

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

(26 December, 1960)

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement

- a. This act may be called The Prevention of Cruelty to Animals Act, 1960.
- b. It extends to the whole of India except the state of Jammu and Kashmir.
- c. 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 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;
- b. "board" means Animal welfare board established under section 4;
- 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 to 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 has been or is being sufficiently tamed to serve some purpose for the use of

- man or which, although it neither nor is being nor is intended to be so tamed, is or has become in fact wholly or partially 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 the 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.

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 measure to ensure the well being of such animal and prevent the infliction upon such animal of unnecessary pain or suffering.

CHAPTER II

ANIMAL WELFARE BOARD

4. **Establishment of Animal Welfare Board**

- a. 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 Animal Welfare Board.

- b. 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 Board**

The Board shall consist of the following persons, namely;

- a. The Inspector-General of Forests, Government of India.

THE DOURINE ACT, 1910
(Act No. V of 1910) (25 February, 1910)
(As modified up to the 1st of January, 1957).

An Act to provide for the prevention of the spread of Dourine. Whereas it is expedient to provide for the prevention of the spread of Dourine; it is hereby enacted as follows:

1. **Short title and extent**

- a. This Act may be called the Dourine Act, 1910.
- b. This section extends to the whole of India except the territories which, immediately before 1st November, 1956, were comprised in part B States; the rest of this Act extends only to such areas as the State Government may, by notification in the Official Gazette, direct.

2. **Definition**

- a. In this Act, the expressions "Inspector" and "Veterinary Practitioner" means, respectively, the officers appointed as such under this Act, Acting within the local limits for which they are so appointed.
- b. The provisions of this Act in so far as they relate to entire horses shall, if the State Government, by notification as aforesaid so directs, apply also to entire asses used for multibreeding purposes.

3. **Registration of horses**

The State Government may, by notification as aforesaid, make such orders as it thinks fit directing and regulating the registration of entire horses maintained for breeding purposes.

4. **Appointment of Inspectors and Veterinary Practitioners**

- a. The State Government may, by notification as aforesaid appoint any person it thinks fit to be Inspectors, and any qualified veterinary

surgeons to be Veterinary Practitioners, under this Act, and to exercise and perform, within any area prescribed by notification, the powers conferred and duties imposed by this Act upon such officers respectively.

- b. Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

5. **Powers of Inspector**

An Inspector may, subject to such rules as the State Government may make in this behalf:

- a. enter a search any building, field or other place for the purpose of ascertaining whether there is therein any horse, which is infected with Dourine.
- b. Prohibit, order in writing, the owner or keeper of any horse, which in his opinion is affected with Dourine, from using such horse for breeding purposes, pending examination by the Veterinary Practitioner.
- c. Direct, by order in writing, the owner or keeper of horse which, in the opinion of the Inspectors, is affected with Dourine to remove it or permit it to be removed for the purpose of segregation to a place specified in the order and such directions shall be sufficient authority for the detention of the horse in that place for that purpose.

6. **Duties of Inspector**

An Inspector issuing an order under section 5 shall forth with forward copy of such order to the Veterinary Practitioner.

7. **Inspector of horses**

A Veterinary Practitioner receiving a copy of an order forwarded under section 6 shall, as soon as possible after receipt of such copy, examine the horse mentioned therein, and may for such purpose enter any building, field or other place.

8. **Powers of Veterinary Practitioner**

A Veterinary Practitioner may:

- a. cancel any order issued under section 5; or
- b. if on microscopic examination or by other scientific test he finds that any horse is affected with Dourine :
 - i. in the case of an entire horse, cause it to be castrated,
 - ii. In case of a mare, with the previous sanction of such authority as the State Government may appoint in this behalf, or, if so empowered by the State Government, without such sanction, causes it to be destroyed.

9. **Compensation**

Compensation for the horse destroyed under section 8, the market value of such horse immediately before it became affected with Dourine shall be ascertained; and the State Government shall pay as such compensation to the owner thereof:

- a. in the case of a mare which has been destroyed ,or of an entire horse which died in consequences of castration ,such market -value,
- b. In the case of an entire horse, which survives castration, half the amount to which such value has been diminished owing to the infection with Dourine and castration.

11. **Settlement of compensation**

- a. A Veterinary Practitioner may be aware, that compensation to be paid under section 9 in the respect of each horse castrated or destroyed under section 8, is a sum not exceeding two hundred and fifty rupees.
- b. If, in the opinion of the Veterinary Practitioner the amount which should be paid as such compensation exceeds two hundred and fifty rupees, he shall report accordingly to the collector, who shall decide the amount to be paid.

12. **Committees for the hearing appeals**

- a. The State Government shall, by rules published in the official Gazette, make provisions for the constitution appeals, of a committee or committees for the hearing of appeals from decision under section 10.
- b. Such rules shall provide that not less than one member of any committee constituted thereunder shall be a person not in the service of the Government or of a local authority.

13. Appeals

Any owner may, within two months from the date of decision under section 10, appeal against such decision to the committee constituted in that behalf by the rules made under section 11, and the decisions of such a committee shall be final.

13. Vexatious entries and searches

- a. Whoever, being an Inspector appointed under this Act, vexatiously and unnecessarily enters and searches any field, building or other place, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to six months, or with both.
- b. No prosecution under this section shall be instituted after the expiry of three months from the date on which the offense has been committed.

15. Rules

- a. The State Government may make rules for the purpose of carrying into effect the provisions of this Act.
- b. In particular, and without prejudice to the generality of the foregoing power, such rules as aforesaid may:
 - i. regulate the exercise of the powers conferred Inspector under section 5; and
 - ii. Regulate the Action to be taken by the Veterinary Practitioner under section 8.

- c. All such rules shall be published in the official Gazette and, on such publication, shall have effect as if enacted in this Act.
- d. In making any rule under this section the State Government may direct that breach of it shall be punishable with fine which may extend to fifty rupees.

16. **Penalties**

Whoever uses or permits to be used for breeding purposes,

- a. any horse which has not been registered in accordance with the requirements of a notification under section 3, or
- b. Any horse in respect of which an order under clause (b) or clause (c) of section 5 is in force , shall be punishable with fine which may amount , in the case of a first conviction , to fifty rupees , or, in the case of a second or subsequent conviction, to one hundred rupees.

17. **Protection to persons Acting under**

No suit, prosecution or other legal proceedings against any person for anything which is, in good faith, done or intend to be done under this Act.

THE GLANDERS AND FARCY ACT, 1899
(Act No. XIII of 1899)

Passed by the Governor-General of India in Council. Received the assent of the Governor-General on the 20th of March 1899.

An Act to consolidate and amend the Law relating to Glanders and Farcy.

Whereas it is expedient to consolidate and amend the Law relating to Glanders and Farcy, it is hereby enacted as follows:

1. Short title, extent and commencement:

- a. This Act may be called the Glanders and Farcy Act, 1899.
- b. It extends to the whole of British.
- c. It shall come into force at once in India

2. Definition of "diseased"

- a. In this act, unless there is anything repugnant in the subject or context, "diseased " means affected with Glanders or Farcy or any other dangerous epidemic disease among horses which the Governor-General in council may, by notification in the gazette of India, specify in this behalf " either generally or in the respect of any local area".
- b. The provisions of this Act relating to horses shall apply also to asses and mules.

3. Application of act to local areas by Local Government

The Local Government may by notification in the local office Gazette, apply this act, or any provision of this act, to any local area, to be specified in such notification, within the province.

4. Local Government to appoint Inspectors

- a. When this Act has been so applied to a local area, the Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be inspectors under this Act, and to exercise and perform, within the whole of the local area, or such

portions thereof as it may prescribe, the powers conferred and the duties imposed by this Act on such officers.

5. **Power of entry and search**

Within the local limits for which he is so appointed, any such inspector as aforesaid may, subject to such rules as the Local Government may make in this behalf, enter and search any field, building, or other place for the purpose of ascertaining whether there is therein any horse which is diseased.

6. **Power of seizure**

Within such limits as aforesaid, the Inspector may seize any horse, which he has reason to believe to be diseased.

7. **Horses to be examined by veterinary Practitioner**

- a. On any such seizure as aforesaid, the inspector shall cause the horse seized, to be examined as soon as possible by such veterinary Practitioner as the Local Government may appoint in this behalf. Provided that, when the inspector is also a veterinary practitioner so appointed, he may make the examination himself.
- b. For the purpose of examination, the veterinary practitioner may submit the horse to any test or tests, which the Local Government may prescribe.

8. **Horses to be destroyed if found diseased: otherwise restored**

- a. If the veterinary practitioner certifies in writing that the horse is diseased, the inspector shall cause the same to be immediately destroyed.

Provided that, in the case of any disease other than Glanders or Farcy, horses certified to be diseased as aforesaid may, subject to any rules which the Local Government may make, in this behalf, be either destroyed, or otherwise treated or dealt with as the veterinary Practitioner may deem necessary

- b. If, after completing the examination, the veterinary Practitioner does not certify that the horse is diseased, the inspector shall at once deliver the same to the person entitled to the possession thereof.

9. When horse diseased; place where it has been to be disinfected

- a. When any diseased horse has been in any building, shed, or other enclosed places, or in any open lanes, the inspector may issue a notice to the owner of the building, shed, place, or lanes, or to the person incharge thereof, directing him to have the same disinfected, and internal fittings thereof, or such other things found therein or near thereto as the Local Government may by the rule prescribe, destroyed.
- b. On the failure of neglect of such owner or other person as aforesaid to comply with the notice within a reasonable time, the inspector shall cause the building, shed, place, or lanes to be disinfected, and fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from the owner other person as if it were a fine.

10. Owner or person incharge of diseased horse to give notice

Owner or any person incharge of a diseased horse shall give immediate information of the horse being diseased to the Inspector or to such authority as the Local Government may appoint in this behalf.

11. Prohibition against removal, without license, of horse which has been with diseased horse

No person incharge of any horse which has been in the same field, building, or places as, or in contact with, a diseased horse, shall remove such horse except in good faith for the purpose of preventing infection, or under a license to be granted by the Inspector, and subject to the conditions of the license.

12. Vexatious entries, searches and seizure

- a. Whoever, being an inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building, or other place, or seizes or detains any horse on the pretense that it is diseased, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

- b. No prosecution under this section shall be instituted after the expiry of three months from the date on which he has been committed.

13. Penalty for refusing to comply with the notice under section 9 or for removing horse contrary to section 11

Whoever refuses or neglects to comply with any notice issued by the inspector under section 9, or removes any horse in contravention of section 11, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees, or with both.

14. Power to make rules

- a. The Local Government may make rules to carry out the purposes and objects of this Act.
- b. In particular and without prejudice to the generality of the foregoing power, such rules as aforesaid may:
 - i. regulate entries, searches. And seizures by inspector under this Act;
 - ii. regulate the use of tests and the isolation of horses subjected thereto, and provide for recovering the expenses of detaining, isolating and testing horses from the owners or person incharge thereof as if it were a fine ;
 - iii. regulate the destruction or treatment, as the case may be , of horses certified under section 8to be diseased and the disposal of the carcass of the diseased horses;
 - iv. regulate the disinfecting of buildings and places in which diseased horses have been, and prescribe what things found therein or near thereto shall be destroyed; and
 - v. regulate the grant of licenses under Section 11, and the conditions on which those licenses shall be granted.
- c. All rules under this section shall be published in the Local Official gazette, and, on such publication, shall have effect as if enacted by this Act.
- d. In the making any rule under this section, the Local Government may direct that breach of it shall be punishable, with Imprisonment

for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

15. Appointment of some person to be the Inspector and Veterinary practitioner

Any Veterinary Practitioner may be appointed by the Local Government to be both Inspector and veterinary Practitioner for all or any of the purposes of this Act or any rule thereunder.

16. Protection to persons acting under the Act

No suit, prosecution, or other legal proceeding shall lie against any person for anything, which is, in good faith, done or intended to be done under this act.