deal with the animal in accordance with law.<br><br>(2) The custody of the animals immediately after unloading from the rail wagons, truck or any other vehicle shall be given to the authorised Animal Welfare Organisation if available, till the competent authority or the magistrate having jurisdiction decides about their care and upkeep. |
| Rule 98 Transport of Animals Amendment Rules 2001 | (1) Animals to be transported shall be healthy and in good condition and such animals shall be examined by a veterinary doctor for freedom from infectious diseases and their fitness to undertake the journey; provided that the nature and duration of the proposed journey shall be taken into account while deciding upon the degree of fitness. |

## MINISTRY OF ENVIRONMENT AND FORESTS

## NOTIFICATION

New Delhi, the 22nd September, 2009

S.O.2465 (E) – Whereas the draft Transport of the Animals Amendment Rules, 2008, were published as required by sub-section (1) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) under the notification of Government of India, Ministry of Environment and Forest number S.O 1876(E) dated 31st July 2009 in the Gazette of India, Extraordinary, Part II, Section 3, Sub Section (ii) dated 3rd August 2009 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification are made available to the public.

And, whereas copies of the said Gazette were made available to the public on the 3rd August, 2009.

And, whereas no objection or suggestion has been received from the public in respect of the said draft rules by the Central Government.

Now, therefore in exercise of the powers conferred by sub-sections (1) and (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules further to amend the Transport of Animals Rules 1978, namely:-

1. (1) These rules may be called Transport of Animals (Amendment) Rules, 2009.
   (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Transport of Animals Rules, 1978 (herein after referred to as the said rules), for rule 50, the following rule 50 shall be substituted, namely:-

"50. The average space provided per cattle in Railway wagon or vehicle shall be as provided in Tables I and II as given below:-

**TABLE – I**

**Space Allowance per Cattle**

| | |
|---|---|
| Cattle weighing upto 200 Kg. | 1 Square Meter (Sq.mtr.) |
| Cattle weighing 200-300 Kg | 1.20 Square Meter |
| Cattle weighing 300-400 Kg | 1.40 Square Meter |
| Cattle Weighing above 400 Kg. | 2.0 Square Meter |

**TABLE – II**

**Space requirement for Cattle while being transported in commonly sized road vehicles**

| Vehicle Size Length x Width Square Meter | Floor Area of the vehicle in Square Meter (Sq.mtr.) | Number of Cattle | | | |
|---|---|---|---|---|---|
| | | Cattle weighing upto 200 Kg (1 Sq.mtr. space per cattle) | Cattle weighing 200-300 Kg (1.20 Sq.mtr space per cattle) | Cattle weighing 300-400Kg (1.40 Sq.mtr. space per cattle) | Cattle weighing above 400Kg (2.0 Sq.mtr space per cattle) |
| 6.9 x 2.4 | 16.56 | 16 | 14 | 12 | 8 |
| 5.6 X 2.3 | 12.88 | 12 | 10 | 8 | 6 |
| 4.16X1.9 | 7.904 | 8 | 6 | 6 | 4 |
| 2.9X1.89 | 5.481 | 5 | 4 | 4 | 2 |

(*d*) "Government" means the State Goverment.

Appointment of competent authority.

3. The Government may, by notification, appoint the Executive Authority or any other authority or person to perform all or any of the functions of a competent authority under this Act for such area as may be specified in the notification.

Prohibition of slaughter of animals without certificate.

4. (1) Notwithstanding anything in any law for the time being in force or any usage to the contrary, no person shall slaughter or cause to be slaughtered any animal unless on an application made in this behalf he has obtained a certificate in the prescribed form from the competent authority for the area in which the animal is to be slaughtered that the animal is fit for slaughter.

(2) An application for a certificate under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) No certificate shall be granted under sub-section (1) unless the competent authority for reasons to be recorded in writing, is of opinion that—

(*a*) the animal is over ten years of age and is unfit for work and breeding; or.

(*b*) the animal has become permanently incapacitated for work or breeding due to injury, deformity or any incurable disease :

Provided that nothing contained in this section shall be deemed to affect the operation of any of the provisions of the Madras City Municipal Act, 1919* ([1][Tamil Nadu] Act, IV of 1919), the [[1](Tamil Nadu) District Municipalities Act, 1920] ([1][Tamil Nadu] Act V of 1920), the [2][Tamil Nadu] District Board's Act, 1920 ([1][Tamil Nadu] Act XIV of 1920), the [1](Tamil Nadu] Village Panchayats Act, 1950 † ([1][Tamil Nadu] Act X of 1950),

---

1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* Now the Madras City Municipal Corporation Act, 1919.

† *See* now the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).



Latestl aw

(2) Every person in occupation of any such premises shall allow the competent authority or the authorized person such access to the premises as may be neecssary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the competent authority or by the authorized person :

Provided that no person shall be compelled under this sub-section to answer any question or give evidence tending to incriminate himself.

**Penalties.**

8. (1) Whoever poisons, maims or renders useless any animal with intent to make, or knowing that he is likely to make, such animal fit for slaughter under the provisions of this Act, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both.

(2) Whoever contravenes any other provision of this Act or of any rule made thereunder shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

**Abetments and attempts.**

9. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

**Certain persons to be public servants.**

10. The competent authority and every authorized person while exercising any power or performing any duty under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

**Protection of action taken in good faith.**

11. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

**Exemptions.**

12. The Government may, by general or special order and subject to such restrictions and conditions as they may think fit to impose in such order, direct that the provisions of this Act shall not apply to the slaughter of any animal for any religious, medicinal, research or teaching purposes or to relieve it of its suffering caused by injury or disease, provided the exemption granted shall be subject to the

LatestLaws

g) To encourage by the grant of financial assistance or otherwise,**(the formation or establishment of Pinjarapoles, rescue homes, animals shelters, sanctuaries and the like), where animals and birds may find a shelter when they have become old and useless or when they need protection;

h) To co-operate with, and co-ordinate the work of, associations or bodies established for the purpose of preventing unnecessary pain or suffering to animals or for the protection of animals and birds;

i) To give financial and other assistance to Animal Welfare Organisations functioning in any local area or to encourage the formation of Animal Welfare Organisations in any local area which shall work under the general supervision and guidance of the Board;

j) To advise the Government on matters relating to the medical care and attention which may be provided in animal hospitals, and to give financial and other assistance to animal hospitals whenever the Board thinks it necessary to do so;

k) To impart education in relation to the humane treatment of animals and to encourage the formation of public opinion against the infliction of unnecessary pain or suffering to animals and for the promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions and the like;

l) To advise the Government on any matter connected with animal welfare or the Prevention of infliction of unnecessary pain or suffering on animals.

**wer of the Board to make regulations**

. The Board may, subject to the previous approval of the Central Government, make such regulations as it may think fit for the administration of its affairs and for carrying out its functions.

## CHAPTER III

## CRUELTY TO ANIMALS GENERALLY

. (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) *(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 employed; or

---

Subs,ibid, S, 9 (b) for the words "the formation of pinrapoles, sanctuaries an the like"

Subs. by Act 26 of 1982, S. 10 (a) (i) for the words "employ in any work or labour any animal whick, by reason of any disease";