

## **RIGHTS AND DUTIES OF PET OWNERS**

ANKITA\*

### **ABSTRACT**

This article is based on rights and duties of pet owners. It tells about the different provisions of law which protects the owner and also punishes it if he/she does something wrong to the pet animal. Various provisions of Indian Penal Code 1860, Indian Constitution and Prevention of Cruelty to Animal act 1960`s provisions are also mentioned. In the end suggestions are given to improve the laws related to the animals and the pet owners.

### **INTRODUCTION**

In today`s world where most of us keep pet animals at our homes, knowing the rights of the animals as well as the rights of owners and other laws made in relation to them are therefore crucial. There are various laws which talk about them such as Indian Penal Code (IPC), Prevention of cruelty on Animal Act, 1960 and many more. The most important of them is Article 51A (G) of Indian Constitution<sup>1</sup> which states that “*protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures*” is the duty of every citizen under the fundamental duty part (IV A).

### **RIGHTS GRANTED TO OWNER**

People, who keep pets have to face a lot of problems because not everyone around them are sympathetic or passionate about animals. Many of them are afraid of animals and so they don`t wish to see animals around them. In many societies they vote in favor of “*not keeping pet animals*” and ban animals from society. This act of banning animals from keeping them as pets is not backed by any law, in fact they can`t stop anyone from keeping animals. The person who wants to keep a pet animal has to register as an animal`s caretaker with Animal Welfare Board of India. In many places the pet animals are not allowed to use the lift and playground or the owner have to pay some charges for doing so but these types of practice needs to be stopped. The owner can complain to the police about it and the police will be duty bound to protect the owner from such malpractices. The owner can use the lift for the pet and also the playground. If the children or the old age people have any problem walking due to the pet they can simply

---

\* Student of 3rd Year, FIMT-School of Law, GGSIPU, New Delhi contacted through [ankitadubey366@gmail.com](mailto:ankitadubey366@gmail.com)

<sup>1</sup> Article 51 A of the Indian Constitution

sort it out by making shifts for them but the owner cannot be denied his/her rights. Sometimes the pet poop in public places in such cases the municipalities can ask the owner to clean it but the municipalities can't ask the owner to pay any fine for it.

Section 428 of Indian Penal Code and Section 429 of Indian Penal Code give right to owner of the pet animals to put charges on anyone who killed or injured or disabled or disfigured or poisoned the animal by mischief and such person will be punished with imprisonment for either description which may extend to 2 years, or fine, or both.

Article 21 of Indian Constitution grants right to life and personal liberty and if they will not be allowed to keep pets it will violate this article. If someone is threatening the owner to not to keep that pet the Indian Penal Code also comes to affect. Section 503, Section 506 and Section 509 can be charged against them for threatening them and the police officials will also take it on a serious note if the case will come under Indian Penal Code, 1860.

### **DUTIES AND RESPONSIBILITIES OF OWNER**

There are so many rights given to a pet owner to peacefully keep pets but they also have certain duties and responsibilities so that they don't misuse their rights and also to ensure their pet's well-being. Section 3 of prevention of cruelty of animal act 1960 states that "*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*".

- As per Section 11 of Prevention of cruelty to Animal's Act 1960 -

1. Starving the pet animal or failing to provide the animal with sufficient food, water and shelter.
2. If the owner keeps or confines the animal in any cage or other which is not sufficient length and breadth to allow the animal to move freely across the cage.
3. Keeping any animal chained for unreasonable time or with unreasonably short or heavy chain or cord which will cause trouble to the animal will also be a punishable offence and so the owner needs to take care of that animal.
4. Being the owner, if he does not take the pet for walk or does not allow it to have exercise, specially dogs as they have habit of going for walk and exercise and are chained up or kept in close confinement or without reasonable cause

5. Abandoning any animal in knowing that it will cause pain and suffering to animal or he will be thirsty or hungry
6. Wilfully permits any animal, to go out in open where he can get in contact with infectious disease and he has life threats
7. 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;
8. Causing unnecessary pain to the animal by kicking it or beating it or being a neighbour you are allowing it.
9. Causing unnecessary pain by making the animal travel on bike or some uncomfortable vehicle

In such cases the person will be imprisoned for a term which may extend to three months, fine or with both.

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.<sup>2</sup>

Apart from that the owner also has some other responsibilities which include vaccinating the animals so that it does not come in contact with diseases and does not spread it. If the pet of a person bites another person the owner may face an FIR and can be imprisoned for 6 months or fine of Rs 1000. Or both based on circumstances.<sup>3</sup> For example, if the dog bites the person accidentally the owner will not be at fault but if the owner deliberately allowed the dog to bite the person or kept the dog for that purpose only then he will be liable and may face charges for that.

## **SUGGESTIONS**

---

<sup>2</sup> Sahil Ali v. State Of U.P., CRIMINAL MISC. BAIL APPLICATION No. - 49730 of 2019.

<sup>3</sup> Shabir Hussain v. State, Crl. Revision No. 65/2018.

- There are various sections in Indian Penal Code, 1860 which are not updated since then which need to be changed, such as sections relating to the price of animals which are too low.
- The punishment for killing a pet animal or any animal in Prevention of Cruelty to Animals Act, 1960 is only 3 months which is insufficient and it should be increased.

### **CONCLUSION**

From the above discussion we come to the conclusion that we have various acts, rules and laws which protect the animal and grants right and responsibility to its owner which include Indian Penal Code (give punishment to the offenders who harm the pets or animals), prevention of cruelty to animal act 1960 (reminds the responsibility of the pet owner as well as prescribe punishment), constitution of India (grants right to keep animals as pet as it is their personal choice and liberty). From all these laws we can see that our society is empathetic towards the animals and we can be assured about them and if anything happens to them, we have certain rights to protect them.

### **REFERENCE**

#### ➤ **BARE ACTS**

- Indian Penal Code, 1860
- prevention of cruelty to animal act, 1960
- Indian Constitution, 1950

Legal ZeMs  
A Step Towards your Success