

IndiaCode

The Prevention of Cruelty to Animals Act, 1960

(ACT NO. 59 OF 1960)

[*As on the* 15*th July*, 2026]

AMENDING ACT

The Prevention of Cruelty to Animals (Amendment) Act, 1982 (26 of 1982).

LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

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THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

ACT NO. 59 OF 1960

[26*th December*, 1960.]

An Act to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Prevention of Cruelty to Animals Act, 1960.

(*2*) It extends to the whole of India [1]***.

(*3*) It shall come into force on such date[2] as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States and for the different provisions contained in this Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "animal" means any living creature other than a human being;

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1. The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and Sch. V (w.e.f. 31-10-2019).

2. 1st April, 1961, *vide* Notifin. No.S.O.823, dated the 1st April, 1961, in respect of the State of Punjab and the Union territory of Andaman and Nicobar Island, *see* Gazette of India 1961, Part II, sec. 3(*ii*).

1st September, 1961, *vide* Notifin. No. S.O. 2061, dated the 25th August, 1961, for Chapters I and II in respect of the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Madras, Maharashtra, Madhya Pradesh, Mysore, Orissa, Uttar Pradesh and West Bengal and the Union territories of Delhi, Manipur and Tripura, *see* Gazette of India, 1961, Part II, sec. 3(*ii*).

2nd October, 1961, *vide* Notifin. No. S.O. 2286, dated 15th September 1961, Chapters I and II in respect of the Union territory of Himachal Pradesh, Gazette of India, Part II, sec. 3(*ii*).

26th January, 1962, *vide* Notifin. No. S.O. 21, dated 28th December, 1961, provisions of Chapters I and II in respect of the State of Rajasthan, *see* Gazette of India, Part II, sec. 3(*ii*).

15th July, 1963, *vide* Notifin. No. S.O. 2000, dated 11th July, 1963, Chapter IV in respect of the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Madras, Maharashtra, Madhya Pradesh, Mysore, Orissa, Rajasthan, Uttar Pradesh and West Bengal and in respect of the Union territories of Delhi, Himachal Pradesh, Manipur and Tripura, *see* Gazette of India, Part II, sec. 3(*ii*).

20th November, 1963, *vide* Notifin. No. S.O. 3160, dated 29th October, 1963, Chapters III and VI in respect of the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Madras, Maharashtra, Madhya Pradesh, Mysore, Orissa, Rajasthan and Uttar Pradesh and in respect of the Union territories of Delhi, Himachal Pradesh, Manipur and Tripura, *see* Gazette of India. Part II, sec. 3(*ii*).

24th May, 1977, *vide* Notifin. No. S.O. 1902, dated 24th May 1977, provisions of Chapter V in respect of all the States and the Union territories to which this Act extends (except the State of Jammu and Kashmir).

This Act has been extended to Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Sch. and comes into force in Pondicherry *vide* Reg. 7 of 1963, s. 3 and Sch. I (w.e.f. 1-10-1963). and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I (w.e.f. 1-7-1965).

[1][(*b*) "Board" means the Board established under section 4, and as reconstituted from time to time under section 5A;]

(*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;

(*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;

(*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.

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STATE AMENDMENTS

Karnataka

Amendment of section 2.—In section 2 of the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960) (hereinafter referred to as the Principal Act),—

(i) after clause (a), the following shall be inserted, namely:—

"(aa) "**Bulls race or Bullock cart race**" means any form of bulls race including race of Bullock cart as a traditional sports involving Bulls whether tied to cart with the help of wooden yoke or not (in whatever name called) normally held as a part of tradition and culture in the state on such days and places, as may be notified by the State Government."; and

(ii) after clause (d), the following shall be inserted, namely:—

"(dd) **"Kambala"** means the traditional sports event involving Buffalo's (male) race normally held as a part of tradition and culture in the state on such days and places, as may be notified by the State Government."

[*Vide* Karnataka Act 2 of 2018, s. 2].

1. Subs. by Act 26 of 1982, s. 2, for clause (*b*) (w.e.f. 30-7-1982).

Maharashtra

In section 2 of the Prevention of Cruelty to animals Act, 1960, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), after clause (*b*), the following clause shall be inserted, namely:—

"(*bb*) "bullock cart race" means an event involving bulls or bullocks to conduct a race, whether tied to cart with the help of wooden yoke or not (by whatever name called), with or without a cartman with a view to follow tradition and culture on such days and in any District where it is being traditionally held at such places, as may be previously approved by the District Collector, and also known as "*Bailgada Sharyat*", "*Chhakadi*" and "*shankarpat*" in the State of Maharashtra;".

[*Vide* Maharashtra 45 of 2017, s. 2].

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

STATE AMENDMENTS

Karnataka

Amendment of section 3.—Section 3 of the principal Act, shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (1) conduct of "Kambala" or "Bulls race or Bullock cart race" shall be permitted, subject to condition that no unnecessary pain or suffering is caused to the animals, by the person incharge of that animal used to conduct "Kambala" or "Bulls race or Bullock cart race" as the case may be and subject to such other conditions as may be specified, by the State Government, by notification."

[*Vide* Karnataka Act 2 of 2018, s. 3].

Maharashtra

Section 3 of the principal Act shall be re-numbered as sub-section (*1*) thereof; and after sub-section (*1*) as so re-numbered, the following sub-sections shall be added, namely:—

"(2) Notwithstanding anything contained in sub-section (1), the bullock cart race may be conducted with the prior permission of the Collector, subject to the condition that no pain or suffering as envisaged by or under the Act is caused to the animal by any person or person in charge of the animal used to conduct bullock cart race and subject to such other conditions as may be prescribed by rules under section 38B by the State Government.

(3) If any person or person in charge of the animals conducts bullock cart race in contravention of the conditions laid down in sub-section (2) or rules made thereunder relating to the bullock cart race or causes pain or suffering to the animal, he shall be punished with fine which may extend upto rupees five lakhs or imprisonment for a term which may extend upto three years.".

[*Vide* Maharashtra Act 45 of 2017, s. 3].

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CHAPTER II

[1][ANIMAL WELFARE BOARD OF INDIA]

4. Establishment of Animals Welfare Board of India.—(*1*) For the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular, there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the [2][Animal Welfare Board of India].

(*2*) The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by its name sue and be sued.

5. Constitution of the Board.—(*1*) The Board shall consist of the following persons, namely:—

(*a*) the Inspector-General of Forests, Government of India, *ex officio*;

(*b*) the Animal Husbandry Commissioner to the Government of India, *ex officio*;

[3][(*ba*) two persons to represent respectively the Ministries of the Central Government dealing with home affairs and education, to be appointed by the Central Government;

(*bb*) one person to represent the Indian Board for Wild Life, to be appointed by the Central Government;

(*bc*) three persons who, in the opinion of the Central Government, are or have been actively engaged in animal welfare work and are well-known humanitarians, to be nominated by the Central Government;]

(*c*) one person to represent such association of veterinary practitioners as in the opinion of the Central Government ought to be represented on the Board, to be elected by that association in the prescribed manner;

(*d*) two persons to represent practitioners of modern and indigenous systems of medicine, to be nominated by the Central Government;

[4][(*e*) one person to represent each of such two municipal corporations as in the opinion of the Central Government ought to be represented on the Board, to be elected by each of the said corporations in the prescribed manner;]

(*f*) one person to represent each of such three organisations actively interested in animal welfare as in the opinion of the Central Government ought to be represented on the Board, to be chosen by each of the said organisations in the prescribed manner;

(*g*) one person to represent each of such three societies dealing with prevention of cruelty to animals as in the opinion of the Central Government ought to be represented on the Board, to be chosen in the prescribed manner;

(*h*) three persons to be nominated by the Central Government;

(*i*) six members of Parliament, four to be elected by the House of the People (Lok Sabha) and two by the Council of States (Rajya Sabha).

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1. Subs. by Act 26 of 1982, s. 3, for "Animal Welfare Board" (w.e.f. 30-7-1982).
2. Subs. by s. 4, *ibid.*, for "Animal Welfare Board" (w.e.f. 30-7-1982).
3. Ins. by s. 5, *ibid*. (w.e.f. 30-7-1982).
4. Subs. by s. 5, *ibid*., for clause (*e*) (w.e.f. 30-7-1982).

(*2*) Any of the persons referred to in clause (*a*) or [1][clause (*b*) or clause (*ba*) or clause (*bb*)] of sub-section (*1*) may depute any other person to attend any of the meetings of the Board.

[2][(*3*) The Central Government shall nominate one of the members of the Board to be its Chairman and another member of the Board to be its Vice-Chairman.]

[3][**5A. Reconstitution of the Board**.—(*1*) In order that the Chairman and other members of the Board hold office till the same date and that their terms of office come to an end on the same date, the Central Government may, by notification in the Official Gazette, reconstitute, as soon as may be after the Prevention of Cruelty to Animals (Amendment) Act, 1982 (26 of 1982) comes into force, the Board.

(*2*) The Board as reconstituted under sub-section (*1*) shall be reconstituted from time to time on the expiration of every third year from the date of its reconstitution under sub-section (*1*).

(*3*) There shall be included amongst the members of the Board reconstituted under sub-section (*1*), all persons who immediately before the date on which such reconstitution is to take effect, are members of the Board but such persons shall hold office only for the unexpired portion of the term for which they would have held office if such reconstitution had not been made and the vacancies arising as a result of their ceasing to be members of the Board shall be filled up as casual vacancies for the remaining period of the term of the Board as so reconstituted:

Provided that nothing in this sub-section shall apply in relation to any person who ceases to be a member of the Board by virtue of the amendment made in sub-section (*1*) of section 5 by sub-clause (*ii*) of clause (*a*) of section 5 of the Prevention of Cruelty to Animals (Amendment) Act, 1982 (26 of 1982)].

[4][**6. Term of office and conditions of service of members of the Board**.—(*1*) The term for which the Board may be reconstituted under section 5A shall be three years from the date of the reconstitution and the Chairman and other members of the Board as so reconstituted shall hold office till the expiry of the term for which the Board has been so reconstituted.

(*2*) Notwithstanding anything contained in sub-section (*1*),—

(*a*) the term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member;

(*b*) the term of office of a member elected or chosen under clause (*c*), clause (*e*), clause (*f*), clause (*g*), clause (*h*) or clause (*i*) of section 5 to represent any body of persons shall come to an end as soon as he ceases to be a member of the body which elected him or in respect of which he was chosen;

(*c*) the term of office of a member appointed, nominated, elected or chosen to fill a casual vacancy shall continue for the remainder of the term of office of the member in whose place he is appointed, nominated, elected or chosen;

(*d*) the Central Government may, at any time, remove for reasons to be recorded in writing a member from office after giving him a reasonable opportunity of showing cause against the

1. Subs. by Act 26 of 1982, s. 5, for "clause (*b*)" (w.e.f. 30-7-1982).
2. Subs. by s. 5, *ibid.*, for sub-section (*3*) (w.e.f. 30-7-1982).
3. Ins. by s. 6, *ibid*. (w.e.f. 30-7-1982).
4. Subs. by s.7, *ibid.,* for section 6 (w.e.f. 30-7-1982).

proposed removal and any vacancy caused by such removal shall be treated as casual vacancy for the purpose of clause (*c*).

(*3*) The members of the Board shall receive such allowances, if any, as the Board may, subject to the previous approval of the Central Government, provide by regulations made in this behalf.

(*4*) No act done or proceeding taken by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board and in particular, and without prejudice to the generality of the foregoing, during the period intervening between the expiry of the term for which the Board has been reconstituted under section 5A and its further reconstitution under that section, the *ex officio* members of the Board shall discharge all the powers and functions of the Board.]

7. Secretary and other employees of the Board.—(*1*) The Central Government shall appoint [1]*** the Secretary of the Board.

(*2*) Subject to such rules as may be made by the Central Government in this behalf, the Board may appoint such number of other officers and employees as may be necessary for the exercise of its powers and the discharge of its functions and may determine the terms and conditions of service of such officers and other employees by regulations made by it with the previous approval of the Central Government.

8. Funds of the Board.—The funds of the Board shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any local authority or by any other person.

9. Functions of the Board.—The functions of the Board shall be—

(*a*) to keep the law in force in India for the prevention of cruelty to animals under constant study and advise the Government on the amendments to be undertaken in any such law from time to time;

(*b*) to advise the Central Government on the making of rules under this Act with a view to preventing unnecessary pain or suffering to animals generally, and more particularly when they are being transported from one place to another or when they are used as performing animals or when they are kept in captivity or confinement;

(*c*) to advise the Government or any local authority or other person on improvements in the design of vehicles so as to lessen the burden on draught animals;

(*d*) to take all such steps as the Board may think fit for [2][amelioration of animals] by encouraging, or providing for, the construction of sheds, water-troughs and the like and by providing for veterinary assistance to animals;

(*e*) to advise the Government or any local authority or other person in the design of slaughter-houses or in the maintenance of slaughter-houses or in connection with slaughter of animals so that unnecessary pain or suffering, whether physical or mental, is eliminated in the pre-slaughter stages as far as possible, and animals are killed, wherever necessary, in as humane a manner as possible;

1. The words "one of its officers to be" omitted by Act 26 of 1982, s. 8 (w.e.f. 30-7-1982).
2. Subs. by s. 9, *ibid*., for "ameliorating the condition of beasts of burden" (w.e.f. 30-7-1982).

(*f*) to take all such steps as the Board may think fit to ensure that unwanted animals are destroyed by local authorities, whenever it is necessary to do so, either instantaneously or after being rendered insensible to pain or suffering;

(*g*) to encourage, by the grant of financial assistance or otherwise [1][the formation or establishment of *pinjrapoles*, rescue homes, animal 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.

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10. Power of 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

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

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

(*b*) [2][employs in any work or labour or for any purpose any animal which, by reason of its age or any disease], infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed; or

(*c*) wilfully and unreasonably administers any injurious drug or injurious substance to [3][any animal] or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by [3][any animal]; or

1. Subs. by Act 26 of 1982, s. 9, for "the formation of *pinjrapoles*, sanctuaries and the like" (w.e.f. 30-7-1982).
2. Subs. by s.10, *ibid*., for certain words (w.e.f. 30-7-1982).
3. Subs. by s. 10, *ibid.*, for "any domestic or captive animal" (w.e.f. 30-7-1982).

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

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

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

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

(*h*) being the owner of [1][any animal] fails to provide such animal with sufficient food, drink or shelter; or

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

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

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

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

[3][(*m*) solely with a view to providing entertainment—

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

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

(*n*) [4]*** organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or

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

he shall be punishable, [5][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].

1. Subs. by Act 26 of 1982, s. 10, for "any captive animal" (w.e.f. 30-7-1982).
2. Subs. by s. 10, *ibid*., for clause (*l*) (w.e.f. 30-7-1982).
3. Subs. by s. 10, *ibid*., for clause (*m*) (w.e.f. 30-7-1982).
4. The words "for the purposes of his business" omitted by s.10, *ibid*. (w.e.f. 30-7-1982).
5. Subs. by s. 10, *ibid*., for certain words (w.e.f. 30-7-1982).

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

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

(*3*) Nothing in this section shall apply to—

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

(*b*) the destruction of stray dogs in lethal chambers or [1][by such other methods as may be prescribed]; or

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

(*d*) any matter dealt with in Chapter IV; or

(*e*) the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

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STATE AMENDMENTS

Karnataka

Amendment of section 11.—In section 11 of the principal Act, in sub-section (3), after clause (e), the following shall be inserted, namely:—

"(f) the conduct of "Kambala" with a view to follow and promote tradition and culture and ensure preservation of native breed of buffalos as also their safety, security and wellbeing.

(g) the conduct of "Bulls race or Bullock cart race" with a view to follow and promote tradition and culture and ensure preservation of native breed of cattle as also their safety, security and wellbeing."

[*Vide* Karnataka Act 2 of 2018, s. 4].

Maharashtra

In section 11 of the principal Act, in sub-section (3), after clause (c), the following clause shall be inserted, namely:—

"(*c-1*) the conduct of bullock cart race in accordance with the provisions of sub-section (2) of section 3 or participation therein with a view to follow and promote tradition and culture and ensure preservation of native breeds of bulls as also their purity, safety, security and well being; or".

[*Vide* Maharashtra Act 45 of 2017, s. 4].

12. Penalty for practising *phooka* or *doom dev*.—If any person performs upon any cow or other milch animal the operation called *phooka* or [2][*doom dev* or any other operation (including injection of any substance) to improve lactation which is injurious to the health of the animal] or permits such operation being performed upon any such animal in his possession or under his control, he shall be

1. Subs. by Act 26 of 1982, s. 10, for "by other methods with a minimum of suffering" (w.e.f. 30-7-1982).
2. Subs. by s. 11, *ibid*., for "*doom dev*" (w.e.f. 30-7-1982).

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.

13. Destruction of suffering animals.—(*1*) Where the owner of an animal is convicted of an offence under section 11, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animal to any suitable person for that purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal or cause such animal to be destroyed in his presence without unnecessary suffering, and any reasonable expense incurred in destroying the animal may be ordered by the court to be recovered from the owner as if it were a fine:

Provided that unless the owner assents thereto, no order shall be made under this section except upon the evidence of a veterinary officer in charge of the area.

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

(*3*) Any police officer above the rank of a constable or any person authorised by the State Government in this behalf who finds any animal so diseased or so severely injured or in such a physical condition that in his opinion it cannot be removed without cruelty, may, if the owner is absent or refuses his consent to the destruction of the animal, forthwith summon the veterinary officer in charge of the area in which the animal is found, and if the veterinary office certifies that the animal is mortally injured or so severely injured or in such a physical condition that it would be cruel to keep it alive, the police officer or the person authorised, as the case may be may, after obtaining orders from a magistrate, destroy the animal injured or cause it to be destroyed [1][in such manner as may be prescribed].

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

CHAPTER IV

EXPERIMENTATION ON ANIMALS

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

15. Committee for control and supervision of experiments on animals.—(*1*) If at any time, on the advice of the Board, the Central Government is of opinion that it is necessary so to do for the purpose of controlling and supervising experiments on animals, it may, by notification in the Official Gazette, constitute a Committee consisting of such number of officials and non-officials, as it may think fit to appoint thereto.

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

1. Ins. by Act 26 of 1982, s.12 (w.e.f. 30-7-1982).

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

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

[1][**15A. Sub-committees**.—(*1*) The Committee may constitute as many sub-committees as it thinks fit for exercising any power or discharging any duty of the Committee or for inquiring into or reporting and advising on any matter which the Committee may refer.

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

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

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

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

(*a*) the registration of persons or institutions carrying on experiments on animals;

(*b*) the reports and other information which shall be forwarded to the Committee by persons and institutions carrying on experiments on animals.]

(*2*) In particular, and without prejudice to the generality of the foregoing power, rules made by the Committee shall be designed to secure the following objects, namely:—

(*a*) that in cases where experiments are performed in any institution, the responsibility therefor is placed on the person in charge of the institution and that, in cases where experiments are performed outside an institution by individuals, the individuals are qualified in that behalf and the experiments are performed on their full responsibility;

(*b*) that experiments are performed with due care and humanity, and that as far as possible experiments involving operations are performed under the influence of some anaesthetic of sufficient power to prevent the animals feeling pain;

(*c*) that animals which, in the course of experiments under the influence of anesthetics, are so injured that their recovery would involve serious suffering, are ordinarily destroyed while still insensible;

(*d*) that experiments on animals are avoided wherever it is possible to do so; as for example, in medical schools, hospitals, colleges and the like, if other teaching devices such as books, models, films and the like may equally suffice;

1. Ins. by Act 26 of 1982, s. 13 (w.e.f. 30-7-1982).
2. Ins. by s. 14, *ibid*. (w.e.f. 30-7-1982).

(*e*) that experiments on larger animals are avoided when it is possible to achieve the same results by experiments upon small laboratory animals like guinea-pigs, rabbits, frogs and rats;

(*f*) that, as far as possible, experiments are not performed merely for the purpose of acquiring manual skill;

(*g*) that animals intended for the performance of experiments are properly looked after both before and after experiments;

(*h*) that suitable records are maintained with respect to experiments performed on animals.

(*3*) In making any rules under this section, the Committee shall be guided by such directions as the Central Government (consistently with the objects for which the Committee is set up) may give to it, and the Central Government is hereby authorised to give such directions.

(*4*) All rules made by the Committee shall be binding on all individuals performing experiments outside institutions and on persons in charge of institutions in which experiments are performed.

18. Power of entry and inspection.—For the purpose of ensuring that the rules made by it are being complied with, the Committee may authorise any of its officers or any other person in writing to inspect any institution or place where experiments are being carried on and report to it as a result of such inspection, and any officer or person so authorised may—

(*a*) enter at any time considered reasonable by him and inspect any institution or place in which experiments on animals are being carried on; and

(*b*) require any person to produce any record kept by him with respect to experiments on animals.

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

20. Penalties.—If any person—

(*a*) contravenes any order made by the Committee under section 19; or

(*b*) commits a breach of any condition imposed by the Committee under that section;

he shall be punishable with fine which may extend to two hundred rupees, and, when the contravention or breach of condition has taken place in any institution, the person in charge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

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CHAPTER V

PERFORMING ANIMALS

21. "Exhibit" and "train" defined.—In this Chapter, "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 expressions "exhibitor" and "trainer" have respectively the corresponding meanings.

22. Restriction on exhibition and training of performing animals.—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.

STATE AMENDMENTS

Karnataka

Amendment of section 22.—In section 22 of the principal Act, at the end, the following proviso shall be inserted, namely:—

"Provided that nothing contained in this section shall apply to conduct of "Kambala" or "Bulls race or Bullock cart race" as the case may be."

[*Vide* Karnataka Act 2 of 2018, s. 5].

Maharashtra

In section 22 of the principal Act, the following proviso shall be added, namely:—

"Provided that, nothing contained in this section shall apply to the conduct of bullock cart race in accordance with the provisions of sub-section (2) of section 3.".

[*Vide* Maharashtra Act 45 of 2017, s. 5].

23. Procedure for registration.—(*1*) Every person desirous of exhibiting or training any performing animal shall, on making an application in the prescribed form to the prescribed authority and on payment of the prescribed fee, be registered under this Act unless he is a person who, by reason of an order made by the court under this Chapter, is not entitled to be so registered.

(*2*) An application for registration under this Chapter shall contain 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 as may be prescribed, and the particulars so given shall be entered 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.

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(*4*) Every register kept under this Chapter shall at all reasonable times be open for inspection on payment of the prescribed fee, and any person shall, on payment of the prescribed fee, be entitled to obtain copies thereof or make extracts therefrom.

(*5*) Any person whose name is entered in the register shall, subject to the provisions of any order made under this Act by any court, be 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 certificate shall be cancelled and a new certificate issued.

24. Power of court to prohibit or restrict exhibition and training of performing animals.—(*1*) Where it is proved to the satisfaction of any magistrate on a complaint made by a police officer or an officer authorised 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 conditions 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.

25. Power to enter premises.—(*1*) Any person authorised in writing by the prescribed authority referred to in section 23 and any police officer not below the rank of a sub-inspector may—

(*a*) 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 any such animals found therein; and

(*b*) require any person who, he has reason to believe, is a trainer or exhibitor of performing animals to produce his certificate of registration.

(2) No person or police officer referred to in sub-section (*1*) shall be entitled under this section to go on or behind the stage during a public performance of performing animals.

26. Offences.—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 wilfully delays any person or police officer referred to in section 25 in the exercise of powers 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 produce 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 extend to three months, or with both.

27. Exemptions.—Nothing contained in this Chapter shall apply to—

(*a*) the training of animals for *bona fide* military or police purposes 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.

STATE AMENDMENTS

Karnataka

Amendment of section 27.—In section 27 of the principal Act, after clause (b), the following shall be inserted, namely:—

"(c)" the conduct of "Kambala" with a view to follow and promote tradition and culture and ensure survival and continuance of native breeds of buffaloes.

(d) the conduct of "Bulls race or Bullock cart race" with a view to follow and promote tradition and culture and ensure survival and continuance of native breeds of cattle."

[*Vide* Karnataka Act 2 of 2018, s. 6].

Maharashtra

In section 27 of the principal Act, after clause (*a*), the following clause shall be inserted, namely:—

"(*a-1*) the conduct of bullock cart race in accordance with the provisions of sub-section (*2*) of section 3, with a view to follow and promote tradition and culture and ensure survival and continuance of native breeds of bulls; or".

[*Vide* Maharashtra Act 45 of 2017, s. 6].

CHAPTER VI

MISCELLANEOUS

28. Saving as respects manner of killing prescribed by religion.—Nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community.

STATE AMENDMENTS

Karnataka

Insertion of new section 28A.—After section 28 of the principal Act, the following shall be inserted, namely:—

"28A. Savings in respect of "Kambala" or "Bulls race or Bullock cart race".—Nothing contained in this Act, shall apply to "Kambala" or "Bulls race or Bullock cart race" conducted to

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follow and promote tradition and culture and such conduct of "Kambala" or "Bulls race or Bullock cart race" shall not be an offence under this Act."

[*Vide* Karnataka Act 2 of 2018, s. 7].**Maharashtra**

Insertion of section 28A in 59 of 1960.—After section 28 of the principal Act, the following section shall be inserted, namely:—

"**28A. Saving in respect of bullock cart race**.—Nothing contained in this Act shall apply to the bullock cart race conducted in accordance with the provisions or sub-section (2) of section 3 to follow and promote tradition and culture and such conduct shall not be an offence under this Act.".

[*Vide* Maharashtra Act 45 of 2017, s. 7].

29. Power of court to deprive person convicted of ownership of animal.—(*1*) If the owner of any animal is found guilty of any offence under this Act, the court, upon his conviction thereof, may, if it thinks fit, in addition to any other punishment, make an order that the animal with respect to which the offence was committed shall be forfeited to Government and may, further, make such order as to the disposal of the animal as it thinks fit under the circumstances.

(*2*) No order under sub-section (*1*) shall be made unless it is shown by evidence as to a previous conviction under this Act or as to the character of the owner or otherwise as to the treatment of the animal that the animal, it left with the owner, is likely to be exposed to further cruelty.

(*3*) Without prejudice to the provisions contained in sub-section (*1*), the court may also order that a person convicted of an offence under this Act shall, either permanently or during such period as is fixed by the order, be prohibited from having the custody of any animal of any kind whatsoever, or, as the court thinks fit, of any animal of any kind or species specified in the order.

(*4*) No order under sub-section (*3*) shall be made unless—

(*a*) it is shown by evidence as to a previous conviction or as to the character of the said person or otherwise as to the treatment of the animal in relation to which he has been convicted that an animal in the custody of the said person is likely to be exposed to cruelty;

(*b*) it is stated in the complaint upon which the conviction was made that it is the intention of the complainant upon the conviction of the accused to request that an order be made as aforesaid; and

(*c*) the offence for which the conviction was made was committed in an area in which under the law for the time being in force a licence is necessary for the keeping of any such animal as that in respect of which the conviction was made.

(*5*) Notwithstanding anything to the contrary contained in any law for the time being in force, any person in respect of whom an order is made under sub-section (*3*) shall have no right to the custody of any animal contrary to the provisions of the order, and if he contravenes the provisions of any order, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

(*6*) Any court which has made an order under sub-section (*3*) may at any time, either on its own motion or on application made to it in this behalf, rescind or modify such order.

30. Presumption as to guilt in certain cases.—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.

31. Cognizability of offences.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 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.

32. Power of search and seizure.—(*1*) If a police officer not below the rank of sub-inspector or any person authorised by the State Government in this behalf has reason to believe that an offence under clause (*l*) of sub-section (*1*) of section 11 in respect of any such animal as is referred to in section 30 is being, or is about to be, or has been, committed in any place, or that any person has in his possession the skin of any such animal with any part of the skin of the head attached thereto, he may enter and search such 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.

(*2*) If a police officer not below the rank of sub-inspector, or any person authorised by the State Government in this behalf, has reason to believe that *phooka* or [1][*doom dev* or any other operation of the nature referred to in section 12] has just been, or is being, 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 examination by the veterinary officer in charge of the area in which the animal is seized.

33. Search warrants.—(*1*) If a magistrate of the first or second class or a presidency magistrate or a sub-divisional magistrate or a commissioner of police or district superintendent of police, upon information in writing, and after such inquiry as he thinks necessary, has reason to believe that an offence under this Act is being, or is about to be, or has been committed in any place, he may either himself enter and search or by his warrant authorise any police officer not below the rank of sub-inspector to enter and search the place.

(*2*) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), relating to searches shall, so far as those provisions can be made applicable, apply to searches under this Act.

34. General power of seizure for examination.—Any police officer above the rank of a constable or any person authorised by the State Government in this behalf, who has reason to believe that an offence against this Act has been or is being, committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest magistrate or by such veterinary officer as may be prescribed, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.

35. Treatment and care of animals.—(*1*) The State Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a magistrate.

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1. Subs. by Act 26 of 1982, s.15, for "*doom dev*" (w.e.f. 30-7-1982).

(*2*) The magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a *pinjrapole*, or, if the veterinary officer in charge of the area in which the animal is found or such other veterinary officer as may be authorised in this behalf by rules made under this Act certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(*3*) An animal sent for care and treatment to an infirmary shall not, unless the magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the veterinary officer in charge of the area in which the infirmary is situated or such other veterinary officer as may be authorised in this behalf by rules made under this Act.

(*4*) The cost of transporting the animal to an infirmary or *pinjrapole*, and of its maintenance and treatment in an infirmary, shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by the district magistrate, or, in presidency-towns, by the commissioner of police:

Provided that when the magistrate so orders on account of the poverty of the owner of the animal no charge shall be payable for the treatment of the animal.

(*5*) Any amount payable by an owner of an animal under sub-section (*4*) may be recovered in the same manner as an arrear of land revenue.

(*6*) If the owner refuses or neglects to remove the animal within such time as a magistrate may specify, the magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(*7*) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him.

36. Limitation of prosecutions.—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.

37. Delegation of powers.—The Central Government may, by notification in the Official Gazette, direct that all or any of the powers exercisable by it under this Act, may, subject to such conditions as it may think fit to impose, be also exercisable by any State Government.

38. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules providing for all or any of the following matters, namely:—

(*a*) the [1]*** conditions of service of members of the Board, the allowances payable to them and the manner in which they may exercise their powers and discharge their functions;

[2][(*aa*) the manner in which the persons to represent municipal corporations are to be elected under clause (*e*) of sub-section (*1*) of section 5;]

1. The words "terms and" omitted by Act 26 of 1982, s.16 (w.e.f. 30-7-1982).
2. Ins. by s.16, *ibid*. (w.e.f. 30-7-1982).

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

(*c*) the conditions to be observed for preventing the over-crowding of animal;

(*d*) the period during which, and the hours between which, any class of animals shall not be used for draught purposes;

(*e*) prohibiting the use of any bit or harness involving cruelty to animals;

[1][(*ea*) the other methods of destruction of stray dogs referred to in clause (*b*) of sub-section (*3*) of section 11;

(*eb*) the methods by which any animal which cannot be removed without cruelty may be destroyed under sub-section (*3*) of section 13;]

(*f*) requiring persons carrying on the business of a farrier to be licensed and registered by such authority as may be prescribed and levying a fee for the purpose;

(*g*) the precautions to be taken in the capture of animals for purposes of sale, export or for any other purpose, and the different appliances or devices that may alone be used for the purpose; and the licensing of such capture and the levying of fees for such licences;

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

(*i*) requiring persons owning or in charge of premises in which animals are kept or milked to register such premises, to comply with such conditions as may be laid down in relation to the boundary walls or surroundings of such premises, to permit their inspection for the purpose of ascertaining whether any offence under this Act is being, or has been, committed therein, and to expose in such premises copies of section 12 in a language or languages commonly understood in the locality;

(*j*) the form in which applications for registration under Chapter V may be made, the particulars to be contained therein, the fees payable for such registration and the authorities to whom such applications may be made;

[1][(*ja*) the fees which may be charged by the Committee constituted under section 15 for the registration of persons or institutions carrying on experiments on animals or for any other purpose;]

(*k*) the purposes to which fines realised under this Act may be applied, including such purposes as the maintenance of infirmaries, *pinjrapoles* and veterinary hospitals;

(*l*) any other matter which has to be, or may be, prescribed.

(*3*) If any person contravenes, or abets the contravention of, any rules made under this section, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

[2]* * * * *

[3][**38A. Rules and regulations to be laid before Parliament**.—Every rule made by the Central Government or by the Committee constituted under section 15 and every regulation made by the Board shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in

1. Ins. by Act 26 of 1982, s.16 (w.e.f. 30-7-1982).
2. Sub-section (*4*) omitted by s.16, *ibid*. (w.e.f. 30-7-1982).
3. Ins. by s. 17, *ibid*. (w.e.f. 30-7-1982).

session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.]

STATE AMENDMENTS

Maharashtra

Insertion of section 38B in 59 of 1960.—After section 38A of the principal Act, the following section shall be inserted, namely:—

"**38B. Power of State Government to make rules**.—(1) The State Government may, subject to the condition of previous publication, by notification in the Official Gazette, make the rules, not inconsistent with the rules made by the Central Government, if any, for carrying into effect the provisions of sub-section (2) of section 3 of the Act.

(2) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification , have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.".

[*Vide* Maharashtra Act 45 of 2017, s. 8].

39. Persons authorised under section 34 to be public servants.—Every person authorised by the State Government under section 34 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

40. Indemnity.—No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) respect of anything in good faith done or intended to be done under this Act.

41. Repeal of Act 11 of 1890.—Where in pursuance of a notification under sub-section (*3*) of section 1 any provision of this Act comes into force in any State, any provision of the Prevention of Cruelty to Animals Act, 1890 (11 of 1890), which corresponds to the provision so coming into force, shall thereupon stand repealed.

STATEMENT OF OBJECTS AND REASONS

The Committee for the prevention of cruelty to animals appointed by the Government of India drew attention to a number of deficiencies in the Prevention of Cruelty to Animals Act, 1890 (Central Act No. 11 of 1890) and suggested its replacement by a more comprehensive Act. The existing Act has a restricted scope as:

(*1*) it applies only to urban areas within municipal limits,

(*2*) it defines the term "animal" as meaning any domestic or captured animal and thus contains no provision for prevention of cruelty to animals other than domestic and captured animals,

(*3*) it covers only certain specified types of cruelty to animals, and

(*4*) penalties for certain offences are inadequate.

This Bill is intended to give effect to those recommendations of the Committee which have been accepted by the Government of India and in respect of which central legislation can be undertaken. The existing Act is proposed to be repealed.

Besides declaring certain types of cruelty to animals to be offences and providing necessary penalties for such offences and making some of the more serious of them cognizable, the Bill also contains provisions for the establishment of an Animal Welfare Board with the object of promoting measures for animal welfare.

Provision is also being made for the establishment of a Committee to control experimentation on animals when the Government, on the advice of the Animal Welfare Board, is satisfied that it is necessary to do so for preventing cruelty to animals during experimentation. The Bill also contains provisions for licensing and regulating the training and performance of animals for the purpose of any entertainment to which the public are admitted through sale of tickets.

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NEW DELHI; AJIT PRASAD JAIN.
The 7th March, 1959.