



**GOVERNMENT OF MADHYA PRADESH
PASHU PALAN VIBHAG**

The Prevention of Cruelty to Animals Act - 1960
(959 of 1960, 31-10-1971)

DIRECTORATE OF VETERINARY SERVICES, MADHYA PRADESH

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960 (ACT LIX OF 1960)

(The text of the Act printed here is as on 31-10-1971)

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement:- This Act may be called THE PREVENTION OF CRUELTY TO ANIMAL ACT; 1960.

(2) It extends to the whole of India-except the State of Jammu and Kashmir.

(3) It shall come into force on such Date 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.

(*) The Act has been extended to the Union territories of (i) Dadra and Nagar Haveli by Regn. 6 of 1963 (1-7-1965); (ii) Pondichery by Regn. VII of 1963 (1-10-1963; and (iii) Goa Daman and Diu by Regn. XO of 1963 (1-7-1964).

(+) 1st April, 1961 is the date appointed in which the Act came into force in the State of Punjab (now divided into States of Punjab and Haryana and Union territory of Chandigarh) and the Union territory of the Andaman and Nicobar Island-See S.O. 823 DATED 1-4-1961 (Himachal Pradesh is now a State under Act 53 of 1970) See Gazette of India 1961, Pt. II Sect. 3 (ii), Page 2397.

Chapter I and II came into force in the States of Assam, Andhra Pradesh, Bihar, Gujrat, Kerala, Madras (now Tamil Nadu), Maharashtra, Madhya Pradesh, Mysore Orissa, Uttar Pradesh and West Bengal and the Union Territories of Delhi, Manipur and Tripura (all are State now under Acts 53 of 1970 and 81 of 1971) on 1-9-1961-See S.O. 2061, Dated 25-8-1961, Gazette of India, 2-9-1961, Pt. II. Sect 3 (ii), Pt. 2154. said two Chapter, i.e. and II, came into force in Rajasthan on 26-1-1962 - See S.O. 21, dated 28-12-1961, Gaz. of Ind, dated 6-1-1962, Pt. ii, See 3 (ii) Page II. Chapter IV came into force in the States of Assam, Andhra Pradesh, Bihar, Gujrat, Kerala, Madhya Pradesh, Madras (now Tamil Nadu), Maharashtra, Mysore, Orrissa, Rajasthan, Uttar Pradesh and West Bengal and the Union Territories of Delhi, Himachal Pradesh, Manipur and Tripura on 15-7-1963.

(Himachal Pradesh, Manipur and Tripura on 15-7-1963. (Himachal Pradesh, Manipur and Tripura are full-fledged States now-see Acts 53 of 1970 and 81 of 1971)-S.O. 5000 dated 11-7-1963, Gazette of India, 21-7-1963, Pt. II, See 3 (ii), Page 2242.

Chapter III and VI came into force in the States of Assam, Andhra Pradesh, Bihar, Gujrat, Kerala, Madhya Pradesh, Madras (now Tamil Nadu), Maharashtra, Mysore, Orissa, Rajasthan and U.P. and in the Union Territories of Delhi, Himachal Pradesh, Manipur and Tripura on 21-11-1963-See S.O. 3160, dated 29-10-1963, Gazette of India, 9-11-1963, Pt. II See.S(ii). P. 3980. (Himachal Pradesh, Manipur and Tripura and full fledged States now-see Acts 53 of 1970 and 81 of 1971.)

2. Definition - In this Act, unless the context otherwise requires,

(2) "animal" means any living creature other than a human being (Cf. Penal Code, Section 47)

Note- The definition of animal in the present Act is wider than the one in 1890 Act, where in it is defined as any domestic or captured animal.

(b) "Board " means the Animal Welfare Board establishment under section 4;

(c) "captive" animal" means any animal (act 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 pointed or which is or appears to be named;

(d) "Domestic" animal" means any animal which is tamed or which had been or is being sufficiently tamed to serve some purpose for the use of man or which along with 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 others 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 consent of the owner;

(g) "Phooka" or "doom - dev" includes any process of introduction air or any substance into the female organ or 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 through fare or not to which the public have access.
3. Duties of persons having charge of animals - It shall be the duty of every person having the care or change 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.

CHAPTER - II

ANIMAL WELFARE BOARD

1. Establishment of animal welfare Board:- (1) For the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain of 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 Animal Welfare Board.
2. The Board shall be a body corporate having perpetual successor and a common seal with power, subject to the provisions of this Act, of acquire hold and dispose of property and may be its name sue and be used.
3. Chapter II came into force in the Union territory of Himachal Pradesh on 2nd October 1961 - See Gazette of India 1961, Pt. II Sec.3 (ii), Page 2397. H.P. is a State (See Act 53 of 1970 See also foot note (*)) under section I for extension of this Chapter.

Note:-There is no provision in 1890 Act for the constitution if Animals Welfare Board, for the promotion of animal Welfare generally.

Constitution of the Board (1) The Board shall consist of the following persons, namely:-

- (a) the Inspector-General of Forests, Government of India, ex-officer.
- (b) the animal Husbandry Commissioner to the Government of India ex-officer;
- (c) one person to represent sent such association of veterinary practitioners as in the opinion of the Central Government ought to be represented on the Board, to be elected by the 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.

- (e) one person to represent each of the Municipal Corporations of Bombay, Calcutta, Delhi and Madras and one person to represent any other Municipal Corporation as, in the opinion of the Central Government ought to be represented on the Board to be chosen by each of the said organizations in the prescribed manner.
 - (f) one person to represent each of such time organizations activity interested in animals welfare as in the opinion of the Central Government ought to be represented on the Board, to be chosen be each of the said corporations in the prescribed manner;
 - (g) three persons to be nominated by the Central Government.
 - (h) six members of parliament four to be elected by House.
 - (i) six members of parliament, four to be elected by the House of the people (Lok Sabha) and two by the council of State (Rajya Sabha).
2. Any of the person referred to in clause (a) or clause (b) of sub-section (1) may depute any other person to attend any of the meetings of the Board.
- (3) One of the Members of the Board shall be nominated by the Central Government to be its Chairman.
- (4) The term of office of a member elected or chosen under clause (c), clause (e), clause (f), clause (g), or clause (1) 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.
- (5) The term of office of a member 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 nominated, elected or chosen.
- (6) The members of the Board shall receive such allowances, if any as the Board may, subject to the previous approval of the term of office of the member in whose place he is nominated, elected or chosen.
- (7) The members of the Board shall receive such allowances, if any, as the Board may subject to the previous approval of the Central Government, provided by regulations made by it in this behalf.
- (8) No act done on 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.
- (*) Many such Corporations have been set up in different states now, e.g. Poona, Nagpur, Sholapur in Maharashtra State, Ahmedabad, Surat, Baroda and Bhavnagar in Gujarat State, Kanpur, Allahabad, etc., in U.P. Delhi is also a Corporation now: Bangalore, Hubli-Dharwar in Mysore States Indore, Gwalior and Jabalpur in Madhya Pradesh State, etc.

7. Secretary and to her employees of the Board:-(1) The Central Government shall appoint one of its officers to be 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 officer 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 function 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 undertaking 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 of 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 ameliorating the condition of beasts of burden by encouraging or providing for, the construction of sheds, water-troughs and the like and by providing for Veterinary assistance to animals:

(e) to advice the Government or any local authority or other person in the design of slaughter-house 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 preslaughter stages as far as possible, and animals are killed, wherever necessary, in as human a manner as possible;

(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, wither instantaneously or after being rendered insensible to pain or suffering;

- (g) to encourage, by the grant of financial assistance or otherwise the formation of pinjrapoles, sanctuaries and the like where animals and birds may find a shelter when they have become old and useless or when need protection;
 - (h) to co-operate with, and co-ordination 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 organizations functioning in any local area or to encourage the formation of animal welfare organizations in any local area which shall works 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 animals hospitals whenever the Board thinks it necessary, to do so;
 - (k) to impart education in election to the human 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 animals welfare by means of lectures, books, posters, cinema to graphic exhibitions and the likes.
 - (l) to advice the Government on any matter connected with animal welfare or the prevention of infliction of unnecessary pain or suffering on animals.
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

II.Treating animals cruelly :- (1) If any person

- (a) Beats, kicks, over, ever-drives, overloads, tortures of otherwise treats any animals so as to subject it to unnecessary pain or suffering or causes or; being the owner permits, any animal to be so treated ; or
- (b) employs in any work or labour any animal which, by reason of any disease, infirmity, wound, sore or other cause, is unfit to be employed or being the owner, permits any such unfit animal to be employed ; or

- (c) Willfully and unreasonably administers any injurious drug or injurious substance to any domestic or captive animal or willfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any domestic or captive animal; or
- (d) conveys or carries, whether in or upon any vehicle or not any animal in such a manner or position as to subject it to unnecessary pain or suffering or
- (e) keeps or confines any animal in any cage or other receptacles
- (f) 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
- (g) being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement or
- (h) being the owner of any captive animal, fails to provide such animal with sufficient food, drink or shelter; or
- (i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or
- (j) willfully permits any animal of which he is the owner, to go at large in any street while the animal is affected with contagious or infectious disease or without reasonable excuse permits any diseased or disabled 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 animals which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill treatment; or
- (l) needlessly mutilates any animals or kills any animal in an unnecessarily cruel manner; or
- (m) confine or causes to be confined any animal in such a manner as to make it an object of prey for any other animal solely with a view to providing entertainment for other persons; or
- (o) For the purpose of his business, organize, keeps uses or acts in the management of any place for animal fighting or for the purpose of biting any animal or permits or offers any place to be so used or received money for the admission of any other reason to any place kept or used for any such purposes; or
- (p) promotes or take part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;
- (q) he shall be punishable, in the case of a first offence, with the which may extend to fifty rupees, and in the case of second or subsequent

offence committed within three years of the previous offence, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both,

- (r) For the purpose of sub-section (1) an owner shall be deemed to have committed an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence.
- (s) Provided that where an owner is convicted of an offence 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.

Nothing in this section shall apply to-

- (a) the dehorning of cattle, or the construction or branding or nose roping of any animal, in the prescribed manner; or
- (b) the destruction of stray dogs in lethal chambers or by other methods with a minimum of suffering ; 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 of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

2. Penalty for practicing phooka or doom dev.- If any person reforms upon any cow or other milch animal the preposition called phooka or doom dev. or permits operation being performed upon any such animal in his possession or under his control he shall be punished 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 the purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal at 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.

- (1) Provided that, unless the owner assents thereto, no order shall be made under this section exert 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 often 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 authorized by the State Government in this behalf who finds animal so ceased or so severely injured or in such condition that in his opinion it cannot be severely injured or in such a physical condition it can.
- (4) Any police officer above the rank of constable or any person authorized by the State Government us this behalf who finds any animal so disease 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, forthwith summon the veterinary officer in charge of the area in which the animal is found, and if the veterinary officer certifies that the animal is partly 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 authorized, as the case may be, may after obtaining order from Magistrate destroy the animal injured or died it to be destroyed. No appeal shall lie from any order of a megistrate for the destruction of an animal.

CHAPTER IV **EXPERIMENTATION ON ANIMALS**

14. Experimentation on animals:- Nothing contained in his Act shall render unlawful the performance of experiments (inclusia experiments including operation) on animals for the purpose of advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or prolonging life or alleviating suffering or for combating any disease, whether of human being, animals or plants.

15. Committee for control and supervision of experiments on animal.- If at any time, on the advise 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 or may be notification in the Official Gazette,

constitute a committee consisting of such number of official and non-official, as it may think fit to appoint thereto.

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

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

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

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 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 relating to the conduct of such experiments.

(2) In particular and without prejudice to the generally 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 institutions, the responsibility therefore is placed on 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 operation are performed under the influence of some anesthetic 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;

(e) that experiments on large 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;

(g) that, as far as possible, experiments are not performed merely for the purpose of acquiring manual skill; that as far as possible, experiments are properly looked after both before and after experiments;

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

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

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

(*) For Committee for Controlling and Supervising Experiments on Animals (Administration) Rules, 1965, see Gazette of India 23-12-1965, Pt.II, Sec. 3 (ii), P. 131; and for Experiments on Animals (Control and Supervision) Rules, 1968, Pt. II Sect.3(ii), P.4302.

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

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

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

(19) Power to prohibit experiments on animals.- If the Committee is satisfied on the report of any office or other persona 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 hears 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 of 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) contravener any order made by the Committee under section 19; or
- (b) commits a breach of any condition imposed by the Committee under that section.
- (c) he shall be punished with fine which may extend to two hundred rupees and when the contravention or he each 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.
- (*) In the States of Maharashtra and Gujarat Police Officers are authorized to arrest without a warrant any person committing an offence punishable under S. 3,3-A, 4,7,5,6 or 6-C of the Act - See Bombay Police Act, 1951 (Bom.Act XXII of 1951), Section.

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.

Note:-In the Act of 1890 there is no provision relating to performing animals.

22. Restriction on exhibition and training of performing animals.- No person shall exhibit or train -

- (i) any performance animals 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.

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 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 performance 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,

(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 any application for the purpose, to have the particulars entered in the register with respect to him varied and where any such particulars entered in the register with respect to him varied, and where any such particulars and 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 authorized in writing by the prescribed authority referred to in section 23, that the training or exhibitions of any performing animal had been accompanied by unnecessary pain or suffering and should be prohibited or all only subject to conditions, the Court may make an order against the person shall produce his certificate on being authorized to which a copy of an order is not under this section shall enter the particulars of the order in that register.*

(*) For performing Animals Rules, 1969, see Fort St. George Gazette, 21-1-1970 Pt. V.p. 79. This is a republication of Government of India notification in this behalf. The said rules have been enforced in Tamil Nadu on 10/6/1970.

25. Power to enter premises.- (1) Any person authorized in writing by the prescribed authority referred to in section 23 and any police 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 exhibitions and any such animals found therein; and

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

(2) No person or police officer referred to in sub-section (I) 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 respect to which, or in a manner with respect to which, he is not registered, or

(b) 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

(c) obstructs or willfully delays any person or police officer referred to in section 25 in the exercise of powers under this Act as to entry and inspection;

(d) conceals any animal with a view to avoiding such inspection; or

(e) 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

(f) 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 born fide military or police purpose or the exhibition of any animals so trained ; or

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

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 manner requires by the religion of any community.

Note - The section preserves religious rights if any community to kill animals in a particular manner, this killing is an animal by a Mohammedan

by a method of halal is not an offence under the Act, Orissa State has passed a Prevention Cow Slaughter Act 1960 (V of 1960) and hence in that State any killing in contravention of the said Act by any person would be illegal.

State Acts in the subject are:-

- (1) Mysore prevention of Cow Slaughter and Cattle Prevention Act, 1964 (35 of 1964).
- (2) Punjab Prohibition of cow Slaughter Act, 1956 (15 of 1956).

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 is 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 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 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, if 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 as is fixed by the order be prohibited from fit, of a animal of any kind of species specified in the order.

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

(a) It is shown by evidence to a previous conviction or as to the character of the said person otherwise as to the treatment of the 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 complaint 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 license 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, with her in 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 to the provisions of clause (1) 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 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.

Note- The burden is on the accused to prove that the animal was not killed in a cruel manner.

31. Cognizability of offence.- Notwithstanding anything contained in the Code of Criminal procedure, 1898, an offence punishable under clause (1) clause (n) or clause (o) of sub-section (1) of section II or under section 12 shall be a cognizable offence within the manner of that Code.

(a) See also Section 73 of the Bombay Police Act, 1951 (22 of 195) which applies to both Maharashtra and Gujarat.

32. Power of search and seizure.- (1) If a police officer not below the rank of sub-Inspector or any person authorized by the State Government in this behalf has reason to believe that an offence under clause (1) of sub-section (1) of section II 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 has reason to believe any such skin to be, and may seize such skin in which he has reason to believe 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 authorized by the State Government in this behalf has reason to believe that phooka or doom he has just been, or is being performed on any animal within the limits of his jurisdiction, 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 or 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 had been committed in any place, he may either himself enter and search or by his warrant authorize 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, relating to searches shall, so far as those provisions can be made applicable, apply to searches under this Act.

(*) Magistrate in the city of Ahmedabad enjoy and exercise the powers of a Presidency Magistrate - See Gujarat. Act of 19 of 1961, Section 14(4-11-1961).

34. General Power of seizure for examination.- Any police officer above the rank of a constable or any person authorized 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 veterinary officer as may be prescribed, and such police officer or authorized person may, when seizing the animal, require the person in charge thereof to accompany it to the examination.

35. Treatment and care of animals.-(1) The State Government 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, animals in respect of which offence against this Act have been committed, any may authorized the detention therein of any animal pending its production before a Magistrate.

(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 resume 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 areas in which the animal is found or such other veterinary officer as may be authorized 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 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 authorized 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 notes to be prescribed by the District Magistrate, or in presidency towns by the Commissioner of Police.

(5) 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.

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 refused 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; an 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 be not institute 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 it by it under this got may, subjected 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 purpose of this Act.

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

(a) the terms and conditions of service of members of the Board, the allowances payable to them and the manner in which they may exercise their power and discharge their fimctopms;

(b) the maximum load (including any load occasioned by the weight of animals;-

(c) the period during which and the hours between which, any class of animals shall not be used for fraught purposes.

(d) prohibiting the use of any it or harness involving cruelty to animals

(e) 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;

(f) the precautions to be taken in the capture of animals for purpose of sale, export or for any other purpose, and the different appliances or decesses that may alone be use for the purposes and the licensing of such capture and the levying of fees for such licenses;

(g) 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;

(h) 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 wall or surroundings of such premises to permit their inspection for the purpose of ascertaining whether any offence under this Act is nei=on, or has been, committed therein and to expose in such premises copies of section 12 in a language or language commonly understand in to locality;

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

(j) the purpose to which find realized under this Act may be applied, including such purpose as the maintenancece of infirmaries, pinjrapoles and veterinary hospitals;

(i) any other matter which has to be or may be prescribed.

(ii) 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.

(3) Every rule made by the Central Government under his section shall be load as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session in two successive sessions, and if, before the expiry of session in which it is so laid or the session immediately following both Houses agree in making any modification if the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only such modified form or be of no effect as the case may be so however that any such modification or annul-ment shall be without prejudice to the validity of anything previously done under that rule.

(*) For (1) Prevention of Curelty to Draught and, Pack animals Rules, 1965, see Gazette of India, 3-4-1965, Pt. II. Sec.3(ii). P.1195; for (2) Prevention of cruelty to animals (Licensing if Ferries) Rules, 1965. The Draught and Pack Animals Rules, 1965, were enforced in -

- (1) Andhra Pradesh, On 7-3-1966 See Andh. Pradesh Gazzette, 31-3-1966 Pt. I, page 688 ;
Rajasthan, on 15-9-1967 - See Raj. Gazzette, 21-9-1967, Pt. IV (G), page 707;
Mysore, on 1-9-19165, See Mys. Gazzette, 26-8-1965, Pt. IV.S.2-C(ii), page 2554,
Maharashtra, on 1-2-1966-See Maharashtra Govt. Gazzette 19-5-1966, Pt. IV-A page 74;
Gujarat on 15-5-1956 - See Gujarat Govt. Gazzette 19-5-1966, Pt. IV-A, Page 648;
Madhya Pradesh on 1-5-1966 -See Madhya Pradesh Gazette, 1-4-1966, Pt. 1, page 488;
Tamil Nadu, on 1-10-1965-See T.N. Gazzette 22-9-1965, Pt. II, S.I. Page 1884.
- (2) The farries Liensing Rules, 1965, were enforced in Tamil Nadu, on 1-4-1965-See Fort St. George Gaz. 13-4-1965, Pt. II, S.1 page 558;
Pondicherry, on 15-5-1966-See India Gaz., 10-5-1966, Page 248;
Madhya Pradesh on 1-11-1967 - See Madhya Pradesh. Gaz. 3-11-1967, Pt. 1, Page 1334.
Mysore on 1-9-1965-See Mys. Gaz. 26-8-1965, Pt. IV, S.2-C(ii) Page 2554;
Himachal Pradesh on 1-12-1968 - See Himachal Pradesh Gazette 10-11-1968 p. 552; Andhra Pradesh on 1-4-1967-See Andh. Pra. Gaz. 5-1-1967, Pt. 1. Page 16.
39. Persons authorized under section 34 to be public servants - Every person authorized by the State Government under sections 34 shall be deemed to be a public servants within the meaning of section 21 of the Indian Penal Code.
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 in respect of anything in good faith done or intended to be done under this Act.
41. Repeal of Act XI of 1860 - Where in pursuance of notification under sub-section (3) of section I any provision of this Act comes into force in any State, any provision so of the Prevention of cruelty to animals Act, 1890, which corresponds to the provision so coming into force, shall there upon stand repealed.

MADHYA PRADESH ACT No. 9 OF 1962.

THE MADHYA PRADESH PREVENTION OF CRUELTY TO ANIMALS LAWS REPEALING ACT, 1962.

(Received the assent of the Governor on the 11th July, 1962; assent first published in the "Madhya Pradesh Gazette", Extraordinary on the 20th July, 1962)

An Act to repeal certain enactments relating to the prevention of cruelty to animals in force in the State.

Be it enacted by the Madhya Pradesh Legislature the Thirteenth Year of the Republic of India as follows:-

This Act may be called the Madhya Pradesh Prevention short title of Cruelty to Animal Law Repealing Act, 1962.

Repeal of certain enactments.

Where in pursuance of a notification under sub-section (3) of section 1 of the Prevention of cruelty to Animals Act, 1960 (No. 59 of 1960), any provision thereof comes into force in the State, any provision of the enactments mentioned in the Schedule which corresponds to the provisions so coming into force, shall thereupon stand repealed.

SCHEDULE (See Section - 2) REPEALS

<u>Year</u>	<u>Number</u>	<u>Name of enactment</u>
1949	52	The Madhya Bharat Prevention of cruelty to Animals Act, Samvat 2006.
1990	XI	The Prevention of Cruelty to Animals Act, 1890 as applied to the former State of Rajasthan by Adaptation of Central Laws Ordinance, 1950 (IV of 1950), in its application to Sironj region.

(To be published in Part II section 3 (Sub-section ii) of Gazette of India.

No. 19-12-63-LD
Government of India
Ministry of Food & Agriculture)

New Delhi dated the 11th July 1963.

Notification

In exercise of the powers conferred by sub-section (3) of section 1 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Govt. hereby appoints the 15th day of July 1963 as the date on which the provisions of Chapter IV of the said Act shall come into force in the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Madras, Maharashtra, Madhya Pradesh, Mysore, Orissa, Rajasthan, Uttar Pradesh and West Bengal and in the U.Ts. of Delhi, Himachal Pradesh, Manipur and Tripura.

Sd/-- K.C. Sarkar,
Under Secretary to the Government of India.

To,
The General Manager,
Govt. of India Press,, New Delhi.

Copy forwarded for information to :

All State Govts. / U. Ts. (except Jammu & Kashmir, Punjab, Andman & Nicobar Islands, Laccashdive, Minicoy and Amindivi Islands).

Sd/- Under Secretary to the GOI.

(To be published in Part II Section 3 (Sub-Section ii) of the Gazetted of India)

No. 9-2/61-ID
Government of India
Ministry of Food & Agriculture
(Department of Agriculture)
New Delhi, the 26th August, 1961.
NOTIFICATION

In exercise of the powers conferred by sub-section (3) of section 1 of the Prevention of cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby appoints the 1st day of September 1961 as the date on which the provisions of Chapters I & II of the said Act shall come into force in the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Madras, Maharashtra, Madhya Pradesh, Mysore, Orissa, Uttar Pradesh & West Bengal and the U.Ts. of Delhi, Manipur and Tripura.

(K.C. Sarkar)
Under Secretary

To,
The General Manager,
Government of India Press,
New Delhi.

Copy forwarded for information to :-

1. The Secretary, to the Government of Madhya Pradesh, Receipt of the notification may please be acknowledged.

Sd/- Under Secretary.