

ACTS & RULES

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MILK AND MILK PRODUCT ORDER, 1992

S.O. 405 (E) dated 09-06-1992

Issued under section 3 of Essential Commodities Act, 1955 (10 of 1955)

with the following amendments duly incorporated

First Amendment Order S.O.No. 32 (E) dated 07-01-1993

Second Amendment Order S.O.No. 111 (E) dated 17-02-1993

Third Amendment Order S.O.No. 639 (E) dated 27-08-1993

Fourth Amendment Order S.O.No. 240 (E) dated 24-03-1995

Fifth Amendment Order S.O.No.701(E) dated 25.07.2001

Sixth Amendment Order S.O.No.335(E) dated 26.3.2002

Milk and Milk Product Order, 1992

Whereas the Central Government is of opinion that for maintaining and increasing the supply of liquid milk of the desired quality in interest of the general public, it is necessary to provide for regulating the production, supply and distribution of milk and milk product;

Now, therefore, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely;_

1. Short title, extent and commencement – (1) This order may be called the Milk and Milk Product Order, 1992.

(2) It extends to the whole of India.

(3) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions- In this Order, unless the context otherwise requires,-

(a) “Act” means the Essential Commodities Act, 1955 (10 of 1955)

(b) “Board” means the Milk and Milk Product Advisory Board constituted under Paragraph 3;

(c) “business in milk and milk product” means sale or purchase of milk or milk product and includes manufacturing, processing, handling or controlling of milk and milk product;

(d) “Chairman” means the Chairman of the Board

(dd) (* *)

(e) “Controller” means an Officer of the Central Government appointed under Paragraph 12.

(f) “milk” means milk of cow, buffalo, sheep, goat, or a mixture thereof, either raw or processed in any manner and includes pasteurised, sterilized, recombined, flavoured, acidified, skimmed, toned, double toned, standardised or full cream milk.

(g) “milk product” means cream, malai, curd, yogurt, skimmed milk curd, shrikhand, paneer or channa, skimmed milk paneer or skimmed milk channa, cheese, processed cheese and cheese spread, ice cream, milk ices, condensed milk (sweetened and unsweetened), condensed skimmed milk (sweetened and unsweetened), whole milk powder, skimmed milk powder, partly skimmed milk powder, khoya, rubri, kulfi, kulfa, casein, sweets made from khoya;

Omitted (dd) vide Amendment Order dated 25.7.2001

paneer and channa, infant milk food, table butter, deshi butter, ghee or butter oil, and includes any other substance containing—on a dry weight basis not less than fifty per cent of milk solids (excluding added sugars), or any other substance declared by the Central Government, by notification as a milk product;

(h) “Dairy establishment” means a place where milk collection, processing, manufacturing, storage and handling of Milk and Milk Product is carried out and any type of container or vessel which is used for storage and transportation of milk and milk product.

(i) “milk producer” means a person owning or keeping or otherwise having control of cow, buffalo, sheep or goat for the production of milk intended for sale or for conversion thereof to any milk product;

(j) “milk solid” means anhydrous constituents of milk and includes milk fat and non-fat milk constituents either singly or in combination in any proportion;

(k) “registration certificate” means a registration certificate issued under this Order;

(l) “Registering Authority” means an authority appointed or designated, subject to the provision of sub-paragraph (2) of Paragraph 31, by the Central Government to make registration and to issue registration certificates under this Order;

(m) “Schedule” means a Schedule appended to this Order.

3. Milk and Milk Product Advisory Board:- (1) As soon as may be after the commencement of this Order, but not later than two hundred and seventy days from such commencement, the Central Government shall, by notification in the Official Gazette, constitute a Board to be called the Milk and Milk Product Advisory Board which shall consist of the following namely:-

(I) Official Members:

(a) Secretary to the Government of India, Department of Animal Husbandry and Dairying,

Ministry of Agriculture (ex-officio). *Chairman*

(b) [* * * * *] 2

(c) Joint Secretary to the Government of India,

Department of Industrial Development,

1 Increased from one hundred eighty days vide Second Amendment Order dated 17th February, 1993

2 Omitted vide Second Amendment Order dated 17th February, 1993

3. Substituted paragraph 2 (h) vide Amendment Order dated 26.3.2002 Ministry of Industry (ex-officio). *Member*

(d) Joint Secretary to the Government of India, Ministry of Food Processing Industries (ex officio). *Member*

(e) Additional Director General of Health Services,

Government of India, Department of Health, Ministry of Health and Family Welfare (ex officio). *Member*

(f) Director, National Dairy Research Institute, Indian Council of Agricultural Research, Karnal (ex-officio).

Member

(g) Managing Director, National Dairy Development Board, Anand (ex-officio). *Member*

(h) Managing Director, National Cooperative Dairy Federation of India, Anand (ex-officio). *Member*

(i) One representative each from four states, not below the rank of Secretary in charge of Dairy Development in that State by rotation: provided that while constituting the board due regard shall be given, as far as possible to give representation to the four geographical regions of the country viz., north, east, south and west. (ex-officio)

*Member*¹

(II) Non-Official Members:

(a) Two representatives from the cooperative dairying sector. *Member*

(b) Two representatives from the private sector from amongst those engaged in the business of milk or milk product. *Member*

(c) One representative from Consumer Organization *Member*²

(III) Secretary of the Board.- Joint Secretary (Dairy Development), Department of Animal Husbandry and Dairying, Ministry of . Agriculture (ex-officio)- *Member* Secretary³

(2) The non-official members[* * *],⁴ shall be appointed by the Central Government by notification, for a period of three years.

1 Inserted vide Third Amendment dated 27th August 1993

2 Inserted vide Third Amendment dated 27th August 1993

3 Amended from "(III) Secretary of the Board - *Member* Secretary" vide Second Amendment dated 17th February, 1993

4 Omitted vide Second Amendment dated 17th February, 1993

2(A) The states referred to in clause (i) shall be represented in the Board for a period of three years¹

(3) The terms and conditions of appointment of [* * *] ² the non-official members shall be such as the Central Government may from time to time determine.

(4) A non-official member [* * *] ³ may resign from his office by a notice in writing addressed to the Chairman.

(5) In the absence of the Chairman, or for the duration for which there is no Chairman, as the case may be, the Joint Secretary to the Government of India, in charge of Dairy Development in the Department of Animal Husbandry and Dairying, Ministry of Agriculture shall act as Chairman.

(6) The Board shall meet at least four times in a calendar year.

(7) If any vacancy occurs due to death, resignation or otherwise in the office of any nonofficial member of the Board, the vacancy so caused shall be filled in accordance with the provisions of sub-paragraph (2) above and every person so appointed shall hold office for the remaining period for which the non-official member in whose place he is appointed would have held the Office.

(8) The quorum for the meeting of the Board shall be five members.

(9) The Board shall regulate its proceedings in such manner as deems proper, but on any matter on which the votes of the Board are equally divided, the Chairman or the person presiding over the meeting shall have a second or casting vote.

4. Functions of the Board.- (1) The Board shall assist, aid and advise the Central Government on any matter concerning the production, manufacture, sale, purchase and distribution of milk and milk product and on matters incidental thereto.

(2) Without prejudice to the generality of the provisions of sub-paragraph (1), the Board may advise the Central Government on matters relating to,—

(a) facilitation of the supply of availability of liquid milk, by balancing uneven supplies in different regions and seasons;

(b) maintenance or increase in the supply of milk, and equitable distribution and availability thereof;

1 Inserted vide Third Amendment dated 27th August, 1993

2 Omitted vide Second Amendment dated 17th February, 1993

3 Omitted vide Second Amendment dated 17th February, 1993

(c) establishment of proper standards and norms for control and handling of milk and milk product;

(d) maintenance of high standards of sanitary and hygienic conditions in the manufacture of milk and milk product;

(e) establishment, promotion or registration of any industry which is relatable to milk product; and

(f) such other purposes as are necessary or incidental to the effective implementation of the Order.

(3) Where the Central Government considers that the expertise of the Board may be utilised in the implementation of this Order in any respect, it shall be competent for the Central Government to direct that any of its functions relating to the implementation of the Order shall be performed by the Board, subject to such conditions, restrictions and limitations as the Central Government may specify, whereupon it shall be competent for the Board to discharge those functions.

5. Registration : - (1) *On and from the date of commencement of this Order, no person or manufacturer shall set up a new plant or expand the capacity of the existing plant without obtaining registration/permission as the case may be from the concerned Registering Authority. For this purpose, such person may make an application in the form specified in*

*the first Schedule alongwith the prescribed fee to the Registering Authority for obtaining registration certificate.**

(2) The provisions contained in sub-paragraph (1) shall apply to such person who handles or is equipped to handle or who has in the establishment or unit under his ownership or control (or where he has more than one such establishment, all the establishments put together) installed capacity for handling milk in excess of ten thousand litres per day, or milk product containing milk solids in excess of five hundred tonnes per annum.

(3) In the registration certificate referred to in sub paragraph (1), the terms and conditions of the registration under this Order shall cover sanitary, hygienic conditions, quality and food safety as specified in the Fifth Schedule.**

(4) omitted

(5) omitted

(5A) omitted

1. * Substituted paragraph 5 sub paragraph(1) vide Amendment Order dated 25.7.2001.

2** Substituted paragraph 5 sub paragraph 3 vide Amendment Order dated 26.3.2002

3. Omitted paragraph 5 sub paragraph 4, 5 and 5A vide Amendment Order dated 26.3.2002

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5(B) (a) The plant set up shall not be allowed to be commissioned unless an inspection has been carried out to ascertain sanitary and hygienic condition as specified in the Fifth Schedule and as per the instructions issued by the Central Government from time to time.

(b) The inspection shall be carried out by a team of three experts constituted by the applicant from a panel of experts or by a firm of quality auditors having professional experience of at least ten years in the fields of food technology, dairy technology, dairy engineering, animal husbandry and dairying and pollution control employed in institutions of repute in these fields. Such panels shall be notified by the Central Government from time to time.

(c) Soon after the inspection the experts shall submit an inspection report in sealed cover to the concerned registering authority.

(d) Such inspection shall be valid for a period not exceeding one year and the applicant shall be bound to arrange for re-inspection of the dairy plant before the expiry of the said period.”; ##

6. In respect of applicant referred to in sub paragraph (1), the registering authority shall make the registration and issue the registration certificate to the applicant in the form specified in the Second Schedule.*

1. ## Substituted paragraph 5(B) vide Amendment Order dated 26.3.2002

2. * Substituted paragraph 6 vide Amendment dated 26.3.2002.

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(7) (a) Every application for registration, complete in all respect shall be disposed of by the registering authority within a period of ninety days from the date of receipt of the application.

(b) Notwithstanding the period specified in clause (a), if the registering authority requires any additional information with respect to any application or if any application is incomplete in any respect, the registering authority may in writing require the applicant within such period mentioned therein to supply such additional information or complete the application in all respect, as the case may be.

(c) on receipt of any additional information or the complete application under clause

(b), the registering authority shall dispose of the application within forty five days from the date of receipt of such completed application or additional information as the case may be.1

(8) Omitted*

(9) Omitted*

(10) Separate registration certificate shall be obtained in respect of each undertaking or establishment or unit if the holder of the registration certificate carries on business in milk or milk product in more than one premises; provided that there shall be no need of separate registration as long as no independent business activities are carried on in these premises.

1 Substituted Sub paragraph 7 (c) vide Amendment dated 26.3.2002.,

* Sub paragraph 8 & 9 omitted vide Amendment Order 26.3.2002.

(11) Every holder of registration certificate shall inform of any additions or alterations made to the premises to the registering authorities within 30 days from the completion of addition/alteration. *

(12) Every holder of registration certificate shall endeavor to maintain a cold chain from the place of milk procurement up to the final stage of sale of the milk or milk product to the end consumer and every holder of the registration certificate shall observe such procedures and practices that may be approved by the Advisory Boardn for clean milk production, collection, transportation and distribution of milk and milk product and

(B) Except for the provisions of sub-paragraph (2) and (B), all the other provisions of this order shall be applicable to units that manufacture or carry on business in milk or any milk product or, have manufacturing facility for the business handling less than ten thousand litres per day of milk or milk products containing milk solids less than five hundred tonnes per annum.”&&

6. Omitted **

7. *Modification, addition or alteration in equipment or premises - The Registering Authority on receipt of report or otherwise if satisfied that any modification, addition or alteration is necessary in equipment or premises for the maintenance of optimum standards of sanitary requirements of milk or milk products, or to secure the quality standards of milk or milk products, or to secure cleanliness in relation to the machinery or the premises, the Registering Authority may issue direction to the holder of the Registration Certificate to carry out the modification, addition or alteration within a stipulated period and in the event of any failure or default in compliance of direction, the registration may be cancelled by the Registering Authority. ****

1. * Substituted vide Third Amendment dated 27th August 1993.

2.** Omitted Paragraph 6. Vide Amendment Order dated 25.7.2001

3.*** Substituted paragraph 7 vide Amendment Order dated 25.7.2001

4.&& Sub paragraph 12 added vide Amendment Order dated 26.3.2002

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8. Fee for registration and renewal.- Fee for registration (1) Subject to the provisions of sub-paragraph (2), the Central Government may, by order, specify the fee payable for registration under this Order and also specify the manner in which fee shall be payable; and

(2) Every application for registration shall be accompanied by a fee of rupees five thousand only or as may be revised from time to time by the Central Government, and fee paid by an applicant for registration, expansion, appeal etc., as the case may be, shall not be refunded.*

9. Transfer of registration. - (1) In the event of death of the holder of a registration certificate, his legal representative may apply to the registering authority for transfer of registration in his favour, and the registering authority shall after making such enquiry as he may deem fit, if he is satisfied that the applicant is the legal representative, grant the registration and issue the registration certificate or, where the registering authority is not satisfied about the claim of the applicant to be the legal representative, for reasons to be recorded in writing, reject the application: Provided that no such application shall be rejected unless, the applicant has been given a reasonable opportunity for showing cause against the rejection: Provided further that a copy of the Order rejecting the application shall be communicated to the applicant.

(2) When an application for transfer of registration has been made under. sub-paragraph

(1), the registering authority may permit the carrying on of the business in milk or milk product pending disposal of the application for registration.

10. Omitted **

1.* Paragraph 8 replaced vide Amendment Order dated 26.3.2002

2. ** Paragraph 10 omitted vide Amendment Order dated 26.3.2002

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11. Collection of milk - Omitted #

12. Appointment and functions of Controller.- (1) The Central Government may, by notification in the Official Gazette, appoint or designate any officer of the Government, not below the rank of a Joint Secretary to Government of India., to exercise the powers and functions of the Controller under this Order.

(2) The Controller shall, subject to the control of the Central Government, be responsible for the general implementation and control of the provisions of this Order.

(3) The Controller shall, without prejudice to any other powers conferred upon him under this Order and the powers of the Central Government under Paragraph 13, be responsible for implementing the provisions of this Order and shall take such steps as may be necessary for furtherance of the purposes of this Order.

13. Appointment and functions of registering authority.- (1) The Central Government may, by notification in the Official Gazette, appoint or designate as many Officers of the Central or State Government or a statutory body set

up by an Act of Parliament or State Legislature, as it may deem fit, as registering authority and specify their respective jurisdiction.

Provided that the registration of unit handling up to 2.00 lakh litres of milk per day or 10,000 MT of milk solids per annum where the entire activity of procurement, processing and marketing of the Unit lies within the State or Union territory, the registering authority shall be an officer of the concerned State Government or Union Territory.

(2) The registering authority shall deal with applications for registration and issue registration certificates under this Order and perform, within its jurisdiction, all functions in connection therewith for compliance with the terms and conditions of the registration.

1. # Paragraph 11 omitted vide Amendment Order dated 26.3.2002

2. Paragraph 13 for the proviso of sub paragraph 1 substituted vide Order dated 26.3.2002

14. Half yearly return and additional information: Every holder of the registration certificate shall submit half yearly return in duplicate in the form specified in the Fourth Schedule to the concerned registering authority.

15. Power to enter, inspect and seize.- The registering authority or any other officer authorized by it, may carry out periodic inspection of any premises in which manufacture or process, or business in milk or any milk product is carried on, with a view to ensuring compliance with the provisions of this Order or of any direction issued in pursuance thereof or supply of genuine and proper material to consumers, and where the registering authority, otherwise considers it necessary by general or special order, it may –

(a) require any holder of the registration certificate or any other person to give any information in his possession with respect to his business.

(b) require, by notice in writing, any holder of the registration certificate or any other person to furnish samples of any milk or milk product or of any material used in the manufacture of the same.

(c) require any holder of the registration certificate or any other person dealing with or manufacturing or processing or handling milk or milk product, in writing, to produce books, documents or the registration certificate issued to him;

(d) inspect or cause to be inspected any of the books or documents in the possession of or under the control of such persons;

(e) inspect or cause to be inspected any stock or any such vehicle, vessel or receptacle, if he has reason to believe that goods procured are in violation of the terms and conditions of the registration or in contravention of the provisions of this Order;

(f) enter and search any premises and seize any article to which this Order applies and in respect of which he has reason to believe that contravention of this Order has been or is being or is about to be committed and take or authorise to take all measures necessary for securing the production of stocks with reference to milk or milk product so seized in the Court or for their safe custody, pending such production.

* Substituted paragraph 14 vide Amendment Order dated 26.3.2002

(2) The authority or the officer referred to in sub-paragraph (1) may,—

(a) detain, on giving a proper receipt, raw materials, documents account books, or other relevant evidence connected with the handling or processing or dealing with or manufacture of milk or milk product in respect of which he has reason to believe that a contravention of this Order has taken place;

(b) collect, from the holder of the registration certificate, on giving a proper receipt, samples of milk or milk product or any ingredient used in the preparation of such milk or milk product from the premises of the holder of the registration certificate in respect of which he has reason to believe that a contravention of this Order has taken place;

(c) collect, on payment, from any person samples of milk or milk product sold, or intended to be sold or kept for despatch or delivery to any dealer, agent or broker for the purpose of sale, and get such samples analysed at a recognised laboratory specified under sub-paragraph (6) of Paragraph 23.

(3) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be, apply to every search under this Order.

16. Suspension or cancellation of registration.- (1) The registering authority may suspend or cancel the registration certificate issued under this Order, if the holder of the registration certificate,—

(a) wilfully furnishes incorrect information at the time of applying for the registration;

(b) fails to comply with any of the terms or conditions of the registration certificate, or acts in contravention thereof;

(c) fails to comply with any of the directions issued by the registering authority, or where duly authorised in pursuance of the provisions of this Order, by any other person;

(d) fails to furnish any information or return as required or may be required under the provisions of this Order;

(e) Omitted

(f) in any other manner contravenes any of the provisions of this Order.

(2) While exercising powers under sub-paragraph (1), it shall be open to the registering authority to issue an order of suspension in the first instance and thereafter an order of cancellation if the default or failure persists.

1. Omitted in Paragraph 16 Clause (e) of sub paragraph (1) vide Amendment Order dated 26.3.2002.

(3) Before any registration certificate is cancelled in pursuance of subparagraph (1) or sub-paragraph (2), the registering authority shall give an opportunity to the holder of the certificate to show cause and in every case where the registration certificate is cancelled, a further period of three months for winding up of the business shall be given to the holder of the certificate and during that period he may carry on the business to such extent only as may be necessary for winding up the operations.

17. Maintenance of records.- The registering authority may, by general or special order, direct any person engaged in the manufacture or processing or other business of milk or any milk product to maintain such records of his business in such manner and to submit to him such returns relating to the business as have been or may be specified under the provisions of this Order.

18. Appeal to Controller.- (1) Any person aggrieved by any order of a registering authority or any other officer authorised by it, may, within thirty days of the order, prefer an appeal to the Controller who shall, after giving the person a reasonable opportunity of being heard, pass such orders thereon, as he may deem proper: Provided that the Controller may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing an appeal within time.

(2) Every appeal under sub-paragraph (1) shall be accompanied by a fee of Rupees five hundred only or as may be revised from time to time by the Central Government.

19. Powers of Central Government to issue directions.- (1) Notwithstanding anything contained in this Order, the Central Government shall have power to issue any direction to the Board or to the Controller or to any registering authority, in respect of any of the matters dealt with in this Order or on any matter relevant thereto, and such direction shall prevail over any other order or direction validly made earlier.

(2) Notwithstanding anything contained in this Order, the Central Government shall have power to issue any direction in respect of any of the matters dealt with in this Order including any direction relating to any restraint or restriction or free inter-State movement of milk or milk product.

20. Temporary restriction on production of milk product.- (1) The Controller may, if he is satisfied that it is necessary so to do to maintain or increase the supply of liquid milk in any region, direct, by Order published in the Official Gazette, that for the period mentioned in the said Order, the distribution of liquid milk or the production of any milk product by any class or category of producers or manufacturers thereof shall be restricted in such manner as may be specified in the Order, provided that no such Order shall remain in force for a period of more than ninety days at a time.

(2) In making the restriction referred to in sub-paragraph (1), the Controller shall have regard to the following factors, namely

(a) the availability of liquid milk in the region,

(b) the demand for liquid milk by the general public in the region,

(c) the availability of skimmed milk powder and white butter for reconstitution into liquid milk by dairy plants,

(d) the inter se importance of liquid milk and the concerned milk product proposed to be restricted, and

(e) any other factor relevant for maintaining the liquid milk supply.

21. Levy on skimmed milk powder and milk fat.- (1) Where the Controller is satisfied that it is necessary to do so for the purpose of ensuring liquid milk supply to the general public of any region, he may, by order, direct any class or category of producers or manufacturers of skimmed milk powder or milk fat in that region to make available such percentage of their total production of all or any of these commodities as he may deem appropriate, to any authority designated by him for the purpose.

(2) Every producer and manufacturer referred to in sub-paragraph (1) from whom commodity mentioned therein is made available in pursuance of the direction of the Controller shall be paid the value of the same as may be determined by the Controller.

22. Appeal to the Central Government.- (1) An appeal against any order or direction issued by the Controller under this Order, shall lie, within thirty days of the issuance of this Order, to the Central Government, and the Central Government shall, after giving the appellant an opportunity of being heard, pass such order thereon as it may deem proper:

Provided that the Central Government may entertain an appeal after the expiry of the specified period if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the specified time limit.

(2) Every appeal under sub-paragraph (1) shall be accompanied by a fee of Rupees one thousand only or as may be revised from time to time by the Central Government.

23. Procedure for drawing samples, conducting analysis, and issue of prohibition order.-

(1) Subject to the provisions of sub-paragraph (2) of Paragraph 15, the registering authority or any officer or authority authorised or designated by him, when drawing the sample shall follow the undermentioned procedure,

(a) the sample shall be drawn in such manner as to render the sample to be homogeneous and representative so that the analysis can furnish reliable data of the nature and content of the article: Provided that where milk or any milk product is kept, sold or stored for sale or for distribution in sealed containers having identical label declaration, the contents of one or more of such containers as may be required to satisfy the quantity required for proper analysis, shall be treated to be a part of the sample: Provided further that, while taking a sample, notice in writing shall be given then and thereof the intention to have it so analysed to the person from whom the sample is taken;

(b) the sample shall forthwith be separated into three equal parts, and each part put in a separate container, marked and sealed,

(c) one of the parts of the sample shall be sent for analysis to a recognised laboratory and the remaining two parts shall be sent to the Controller or to any institution authorised by him for custody for use in case a re-test of the sample is required.

(2) The laboratory to which sample is sent shall make a report to the registering authority of the results of the analysis of the sample within a reasonable time.

(3) Where any action is contemplated against any person on the basis of the sample drawn from him which on analysis by the recognised laboratory was found to be sub-standard or unsuitable, he shall have a right to have the second part of the sample sent for further analysis by a second laboratory duly authorised by the Controller for the purpose, and upon receipt of any such request made within fifteen days of receipt of information about the sample not satisfying the prescribed standard, the registering authority shall forward the same to the second laboratory whose report shall supersede the report given by the first laboratory mentioned in subparagraph

(1) and the same shall be final and conclusive evidence of the facts stated thereunder.

(4) The fee payable for analysis made by the second laboratory aforesaid shall be paid by the person at whose instance the registering authority called for the further analysis.

(5) Where the quality of milk or milk product, as the case may be, is found, on second analysis to be sub-standard or unsuitable, the registering authority may, by an order in writing, prohibit the sale of the same as well as the handling or processing or manufacture of any such milk or milk product.

(6) Every laboratory recognised for the purpose of the Bureau of Indian Standards Act, 1986 (Act 63 of 1986) and any other laboratory which may be subsequently recognised by the Central Government by an Order shall be a laboratory recognized for the purposes of this Order.

24. Publication of list of holders of registration certificates.- (1) The Controller shall, as soon as may be after the commencement of this Order, publish in the Official Gazette, a list of the names and addresses of the holders of registration certificates and that of their establishments or Units, together with a description of the milk or milk product covered by their respective registration certificates.

(2) The Controller may thereafter undertake similar periodic publication,—

(a) giving particulars of any person who is subsequently issued a registration certificate, or whose certificate is amended or cancelled;

(b) giving a consolidated list inserting therein the modifications made to the first list published under subparagraph (1).

25. Sanitary requirements for milk and milk products.- It is hereby recognised and declared as a matter of legislative determination that in the field of human nutrition, safe, clean, wholesome milk for manufacturing purposes is indispensable to the health and welfare to the consumer of the country; that milk is a perishable commodity susceptible to contamination and adulteration; that the production and distribution of an adequate supply of clean, safe and wholesome milk for processing, manufacturing and direct consumption purposes are significant to sound health and that minimum sanitary and hygienic conditions are declared to be necessary for the production and distribution of milk for manufacturing purposes. Therefore, no person shall undertake business in milk and milk products unless: -

(1) The dairy establishment in which milk or any milk product is being handled, processed, manufactured, stored, distributed by the holder of registration certificate, and the persons handling them shall conform to the sanitary, hygienic requirement, food safety measures and other standard as specified in the Fifth Schedule;

(2) The establishment is inspected in accordance with the provisions of sub-para (5) B of paragraph 5 of said Order”.

1. Substituted paragraph 25 vide Amendment Order dated 26.3.2002.

26. Certification, packing, marking and labelling.- (1) Every person engaged in the business of handling, processing or manufacturing milk or any milk product, shall, in regard to the items of milk or milk product manufactured and the packing, marking and labelling of containers thereof, comply with the following requirements, namely:-

(i) The product related to that items shall be got certified by the Officer authorised in this behalf by the registering authority to the effect that the goods conform to the standards of quality prescribed by the Central Government,—

(a) in the case of any new product manufactured for the first time after the commencement of this Order, before the product is released from the premises for the first time after manufacture, and

(b) in the case of any product which is already being manufactured at the commencement of this Order, at any time when the person is called upon by the registering authority to get the product certified;

(ii) where certificate is issued to any person in relation to any item, such person shall be authorised to place an emblem of certification on the packed goods;

(iii) every certificate issued under this paragraph shall require—

(a) that all subsequent despatches or releases of the item of milk or milk product shall conform to the standard specified at the time of certification.

(b) that the certificate holder is authorised to place the certificate number and the emblem of certification on such packaged goods and that the same shall be displayed prominently on each of them; and

(c) the label on the packaged goods shall not contain any statement, claim, design or device which is false or misleading in any manner concerning the milk or milk product contained in the package or about the quality or the nutritive value or of the place of origin of the same;

(iv) the constituents ingredients of milk or milk product shall conform to the standards prescribed by the Central Government.

(2) In every case where the milk or milk product is packed by the holder of a registration certificate in a tin, barrel, carton or any other container, the registration number shall either be exhibited prominently on the side label of such container or be embossed, punched or printed prominently thereon.

(3) There shall be specified on every label of a package of milk or milk product,—

(a) the name, trade name or description of the article contained in the package;

(b) the name and business address the holder of registration certificate and the registration number

(c) the net weight or number or measure or volume of contents, as the case may be,

(d) a batch or code number, except in the case of any—

(i) package weighing less than 60 grams or 60 millilitre of milk or milk product; and

(ii) milk (including sterilized milk but not including condensed milk) packed in bottles, cartons, or sachets;

(e) the day, month and year of manufacture or packing milk and the month and year of manufacture or packing of milk product:

Provided that this clause shall not apply in the case of ice cream, butter and cheese, and bottles, cartons or sachets containing liquid milk (not being condensed milk), beverage containing milk as ingredient, which are returnable by the consumer for refilling;

(f) the date of manufacture or packing on packages containing sterilized milk, infant milk food.

(4) A holder of registration certificate shall not pack milk or any milk product other than those processed or manufactured by him or, those obtained from any other person holding a registration certificate.

(5) Without prejudice to the generality of the provisions contained in sub-paragraph (1),

the registering authority may, by order, specify the requirements with regard to the packing, marking and labelling of packages of milk product of any specified type or description, whether such milk product is manufactured in India or not, and every manufacturer or person authorised by him shall be bound to comply with the provisions of such order.

(6) Nothing contained in this paragraph shall apply to milk or milk product imported into India.

27. Compliance with directions and orders- (1) The Controller may issue such direction, or instructions consistent with the provisions of this Order as may be necessary for carrying out the provisions of this Order.

(2) Every person to whom any direction or instruction is given or order is issued, in pursuance of any provision of this Order shall be bound to comply with such direction or instruction or order and any default or failure on the part of the person to comply with the same shall be deemed to be a contravention of the relevant provision of the Order.

(3) Every person shall be bound to furnish any information called for in pursuance of the provisions of this Order and in default, shall be deemed to have violated the provisions of the Order.

(4) No person shall cancel, destroy, mutilate or deface any book, document or any other evidence with a view to evading any provision of this Order.

28. Prosecution.- Any person,

(a) handling or processing or controlling or manufacturing milk or any milk product without obtaining a registration certificate as required under this Order, or

(b) continuing to manufacture or process or handle or pack milk or milk product after suspension or revocation or expiry of registration certificate issued or,

(c) handling, processing, manufacturing, controlling or packing milk or milk product in contravention of the provisions of this Order or of the terms and conditions of the registration certificate or

(d) producing any item in excess of the quantity specified for that item in the registration certificate or

(e) making any manufacturing facility in contravention of the provisions of sub paragraph (1) of Paragraph 5, shall, in addition to suspension, revocation, or cancellation of his registration certificate, be liable to prosecution for the contravention of the provisions of this Order.

29. *Previous sanction for prosecution:- In the case of any contravention of any of the provisions of this Order by the holder of registration certificate or any other person, the concerned Registering Authority shall be empowered to initiate suitable action against the holder of registration certificate or any other person as the case may be.* **
Substituted paragraph 29 vide Amendment Order dated 25.7.2001

30. Penalty.- Every person who contravenes or is deemed to have contravened any of the provisions of this Order, or any of the terms and conditions of the registration certificate, or fails to carry out any direction or order or request made or instruction given thereunder, shall be punishable under Section 7 of the Essential Commodities Act, 1955 (10 of 1955). 22

31. Transitional and other provisions.- (1) With effect from the date of commencement of this Order and until the constitution of the Board, and also at any time the Board is not in existence or the Controller is not in position, the Secretary to the Government of India in the Department of Animal Husbandry and Dairying in the Ministry of Agriculture shall be competent to exercise all the powers and discharge all the functions of the Board under this Order and he may authorise any Officer, not below the rank of a Joint Secretary to the Government of India in the Ministry of Agriculture to perform the functions of the Controller till the date of appointment of a Controller in accordance with this Order.

(2) For the transitional period pending the appointment of registering authorities under this Order, it shall be competent for the person exercising the powers of the Controller, to authorise one or more Officers or designate

any authority to discharge the functions of a registering authority and determine the jurisdiction in relation to each of them.

32. Repeal and savings.- (1) The provisions of this Order and instructions issued thereunder, shall supersede any order made under Section 3 of the Essential Commodities Act, 1955 (10 of 1955) in so far as it relates to milk or milk product.

(2) Notwithstanding such supersession, anything done or any action taken or initiated under those Orders shall be deemed to have been done, taken or initiated under the corresponding provisions of this Order.

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FIRST SCHEDULE

Application for registration

[See Sub-Paragraph (1) of Paragraph 5]

PART I

1. Name and Address of the applicant.
2. *Names of the Managing Director, Directors, Proprietors, Partners, Owners etc.*
3. Address of the business/dairy plant and of all the establishments/premises owned or managed by the applicant.
4. Telephone Numbers/Gram/Telex
- 5 (a) Description of milk and milk products with quantities per year which the applicant is equipped to handle/control/process/manufacture. (Give full details)
- (b) If already handling processing/controlling or manufacturing milk or milk product, the annual quantity of each product in the last three years (Give separately for each year)
- (c) The quantity of each item of milk or milk product proposed to be handled processed or manufactured.
6. Branches including chilling/collection centers.
7. Installed per day capacity of the dairy plant.
8. Total quantities of milk and each of the mil products handled or processed or controlled during the year.
9. Average quantity of milk per day to be used or handled
- (a) In lean season
- (b) In flush season

24

PART II

DETAILED DESCRIPTION ABOUT COLLECTION OF MILK

1. Geographical area proposed for the milk collection.
2. Number of districts and villages from where the milk will be collected.
3. Number of breed-wise milch cows, buffaloes, sheep or goat, district-wise in the area.
4. District map showing taluka/Tehsil boundaries and major roads/rail roads etc.
5. A brief description about the existing milk procurement, processing and marketing facilities.
6. Milk producers' cooperative societies/union etc – total and functional in the area of operation.
7. Number of dairy plants – public/private in the area of operation.
8. Any other developmental program.
9. Input services provided to the farmers/proposed to be provided for milk production enhancement.

I/we hereby undertake to comply with all the provisions of the Milk and Milk Product Order, 1992.

Please find forwarded herewith the prescribed registration fee.

I/we declare that the facts stated herein above and the particulars given in Parts II and I are true and correct.

Signature(s) of the applicant(s)

Place

Date

25

SECOND SCHEDULE

[See sub-paragraphs 6 and 7 of Paragraph 5]

Registration Certificate

1. Name and address of the certificate holder

(a) Name (IN CAPITAL LETTERS) -----

Address -----

2. Address of authorised premises for manufacture etc.

3. Subsequent change of premises, if any

4. Area of operation for milk procurement

Taluk / Circle / Tehsil / Block / Sub-Division / ----- District--- State ----

(i) -----

(ii) -----

(iii) -----

(iv) -----

5. Installed capacity of the dairy plant and milk products proposed to be manufactured

(a) Milk processing capacity ----- litres / day

(b) Milk Products (specify the name of the product proposed to be

manufactured within the overall processing capacity of liquid milk

stated to in (a) above

1.-----

2.-----

3.-----

6. Specifications of equipment installed and to be installed with capacity rating

26

The registration certificate is issued and is subject to the provisions of Milk and Milk Product Order, 1992 and the holder of the registration certificate shall comply with the conditions specified below. This is a one-time registration.

CONDITIONS

The holder of the registration certificate shall –

- (1) Comply with the provisions of Milk and Milk Product Order, 1992 and any direction or instruction issued thereunder.
- (2) Give necessary access to his premises to all implementing authorities/agencies and their personnel to ensure compliance.
- (3) Not produce any product other than the product indicated in this registration certificate.
- (4) Furnish periodic returns as required under the Order.
- (5) Comply with any other direction of the registration authority/Controller and the Central Government.

Place

Dated the

27

THIRD SCHEDULE

(Omitted vide Amendment Order dated 25.7.2001)

28

FOURTH SCHEDULE

Half yearly Return

[See of Paragraph 14]

For the Period ending.....

Name of Dairy Plant/Unit/other

Establishment/Premises (with address)

Name of the holder of Town/District State

Registration Certificate

Registration Number Date of issue

Stock Position

Fat (MT) Solids-not-fat (MT)

Opening Stock

Receipts

Dispatches

Closing Stock

Milk Procurement

Source of Type Total Total Total **Prices **Prices *Prices Remarks

Procure- of Qty. fat SNF Rs/Kg Rs./Kg Rs./Kg

Ment milk (MT) (MT) (MT) of milk of fat of SNF

Village milk Prod. Cow

Co-op societies Buffalo

Mixed

Milk Prod. Cow

Coop. Unions Buffalo

/Federations Mixed

Other agencies Cow

Buffalo

Mixed

** Annexe details regarding name, location etc. Indicate landed price of milk

MT - Metric tonnes

Rs/kg - Rupees per kilogram

29

Reasons for conservation of commodities

Total Half yearly (MT)

Commodities used for -----

Whole milk powder Skimmed milk powder Butter Oil White Butter

Combined milk for sale

Other Milk Products

Product manufactured

Product Qty. Average Product Qty. Average

Produced (MT) Fat/SNF (Mt.) Fat/SNF

1. White Butter

2. Table Butter

3. Ghee

4. Skimmed milk powder

5. Whole milk powder

6. Infant food

7. Malted food

8. Chocolate products

9. Cheese

10. Any other article containing milk or milk product

11. Ice Cream

12. Yogurt.

Qty - Quantity

MT - Metric Tonnes

SNF - Solid - not - fat

30

Milk sold directly Packing Total quantity Average Consumer price

in towns (Name) (specify) during the period Fat/SNF (Rupees per litre)

(.000L)

Milk supplied to other Total qty. during Average Price (Rupees

dairies (Name of dairy) the period Fat /SNF per litre)

(.000L)

Product marketing

31

Product Opening Stock Quantity sold Closing Stock Average selling

during the (Metric Tonnes) ex-dairy (Rs/lit)

Period (MT)

1. White Butter

2. Table butter

3. Ghee

4. Skim milk powder

5. Whole milk powder

6. Infant food
 7. Malted food
 8. Cheese
 9. Chocolate Products
 10. Any other article containing milk or milk product
 11. Ice-Cream
 12. Yogurt
- Signature
Place:
Date:

32

FIFTH SCHEDULE

(See Para 5 and 25)

CONDITIONS FOR REGISTRATION OF DAIRY ESTABLISHMENTS

A. GENERAL CONDITIONS OF SANITARY AND HYGIENE FOR DAIRY ESTABLISHMENTS

1. Dairy Establishments shall have the following:

- (a) facilities for the hygienic handling and protection of raw materials and of non-packed or non-wrapped dairy products during loading and unloading;
- (b) appropriate arrangements for protection against pests;
- (c) instruments and working equipment intended to come into direct contact with raw materials and dairy products which are made of corrosion-resistant material and which are easy to clean and disinfect;
- (d) special watertight, non-corrodible containers in which to put raw materials or dairy products intended for human consumption. Where such raw materials or dairy products are removed through conduits, these shall be constructed and installed in such a way so as to avoid any risk of contamination of other raw materials or dairy products;
- (e) appropriate facilities for the cleaning and disinfecting of equipment and instruments especially cleaning in place (CIP) system;
- (f) an adequate waste water disposal system which is hygienic and approved by Pollution Control Board;
- (g) a supply of potable water. However a supply of non-potable water is also permitted provided that it is intended only for the cooling of equipment, steam production, fire-fighting and refrigeration equipment, and provided that the pipes installed for this purpose preclude the use of this water for other purposes and present no direct or indirect risk of contamination of the dairy products. Non-potable water pipes shall be clearly distinguished from those used for potable; 33
- (h) an appropriate number of changing rooms with smooth, waterproof, washable walls and floors and within the room or in its immediate vicinity, wash basins with non hand-operable taps, hygienic hand-drying facilities and flush lavatories. The lavatories shall not open directly on to the work rooms;
- (i) a lockable room or a secure place for the storage of detergents, disinfectants and similar substances;
- (j) a rack or cupboard for storing cleaning and maintenance material;
- (k) adequate facilities for cleaning disinfecting tanks used for transporting dairy products. However such facilities shall not be compulsory if alternative facilities which are acceptable to the registering authority are available to the dairy establishment for such purpose; and
- (l) room with adequate capacity for storing raw materials and dairy products.

2. (1) Dairy establishments shall have working areas of sufficient size for work to be carried out under adequate hygienic conditions; their design and layout shall be such as to preclude contamination of the raw materials and the dairy products.

(2) The production of heat-treated milk or the manufacture of milk-based

products, which might pose a risk of contamination to other dairy products, shall be carried out in a clearly separated working area.

(3) In areas where raw materials are handled and dairy products are manufactured, the areas shall have the following:

- (a) solid, waterproof flooring which is easy to clean and disinfect and which allows water to drain away, and equipment to remove water;
- (b) walls which have smooth surfaces and are easy to clean, are durable and impermeable and which are covered with light-coloured coating;
- (c) ceilings or roof linings which are easy to clean in those areas where exposed or non-packaged raw materials or Dairy products are handled;
- (d) doors made of non-corrodible materials which are easy to clean;
- (e) adequate ventilation and, where necessary, good steam and water-vapour extraction facilities in accordance with Factory Act, 1948;
- (f) adequate natural or artificial lighting in accordance with Factory Act, 1948;

34 (g) an adequate number of facilities with hot and cold running water, or water pre-mixed to a suitable temperature, for cleaning and disinfecting hands; taps in work rooms and lavatories for cleaning and disinfecting hands which shall be non hand-operable, these facilities shall be provided with cleaning and disinfecting materials and a hygienic means of drying hands; and

(h) facilities for cleaning tools, equipment and installations.

3. (1) Subject to sub-paragraph (2) of this paragraph, the rooms where raw materials and dairy products are stored shall comply with the requirements specified in paragraph 2(3)(a) to (f) above.

(2) Raw Materials and dairy products shall not be stored in rooms which do not comply with all or any of the requirements of paragraph 2(3)(a) to (f) above.

4. *Rodents, insects and any other vermin shall be systematically destroyed in the dairy establishment and any creature, including any harmful animal shall be prevented from entering rooms in which dairy products are manufactured or stored.*

5. *Instruments and equipment used for working on raw materials and dairy products, floors, ceilings or roof linings, walls and partitions shall be kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination to raw materials or dairy products.*

6. *Equipment, containers and installations which come into contact with dairy products or perishable raw materials used during production shall be cleaned and if necessary disinfected according to a cleaning programme based on risk analysis principles.*

7. *Equipment, containers, instruments and installations which come into contact with microbiologically stable dairy products and the rooms in which they are stored shall be cleaned and disinfected according to a cleaning programme based on risk analysis principles drawn up by the occupier of the dairy establishment.*

8. *Any container or tank used for transporting and storage of raw milk shall be cleaned and disinfected before re-use.* 35

9. The processing establishment shall in principle be cleaned according to a cleaning programme based on risk analysis principles.

10. The occupier of a dairy establishment shall take appropriate measures to avoid cross-contamination of dairy products in accordance with the cleaning programme specified in paragraph 7 above.

11. Disinfectants and similar substances used shall be used in such a way that they do not have any adverse effects on the machinery, equipment, raw materials and dairy products kept at the dairy establishment. They shall be in clearly identifiable containers bearing labels with instructions for their use and their use shall be followed by thorough rinsing of such instruments and working equipment with potable water.

12. Where a dairy establishment produces foodstuffs containing dairy products, together with other ingredients, which have not undergone heat-treatment, or other treatment having an equivalent effect, such dairy products and ingredients shall be stored separately to prevent cross-contamination.

B. GENERAL CONDITIONS OF HYGIENE APPLICABLE TO STAFF

1. The registrant of a dairy establishment shall employ those persons only in such an establishment to work directly with and handle raw materials or dairy products if those persons have proved to the occupier's satisfaction by means of a medical certificate, on recruitment, that there is no medical impediment to their employment in that capacity.

2. Persons working directly with and handling raw materials or dairy products shall maintain the highest standards of personal cleanliness at all times. In particular they shall -

(a) wear suitable, clean working clothes and headgear which completely encloses their hair;

(b) not smoke, spit, eat or drink in rooms where raw materials and dairy products are handled or stored;

(c) wash their hands at least each time work is resumed and whenever contamination of their hands has occurred; and

(d) cover wounds to the skin with a suitable waterproof dressing.

3. The occupier shall take all necessary measures to prevent persons liable to contaminate raw materials and dairy products from handling them until the occupier has adequate evidence that such persons can do so without risk of contamination.

C. SANITARY AND HYGEINIC REQUIREMENTS FOR STORAGE

1. Immediately after procuring, raw milk shall be placed in a clean place, which is suitably equipped so as to prevent the raw milk suffering from any adverse effect.

2. - (1) Where raw milk is -

(a) collected daily from a producer shall, if not collected and brought to the dairy plant within four hours of milking, be cooled as soon as practicable after procuring to a temperature of 8 C or lower and maintained at that temperature until processed;

3. Upon acceptance at a processing establishment milk shall, unless heat-treated within four hours of acceptance, be cooled to a temperature of 4 C or lower, if not already at such temperature, and maintained at that temperature until heat-treated.

4. When the pasteurization process is completed, pasteurized milk shall be cooled immediately to a temperature of 4 degree Celsius or lower.

5. Subject to paragraph 7 below, any dairy product not intended to be stored at ambient temperature shall be cooled as quickly as possible to the temperature established by the manufacturer of that product as suitable to ensure its durability and thereafter stored at that temperature.

6. Where Dairy products other than raw milk are stored under cooled conditions, their storage temperatures shall be registered and the cooling rate shall be such that the products reach the required temperature as quickly as possible.³⁷

7. The maximum temperature at which pasteurized milk may be stored until it leaves the treatment establishment shall not exceed 5 degree Celsius.

D. WRAPPING AND PACKAGING

1. The wrapping packaging of dairy products shall take place under satisfactory hygienic conditions and in rooms provided for that purpose.

2. The manufacture of dairy products and packaging operations may take place in the same room if the following conditions are satisfied: -

(a) the room shall be sufficiently large and equipped to ensure the hygiene of the operations;

(b) the wrapping and packaging shall have been brought to the treatment or processing establishment in protective cover in which they were placed immediately after manufacture and which protects the wrapping or packaging from any damage during transport to the dairy establishment, and they shall have been stored there under hygienic conditions in a room intended for that purpose;

(c) the rooms for storing the packaging material shall be free from vermin and from amounts of dust which could constitute an unacceptable risk of contamination of the product and shall be separated from rooms containing substances which might contaminate the products. Packaging shall not be placed directly on the floor;

(d) packaging shall be assembled under hygienic conditions before being brought into the room, except in the case of automatic assembly or packaging, provided that there is no risk of contamination of the products;

(e) packaging shall be brought into the room under hygienic conditions and used without delay. It shall be handled by staff handling unwrapped products, if there is a risk of cross-contamination; and

(f) immediately after packaging, the dairy products shall be placed in the rooms provided for storage.

3. Bottling or filling of containers with heat-treated milk and milk product shall be carried out mechanically and the sealing of the containers shall be carried out automatically.

4. Wrapping or packaging may not be re-used for dairy products, except where the containers are of a type which may be re-used after thorough cleaning and disinfecting.

5. Sealing shall be carried out in the establishment in which the last heat treatment of drinking milk or liquid milk-based products has been carried out, immediately after filling, by means of a sealing device which ensures that the milk is protected from any adverse effects of external origin on its characteristic. The sealing device shall be so designed that once the container has been opened, the evidence of opening remains clear and easy to check.

(D.S. NEGI)

Joint Secretary to the Government of India

(File No. 9-4/2000-DP)

Foot Note: The Principal Order was published in the Gazette of India vide number SO 405(E) dated, the 9th June, 1992 and subsequently amended vide S.O.32 (E) dated, the 7th Jan., 1993; S.O. 111 (E) dated 17th Feb., 1993; S.O. 639(E) dated 27th August, 1993; S.O. 240 (E) dated 24th March, 1995. And 701 (E) dated 25th July 2001.

To
The Manager,
Government of India Press,
Maya Puri,
New Delhi. (D.S. NEGI)
Joint Secretary to the Government of India

Haryana Murrah Buffalo and Other Milch Animal Breed (Preservation and Development of Animal Husbandry and Dairy Development Sector) Act 2001 (6 of 2001).

ANNEXURE R-2

HARYANA GOVT. GAZ. (EXTRA). OCT. 10, 2002

(ASVN. 18, 1924 SAKA)

PART 1

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 10th October, 2002

No. Leg. 18/2002.-The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 19th September, 2002, and is hereby published for general information :- HARYANA ACT NO. 16 OF 2002

**THE HARYANA MURRAH BUFFALO AND OTHER MILCH ANIMAL BREED
(PRESERVATION AND DEVELOPMENT OF ANIMAL HUSBANDRY AND DAIRY DEVELOPMENT
SECTOR) AMENDMENT ACT, 2002 AN ACT**

Further to amend the Haryana Murrah Buffalo and Other Milch Animal Breed (Preservation and Development of Animal Husbandry and Dairy Development Sector) Act, 2001. Be it enacted by the Legislature of the State of Haryana in the Fifty-third Year of the Republic of India as follows :-

1 (1) This Act may be called the Haryana Murrah Buffalo and other Milch Short title. Animal Breed (Preservation and Development of Animal Husbandry and Dairy Development Sector) Amendment Act, 2002.

2 After clause (f) of section 2 of the Haryana Murrah Buffalo and Amendment of Other Milch Animal Breed (Preservation and Development of Animal Husbandry section 2 of and Dairy Development Sector) Act, 2001 (hereinafter called the principal Act), Haryana Act 6 the following clause shall be inserted, namely :- of 2001.

“(ff) “lean period” means the period commencing from 1st April and ending on 30th June of every year when milk production gets reduced due to climatic and biological reasons

3. For sub-section (1) of section 6 of the principal Act, the following sub- Amendment of section shall be substituted, namely :- section 6 of Haryana Act 6 of 2001.

“(1) For the purposes of this Act and subject to the rules made thereunder, a cess not exceeding fifteen paise per litre shall be imposed on the licensed capacity of a milk plant

Provided that during the lean period the cess at the above rate shall be imposed on the seventy-five percent of the licensed capacity of a milk plant ; Provided further that no cess shall be levied on the day (s) when a milk plant remains closed for the reasons beyond the control of its management." Repeal and 4. (1) The Haryana Murrah Buffalo and Other Milch Animal Breed saving. (Preservation and Development of Animal Husbandry and Dairy Development Sector) Amendment Ordinance, 2002 (Haryana Ordinance No. 1 of 2002), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

R.S. MADAN,
Secretary to Government, Haryana,
Legislative Department.

Haryana Murrah Buffalo and Other Milch Animal Breed Rules, 2002.

HARYANA GOVT. GAZ. (EXTRA). APRIL 12, 2001

(CHTR. 22, 1923 SAKA)

PART 1

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 12th April, 2001

No. Leg. 6/2001.-The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 3rd April, 2001, and is hereby published for general information :-

HARYANA ACT NO. 6 OF 2001 THE HARYANA MURRAH BUFFALO AND OTHER MILCH ANIMAL BREED (PRESERVATION AND DEVELOPMENT OF ANIMAL HUSBANDRY AND DAIRY DEVELOPMENT SECTOR) ACT, 2001
AN ACT

to provide for improvement of the genetic stock of the milch animals specifically the prime breed ‘Murrah’ and local breeds like ‘Sahiwal’ and ‘Hariana’ to improve the skills and technology in the dairy farming and for taking steps for the development of Animal Husbandry and Dairy Development Sectors and to constitute the Haryana Livestock Development Board to achieve this objective. Be it enacted by the Legislature of the State of Haryana in the Fifty second year of the Republic of India as follows :-

1 (1) This Act may be called the Haryana Murrah Buffalo and other Milch Short title, extent Animal Breed (Preservation and Development of Animal Husbandry and Dairy and commencement. Development Sector) Act, 2001.

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas.

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

(a) “animal” includes a heifer ;

(b) “Board” means the Haryana Livestock Development Board constituted under section 4 of this Act.

(c) “custodian” means the person who is in possession of the animal and shall include the consignee/owner and his representative accompanying the animal. It will also include the driver and conductor in case the animal which is being transported through public transport ;

(d) “export” means to take out of the limits of the State of Haryana to any place in India

(e) “Fund” means the fund of the Board ;

(f) “Government” means the Government of the State of Haryana in the Department of Animal Husbandry/Dairy Development.

(g) “licensed capacity” means the maximum production capacity with reference to milk for which the unit is registered under the Milk and Milk Product Order, 1992 of the Central Government.

(h) "milk plant" means the dairy plant owned by any person undertaking, establishment or unit as has been registered under the Milk and Milk Product Order, 1992, of the Central Government and operating within the limits of the State of Haryana ; and

(i) "prescribed" means prescribed by rules made under this Act. Application of Act. 3. This Act shall apply to-

(i) Murrah-buffalo breed of animal ;

(ii) such other animal breed which the Government may, by notification, specify ; and

(iii) milk plants.

Constitution of 4. (1) With effect from such date as the Government may, by Board and its notification, appoint in this behalf, there shall be constituted for carrying out the powers and purposes of this Act a Board to be known as "The Haryana Livestock functions. Development Board", with headquarters at such place as the Government may, by notification, specify.

(2) The Board shall be a body corporate having perpetual succession and a common seal, and, subject to any restriction by or under this Act or the rules made thereunder, shall have the power to acquire, hold, administer and transfer property, movable or immovable, and to enter into contracts, and shall by the said name sue or be sued and do all such things as are necessary for carrying out the objectives for which it is constituted.

(3) The Board shall consist of a Chairman, a Vice Chairman, a Managing Director, a Member Secretary and the following other members, namely :-

(a) ex officio members :-

(i) The Secretary, Animal Husbandry Department, Haryana ;

(ii) The Joint Secretary, Animal Husbandry, Haryana ;

(iii) The Director, Animal Husbandry, Haryana ;

(iv) Dean, College of Veterinary Sciences, Chaudhary Charan Singh Haryana Agriculture University, Hisar.

(v) Dean, College of Animal Sciences, Chaudhary Charan Singh Haryana Agriculture University, Hisar ; Provided that in the case of alteration of any designation, the person holding for the time being the altered designation shall be deemed to be the ex-officio member.

(b) nominated members-

(i) Two Experts of the Department of Animal Husbandry, Haryana from the fields of Animal Breeding and Gynecology and Obstetrics ;

(ii) One nominee of the Department of Animal Husbandry and Dairying, Government of India, New Delhi, not below the rank of Joint Commissioner (Animal Husbandry) ;

(iii) One Officer of Finance Department, Haryana.

4. The Chairman, the Vice-Chairman, the Managing Director and the Member Secretary shall be appointed by the Government upon such terms and conditions as it may think fit ;

Provided that the members specified under clauses (a) and (b) of subsection

(3) may also be appointed as Chairman, Vice Chairman, Managing Director or Member Secretary ; Provided further that the Managing Director and the Member Secretary shall only be an officer of the State Government not below the rank of the Joint Secretary or the Director of Animal Husbandry.

(5) The Members referred to in clause (b) of sub-section (3) shall be nominated by the Government. Provided that in case of member referred to in sub-clause (ii) of that clause the nomination shall be made in consultation with the Government of India.

(6) The objectives of the Board shall be :-

(i) to improve the genetic stock of the animals in the State of Haryana and to promote breeding activities with special emphasis to preserve and multiply the murrah germplasm

(ii) to promote, organize and nurture institutions to generate quality breeding inputs and for delivery of breeding services at the farmers' door step on progressively self generating and economically viable basis ;

(iii) to modernize and upgrade the existing training facilities and to obtain new technologies and upgrade skills on all aspects of livestock production, products processing, storage, transport, merchandising and research work ; and

(iv) such other objectives as may be prescribed.

7. The Board shall be the nodal agency for coordinating, planning, organizing and implementing programmes relating to animal husbandry and dairy development sectors. 8. The powers and functions of the Board and the procedure to conduct its business shall be such as may be prescribed.

9. The Board receive grants, subsidies and financial assistance from the Government, Central Government or any other source and it may raise loans from Banks/International bodies/any other financing agencies and generate funds by sale of semen/embryos or by providing/generating funds by sale of genetic material like frozen semen/embryos and live breeding animals and all such receipts shall be credited to the fund.

10. The procedure to generate, maintain and operate the Fund of the Board shall be such as may be prescribed.

Levy of fee. 5. (1) For the purposes of this Act and subject to the rules made thereunder, a fee shall be levied in such manner and at such rate as may be

prescribed for each animal exported. (2) The fee levied under sub-section (1) shall be paid by the purchaser of the animal in such manner and to such persons or officers as may be prescribed ;

(3) In case, the animal is exported by any person without paying the fee as prescribed under sub-section (1), a penalty, which may extend to five times the fee, shall be imposed upon him in the manner as may be prescribed.

(4) The arrears of such fee levied under sub-section (1)

alongwith penalty imposed under sub-section (3), shall be recoverable as arrears of land revenue.

(5) The amount of fee levied under sub-section (1) and the penalty imposed under sub-section (3), shall be credited to the Fund under a separate head within such period as may be prescribed. Imposition of cess. 6. (1) For the

purposes of this Act and subject to the rules made thereunder, a cess shall be imposed on the licensed capacity of a milk plant at

such rate as the Government may, by notification, specify.

(2) The cess imposed under sub-section (1) shall be paid by the owner of the milk plant in such manner and to such persons or officers as may be prescribed.

(3) In case the cess is not paid by the owner of the milk plant by the due date, a penalty, which may extend to five times of the cess, shall be levied upon him in the manner as may be prescribed.

(4) The arrears of cess imposed under sub-section (1) and penalty levied under sub-section (3) shall be recoverable as arrears of land revenue.

(5) The amount of cess imposed under sub-section (1) and the penalty levied under sub-section (3), shall be credited to the Fund under a separate head within such period as may be prescribed.

7. The amount credited to the fund will be utilized by the Board for Utilization of the furtherance of the objectives of the Act, including those of the Board which will Fund. also include the administrative expenses of the Board.

8. The authority as may be prescribed by the Government shall audit Audit of account. the accounts of the Fund annually.

9. (1) In case the fee or cess, including the penalty, if any, under Interest on sections 5 and 6 are not paid on the due date, the interest on due payment will be delayed payment recovered from the same person who is liable to pay the fee or cess, including of fee or cess. the penalty, if any, at such rate and in such manner as may be prescribed.

(2) The arrears of interest to be paid under sub-section (1) shall be recoverable as arrears of land revenue.

(3) The amount of interest recoverable shall be credited to the Fund under a separate head within such period as may be prescribed.

10. (1) The Government may prescribe conditions on the movement of such animals as it may, by notification specify within the State of Haryana of animals, confiscation and/or the movement of such animals as the Government may, by notification, and compounding of specify for being exported. Offences.

(2) It shall be obligatory on the part of the custodian to comply with such conditions as have been prescribed under sub-section (1).

(3) In case any animal is found to be moving in a manner otherwise than prescribed under sub-section (1), the authorities, as may be designated by the Government by notification, shall confiscate the animal along with the property deployed for such movement :

Provided that the authorities so designated may compound the offence and release the animal for movement on charging composition fee in the manner as may be prescribed. However, before doing so the authorities shall ensure that the provisions under sub-section (1) have been complied with : Provided further that in case the animal and/or the property deployed remains unclaimed or abandoned, the authority so designated may dispose it off in the manner as may be prescribed. Explanation.-Property deployed includes any means of transport.

11. Whoever contravenes the provisions of section 10 shall be punishable with imprisonment for a term which may extend to six months or with a fine which may extend to five thousand rupees or with both.

Appeal. 12. An appeal from every order with reference to fee or cess passed under this Act or the rules made thereunder shall lie to the Government in the manner as may be prescribed.

Delegation of 13. The Government may, by notification, direct that all or any of the Powers. powers exercisable by it under this Act, may also be exercised by such person or persons as may be specified in the notification.

Protection of 14. No suit, prosecution or other legal proceedings shall lie against the action taken in Government or any officer or other employee of the Government or the Board in good faith. respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, rules or regulations made or any directions issued thereunder.

Power to make 15. The Board may, with the previous approval of the Government, regulations. make regulations not inconsistent with the provisions of this Act and the rules framed thereunder for the purposes of giving effect to the provisions of this Act.

Power to remove 16. If any difficulty arises in giving effect to the provisions of this Act or difficulties. by reasons of anything contained in this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

Power to make 17. (1) The Government may, by notification in the Official Gazette, rules. make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,-

(a) the powers, functions, procedure of conduct of business of the Board and the procedure to generate, maintain and operate the Fund under section 4 ;

(b) the rate of fee to be levied under section 5 (1), the manner of payment of fee and the persons or officers to whom the same shall be paid under section 5 (2) ;

(c) the period within which the fee levied under section 5 (1) and the penalty imposed under section 5 (3) shall be credited to the Fund ;

(d) the manner of payment of cess and the persons or officers to whom the same shall be paid under section 6 (2) ;

(e) the period within which the cess levied under section 6

(1) and the penalty imposed under section 6 (3) shall be credited to the Fund ;

(f) the authority under section 8 to audit the accounts of the Fund ;

(g) the rate and the manner of payment of interest on

delayed payment of fee, cess and penalty ;

(h) conditions on movement of animals within the limits of the State or movement of animals exported, under section 10 (1) and composition fee and disposal of animals and/or property deployed under section 10 (3) ;

(i) the manner in which the appeal shall lie ; and

(j) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of four 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, the Legislative Assembly agrees that the rules should be either modified or annulled, the rule 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.

L.N. MITTAL,

Secretary to Government, Haryana,

Legislative Department.

ANNEXURE R-2

HARYANA GOVT. GAZ. (EXTRA). OCT. 10, 2002

(ASVN. 18, 1924 SAKA)

PART I

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 10th October, 2002

No. Leg. 18/2002.-The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 19th September, 2002, and is hereby published for general information :-

HARYANA ACT NO. 16 OF 2002

**THE HARYANA MURRAH BUFFALO AND OTHER MILCH ANIMAL BREED
(PRESERVATION AND DEVELOPMENT OF ANIMAL HUSBANDRY AND
DAIRY DEVELOPMENT SECTOR) AMENDMENT ACT, 2002
AN ACT**

Further to amend the Haryana Murrah Buffalo and Other Milch Animal Breed (Preservation and Development of Animal Husbandry and Dairy Development Sector) Act, 2001. Be it enacted by the Legislature of the State of Haryana in the Fifty-third

Year of the Republic of India as follows :-

1 (1) This Act may be called the Haryana Murrah Buffalo and other Milch Short title.

Animal Breed (Preservation and Development of Animal Husbandry and Dairy

Development Sector) Amendment Act, 2002.

2 After clause (f) of section 2 of the Haryana Murrah Buffalo and Amendment of Other Milch Animal Breed (Preservation and Development of Animal Husbandry section 2 of

and Dairy Development Sector) Act, 2001 (hereinafter called the principal Act), Haryana Act 6 the following clause shall be inserted, namely :- of 2001.

‘(ff) “lean period” means the period commencing from 1st April and ending on 30th June of every year when milk production gets reduced due to climatic and biological reasons

3. For sub-section (1) of section 6 of the principal Act, the following sub- Amendment of section shall be substituted, namely :- section 6 of Haryana Act 6 of 2001.

“(1) For the purposes of this Act and subject to the rules made thereunder, a cess not exceeding fifteen paise per litre shall be imposed on the licensed capacity of a milk plant

Provided that during the lean period the cess at the above rate shall be imposed on the seventy-five percent of the licensed capacity of a milk plant ; Provided further that no cess shall be levied on the day (s) when a milk plant remains closed for the reasons beyond the control of its management.”

Repeal and 4. (1) The Haryana Murrah Buffalo and Other Milch Animal Breed saving. (Preservation and Development of Animal Husbandry and Dairy Development Sector) Amendment Ordinance, 2002 (Haryana Ordinance No. 1 of 2002), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

R.S. MADAN,
Secretary to Government, Haryana,
Legislative Department.

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

As amended by Central Act 26 of 1982.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

(59 OF 1960)

As amended by Central Act 26 of 1982.

ARRANGEMENT OF SECTIONS

Section No.

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2. Definitions.

3. Duties of persons having charge of animals.

CHAPTER II - ANIMAL WELFARE BOARD OF INDIA

4. Establishment of Animal Welfare Board of India.

5. Constitution of the Board.

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6. Term of office and conditions of service of Members of the Board,

7. Secretary and other employees of the Board.

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CHAPTER III-CRUELTY TO ANIMALS GENERALLY

11. Treating animals cruelly.

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CHAPTER IV-EXPERIMENTATION OF ANIMALS

14. Experiments on animals.

15. Committee for control and supervision of experiments on animals.

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19. Power to prohibit experiments on animals.

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22. Restriction on exhibition and training of performing animals.

23. Procedure for registration.

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CHAPTER VI-MISCELLANEOUS

28. Saving as respects manner of killing prescribed by religion.

29. Power of court to deprive person convicted of ownership of animal.

30. Presumptions as to guilt in certain cases.

31. Cognizability of offences.

32. Powers of search and seizure.

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34. General Power of seizure for examination.

35. Treatment and care of animals.

36. Limitation of prosecutions.

37. Delegation of powers.

38. Power to make rules.

38A. Rules and regulations to be laid before Parliament.

39. Persons authorised under section 34 to be public servants.

40. Indemnity.

41. Repeal of Act 11 of 1890.

LIST OF ABBREVIATIONS USED

Ins. Inserted

S. Section

Subs. Substituted.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

(59 OF 1960)

(26th 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 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.

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

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

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 of 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 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.

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.

CHAPTER II

2(ANIMAL WELFARE BOARD OF INDIA)

4. Establishment of Animal 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 3(Animal 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;

4(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;

5[(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 animal 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).

(2) Any of the persons referred to in clause 9a) or 6[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.

7[(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.)

5A. Reconstitution of the Board : 8[5.A (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 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 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).

96. 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 (g), clause (h) or clause (i) of section 5 to represent anybody 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 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 allowance, if any, as the Board may, subject to the previous approval of the Central Government, provided 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 function of the Board.)

7. Secretary and other employees of the Board : (1) The Central Government shall appoint 10xxxxx 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, 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 Board

(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 11 (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 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;

(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, 12 (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 hospital, 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.

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

(c) wilfully and unreasonably administers any injurious drug or injurious substance to 14(any animal) or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by 15(any 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 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 (any animal) fails to provide such animal with sufficient food, drink or shelter; or

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

16{(1) mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections, in the heart or in any other unnecessarily cruel manner or;)

17{(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 or prey for any other animal; or

(n) 18[xxxx] organises, keeps uses or acts in the management or, 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 19(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.]

(2) For the purposes of 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 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 noseroping of any animal in the prescribed manner, or

(b) the destruction of stray dogs in lethal chambers 20[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.

12. Penalty for practising phooka or doom dev : If any persons upon any cow or other milch animal the operation called practising phooka or 21[doom dev or any other operation (including injection of any or doom dev. 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 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 animals 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, 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 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, forth with 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 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; 22(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 OF 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 be 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.

(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.

23[15A. Sub-Committee : (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 committee 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 the 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 animals relation to the conduct of such experiments.

24[(1A) In particular, and without prejudice to the generality to 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 or, 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 therefore 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 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 anaesthetics, 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 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 direction.

(4) All rules made by the Committee shall be binding on all individuals performing experiments outside institutions and on persons incharge 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 and 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 animals the Committee may, after giving an opportunity to the 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 incharge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

CHAPTER V

PERFORMING ANIMALS

21. "Exhibit" and "train" defined : In this Chapter, " exhibit" means exhibit or 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.

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.

(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 animals 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 field by the 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 "his 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 the 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 'the 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 bonafide 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 purposes.

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.

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 if left with the owner, is likely to be exposed to further cruelty.

(3) without prejudice to the provision 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 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 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 oil 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. Presumptions as to guilt in certain cases : If any person is charged with the offences of killing a goat, cow or its to guilt in progeny contrary to the provisions of clause (1) of sub section (1) or 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 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 or Criminal procedure, 1898, (5 of 1898) an offence punishable under clause (1) or 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. Powers 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 (1) of sub-section (1) of section 11 in respect of any such animal as is referred to in section 30 is being, 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 25(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 incharge 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 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, relating to searches shall so far as those provision 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 seizure for by the State Government in this behalf, who has reason to believe that examination 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.

(2) The magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animals 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 a 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 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 same 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 prosecutions 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 26(xxxx) 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.

27[(aa) the manner in which the persons to represent municipal corporation are to be elected under clause (e) of sub-section (1) of section

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

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

28[(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 person 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;

29[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 the Act may be applied, including such purposes as the maintenance of infirmaries, pinjrapole and veterinary hospitals;

(1) 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.

30[XXXX]

31[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 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, should not be made the rule or regulation shall there after 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.]

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.

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

ANNEXURE

Notifications under section 1 (3) of the Act bringing it into force in specified States and Union Territories.

1. (a) Chapters I and II came into force in the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Chennai (Tamil Nadu), Maharashtra, Madhya Pradesh, Mysore (Karnataka), Orissa, Uttar Pradesh and West Bengal and the Union Territories of Delhi, Manipur and Tripura on the 1st September, 1961, Vide Notification No. 9-2/61 L.D dated 25th August, 1951/Bhadra, 1883 of Government of India. Ministry of Food and Agriculture (Department of Agriculture).

(b) Chapter IV came into force in the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Chennai (Tamil Nadu), Maharashtra, Madhya Pradesh, Mysore (Karnataka), Orissa, Rajasthan, Uttar Pradesh and West Bengal and in the Union Territories of Delhi, Himachal Pradesh, Manipur and Tripura on the

15 July, 1963, vide Notification No. 19-12/63-LD dated 11th July 1963/20th Asadha, 1885 (S.E.) of Government of India, Ministry of Food and Agriculture (Department of Agriculture).

(c) Chapters III and IV came into force in the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Chennai (Tamil Nadu), Maharashtra, Madhya Pradesh, Mysore (Karnataka), Orissa, Uttar Pradesh and West Bengal and the Union Territories of Delhi, Himachal Pradesh, Manipur and Tripura on the 20th November, 1963, vide Notification No. 9-24/62-LD dated 29th October, 1963/7th Kartika 1885 (S.E.) of Government of India, Ministry of Food and Agriculture (Department of Agriculture)

(d) Chapters III and VI came into force in West Bengal on the 1st June, 1975, vide Notification No. 21-2/74-LDI. dated 28th May, 1975 of Government of India, Ministry of Agriculture and Irrigation (Department of Agriculture)

(e) The whole Act came into force in the State of Punjab and the Union Territory of Andaman and Nicobar Islands on the 1st April, 1961 vide Notification No. 9-2/61-LD of the Ministry of Food and Agriculture.

(f) Chapters I and II came into force in the then Union Territory of Himachal Pradesh on the 2nd October, 1961, vide Notification No. 9-2/61 LP of the Ministry of Food and Agriculture.

(g) Chapters I and II came into force on the 26th January, 1962 in the State of Rajasthan vide Notification No. 9-2/61-LD. of the Ministry of Food and Agriculture.

(h) Chapter V came into force in all the States and Union Territories (except Jammu & Kashmir) on 24th May 1977 Vide Notification No. 14-22/76-LDI dated 24th May 1977 of Government of India, Ministry of Agriculture and Irrigation (Department of Agriculture).

1 See Annexure for notifications under Section 1 (3)

1Subs. by Act. 26 of 1982 which came into force on 30th July 1982.

2Subs. by Act 26 of 1982; S.3, for the words "Animal Welfare Board".

3Sub-ibid, SA for the words "Animal Welfare Board".

4inserted by Act 26 of 1982; S. 5 (a) (i)

5Subs. - ibid S. 5 (a) (ii) for the original clause.

6Subs. by Act 26 of 1982: S.5 (b), for the word, brackets and letter clause (b)

7Subs. ibid, S.5 (c) for the original clause.

8 ins. ibid, S.6.

9Subs., by Act 26 of 1982, S.7, for the original Section.

10The words "one of its officers to be" omitted by Act 26 of 1982,

11Subs, by Act 26 of 1982, S.9 (a) for the word "ameliorating the condition of beasts of burden

12"Subs, ibid, S, 9 (b) for the words "the formation of pinjrapoles, sanctuaries and the like"

13Subs. by Act 26 of 1982, S. 10 (a) (i) for the words "employs in any work or labour any animal which, by reason of any disease";

14Subs. ibid S.10 (a) (ii) for the words "any domestic or captive animal".

15Subs, ibid S. 10 (a) (ii) for the words "any captive animal".

16Subs. by Act 26 of 1982, S. 10 (a) (iv) for the original clause.

17Subs. ibid. S. 10 (a) (v) for the original clause.

18The words "for the purposes of his business" omitted by Act 26 of 1982, S. 10 (a) (vi)

19Subs. ibid S. 10 (a) (vii) for the portion beginning with the words "in the case of a first offence" and ending with the words "or with both".

20Subs. by Act 26 of 1982, S. 10 (b), for the words "by the other methods with a minimum of suffering".

21Subs. ibid S. 11, for the words, "doom dev"

22Ins. by Act 26 of 1982, S. 12

23Ins. by Act 26 of 1982, S. 13.

24Ins. by Act 26 of 1982, S. 14.

25Subs. by Act 26 of 1982 S. 15 for the words "doom dev".

26The words "terms and" omitted by Act 26 of 1982, S. 16 (a) (i).

27Ins ibid S. 16 (a) (H).

28Ins by Act 26 of 1982 S. 16 (a) (iii)

29Ins. by Act 26 of 1982. S. 16 (a) (iv)

30Sub-section (4) of the Principal Act omitted by Act 26 of 1982. S. 16(b)

31Ins. ibid S, 17.

THE PREVENTION OF CRUELTY TO DRAUGHT AND PACK ANIMALS RULES, 1965.

(as amended upto 9th December, 1968)*

In exercise of the powers conferred by sub-section (2) of section 38'of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (i) of that section, namely

The Prevention of Cruelty to Draught and Pack Animals Rules, 1965

1. Short title and commencement:

(1) These rules may be called the Prevention of Cruelty to Drought and Pack Animals Rules, 1965.

(2) They shall come into force in any State on such date as the State Government may, by notification in the official Gazette, appoint.

2. Definitions

(1) In these rules, unless the context otherwise requires

(a) "large bullock" or "large buffalo" respectively means a bullock or buffalo, the weight of which exceeds 350 kilograms ;

(b) "medium bullock" or "medium buffalo" respectively means a bullock or buffalo, the weight of which exceeds 250 kilograms, but does not exceed

350 kilograms "small bullock" or

(c) "small buffalo" respectively means a bullock or buffalo, the weight of which does not exceed 250 kilograms ;

(d) "street" includes any way, road, lane, square, alley or passage, whether a thoroughfare or not over which the public have a right of way; "vehicle" means a wheeled conveyance of any description which is capable of being used as such on any street.

(2). For the purposes of clauses (a), (b) and (c) of sub-rule (1), the weight of an animal shall be determined by applying any of the following formulae, namely:

length x Girth 2 in cms. = Weight of animal in kgms 10838

or

$9(\text{length in cms.} \times \text{Girth in cms}^2)$

1,00,000

3. Maximum loads for draught animals:

1. No person shall cause any animal specified in column 1 of the table below to draw a vehicle of the kind described in the corresponding entry in column 2 thereof if it carries a load in excess of the weight specified in the corresponding entry in column 3 thereof.

Sno 1 2 3

(1). Small bullock or small buffalo

Two-wheeled vehicle

a) if fitted with ball bearing

1000 kilograms

b) if fitted with

pneumatic tyres

750 kilograms

c) if not fitted with

pneumatic tyres

500 kilograms

2. Medium bullock or medium buffalo

Two-wheeled vehicle

a) if fitted with ball

bearing

1400 kilograms

b) if fitted with

pneumatic tyres

1050 kilograms

c) if not fitted with

pneumatic tyres

900 kilograms

3. Large bullock or

large buffalo

Tow-wheeled -vehicle

a) if fitted with ball

bearing

1800 kilograms

b) if fitted with

pneumatic tyres

1350 kilograms

c) if not fitted with

pneumatic tyres

900 kilograms

4. Horse or mule Two- wheeled

vehicle

a) if fitted with

pneumatic tyres

750 kilograms

b) if not fitted with

pneumatic tyres

500 kilograms

5. Pony Two -Wheeled

vehicle

a) if fitted with

pneumatic tyres

600 kilograms

b) if not fitted with

pneumatic tyres

400 kilograms

6. Camel Two-Wheeled

Vehicle

1000 kilograms

2. Where the vehicle to be drawn is a four-wheeled vehicle, weight specified in column 3 of the said table shall, in each case, be read as being one and a quarter times and, if the four-wheeled vehicle is one fitted with pneumatic tyres, as being one and a half times, as much as the weight so specified.

3. Where the vehicle, whether two-wheeled or four-wheeled is to be drawn by two animals of either species referred to in each of the entries in column 1 of the said table, the weight specified in the corresponding entry in column 3 thereof shall be read as being twice, and, if the vehicle is one fitted with pneumatic tyres, as being two and a half times as much as the weight so specified.

4. Where the route by which a vehicle is to be drawn involves an ascent for not less than one kilometer and the gradient is more than three meters in a distance of thirty meters, the weight specified in column 3 of the said table shall, in each case, be read as being

one-half of what is so specified.

Explanation 1: The weights specified in this rule shall be inclusive of the weight of the vehicle.

Explanation 2: In calculating any weight for the purpose of this rule, fractions shall be disregarded.

4. Maximum load for certain pack animals:

No person shall cause any animal specified in column 1 of the table below to carry any load in excess of the weight specified in the corresponding entry in column 2 thereof.

Sno 1 2

1 Small bullock or buffalo 100 kilograms

2 Medium bullock or buffalo 150 kilograms

3 Large bullock or buffalo 175 kilograms

4 Pony 70 kilograms

5 Mule 200 kilograms

6 Donkey 50 kilograms

7 7. Camel 250 kilograms

5. Maximum number of passengers for animal drawn vehicles :

No person in charge of any vehicle drawn by any animal referred to in column I of the table under sub-rule (1) or rule 3 shall allow more than four persons, excluding the driver and children below 6 years of age, to ride on the vehicle.

6. General Conditions for use of draught and pack animals :

No person shall use or cause to be used any animal for drawing any vehicle or carrying any load

(i) for more than nine hours in a day in the aggregate.

(i) for more than five hours continuously without a break for rest for the animal

(i) in any area where the temperature exceeds 37°C (99°F) during the period between 12.00 noon and 3.00 p.m.

7. Animals to be disengaged after work:

No person shall continue to keep or cause to be kept in harness any animal used for the purpose of drawing vehicles, after it is no longer needed for such purpose.

8. Use of Spiked bits prohibited:

No person shall, for the purpose of driving or riding an animal or causing it to draw any vehicle or for otherwise controlling it, use any spiked stick or bit, harness or yoke with spikes, knobs or -projections or any other sharp tackle or equipment which causes or is likely to cause bruises, swellings, abrasions or severe pain to the animal.

9. Saddling of horses :

No person shall cause a horse to be saddled in such a way that the harness rests directly on the animal's withers without there being sufficient clearance between the arch of the saddle and the withers.

10. Certificates regarding unladen weight of vehicles, etc.

(1). For the purpose of these rules, the Board may authorise any organisation established for the purpose of preventing cruelty to animals or for promoting their welfare to issue to the owner of any vehicle which may be brought before it for examination, a certificate as to its unladen weight, and any certificate so issued may be accepted as evidence of the weight of such vehicle.

(2) Nothing contained in this rule shall be construed as being in derogation of any right conferred by any law for the time being in force authorising any local authority to determine the unladen weight of any vehicle and to grant the necessary certificate-or stamp the vehicle in this behalf.

11. Powers of police officers and other authorised persons :

(1) If any police officer above the rank of a constable or any other person authorised in this behalf by the State Government or by the Board by general or special order has reason to believe that an offence against rule 3 or 4, has been or is being committed in respect of any animal referred to therein, he may, in any case where a weigh bridge is available within a reasonable distance, require the owner or other person in charge of such animal to take the animal or the vehicle or both to the weigh bridge for the purpose of determining the weight of the load which the animal has been or is drawing or carrying.

(2) If the owner or other person in charge of the aforesaid animal refuses to comply with the demand of the police officer or other person as so authorised, it shall be lawful for such police officer or other person to take the animal or the vehicle or both to the weigh bridge for the purpose aforesaid.

(3) As soon as any weight is determined under this rule, the owner or other person in charge of the said animal shall be given a statement in writing signed by the police officer or the person authorised as aforesaid, as the case may be, as to the weight so determined and any other information relevant for the purpose.

12. Application of rules where local bye-laws etc. exist:

If there is in force in any area to which these rules extend, any rule, regulation or bye-law made under any law for the time being in force by any local authority in respect of any of the matters for which provision is made in these rules, such rule, regulation or bye-law shall, to the extent to which

(a) It contains provisions less irksome to the animal than those contained in these rules, prevail,

(b) It contains provisions more irksome to the animal than those contained in these rules, be of no effect.

(Notified in the Gazette of India, Part 11, Section 3, Sub-section (ii), vide Government of India, Ministry of Food and Agriculture, No. 9-18/62-LD. Dated 23rd March, 1965.)

* [Government of India, Ministry of Food, Agriculture, Community Development & Co-operation (Department of Agriculture), Notification No.34-2/67-LD, III dated the 9th December, 1968.]

**THE PREVENTION OF CRUELTY TO ANIMALS
(LICENSING OF FARRIERS) RULES, 1965.**

In exercise of the powers conferred by clause (f) of sub-section (2) of section 38 of

the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, the same having been previously published as required by subsection (1) of that section, namely
The Prevention of Cruelty to Animals (Licensing of Farriers) Rules, 1965

1. Short title and commencement:

1) These rules may be called the Prevention of Cruelty to Animals (Licensing of Farriers) Rules, 1965.

2) They shall come into force in any State on such date as the State Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different areas of the State.

2. Definitions:

In these rules, unless the context otherwise requires

(a) "cattle" means buffaloes, bullocks, horses, mules, or donkeys and includes other animals used for draught, pack or carriage purpose, which require shoeing;

(b) "farrier" means a person who carries on the business of shoeing cattle

(c) "licence" means a licence granted under these rules;

(d) "licensing authority" means such officer of the veterinary department of the State or a local authority or any organisation for the welfare of animals as the State Government may, by general or special order, specify in this behalf.

3 Farriers to be licenced :

No person shall, after the commencement of these rules, begin to carry on the business of a farrier, and no person carrying on the business of a farrier at the commencement of these rules, shall, after the expiration of three months from such commencement, continue to carry on such business, except under a licence.

4 Persons entitled to apply for licence

Every person who

(i). has completed the age of eighteen years , and

(ii). has undergone any such training in the business of shoeing cattle as may be approved by the licensing authority,* or

(iii). has been carrying on the business of a farrier for not less than two years before the commencement of these rules shall be entitled to a licence.

5 Application for licence :

Every person who at the commencement of these rules is carrying on the business of a farrier and who intends to carry on such business after such commencement and every person who intends to begin such business after such commencement shall apply in writing to the licensing authority for a licence giving his name, place of residence, place of business. his qualifications for the licence and such other particulars as the licensing authority may require

6 Grant of licence :

The licensing authority shall after satisfying himself as to whether the applicant is a fit and proper person to be granted a licence and whether he has equipped himself or has made arrangements for equipping himself with proper tools and other implements for the purpose of his business, grant to, every applicant who is duly qualified in this behalf a licence in the form prescribed in the Annexure to these rules.

Explanation : The tools and other implements which a person carrying on or intending to carry on the business of a farrier shall ordinarily have in his possession are the following, namely

1 Driving hammer with claws.

2 Hand hammer.

3 Drawing knife.

4 Scorcher knife.

5 Pincers.

6 Buffer.

7 Rasp.

8 Chisel for cutting bar iron.

9 Punch for making nail holes.

10 Nails for shoeing.

11 Twitch.

12 Wooden plank for finishing work.

13 Iron anvil.

14 Good quality wrought iron for shoes.

7 Term of licence and renewal thereof :

(1). A licence shall be valid for a period of two years from the years from the date of its grant, but it may be renewed from time to time on application made by the licence stating the period from which the licence is to be renewed:

Provided that no licence shall be renewed for a period exceeding two years at a time.

(2). The renewal of a licence shall be made by inscribing, in the columns provided for the purpose in the licence, the date of renewal, the date of expiry of the renewed licence and the signature of the licensing authority.

8 Issue of duplicate licence :

If a licence is defaced, lost or destroyed the licensing authority may after making such inquiry into the matter as he thinks fit, issue a duplicate.

9 Farrier to exercise reasonable care and skill :

Every licence under these rules shall exercise a reasonable degree of care and skill in the shoeing of cattle.

10 Cancellation of licence:

(1). It shall be lawful for ' the licensing authority to enter the place of business of any licence during normal working hours for the purpose of inspection; and if, in the opinion of the licensing authority the licence is unable to exercise a reasonable degree of care and skill in the shoeing of cattle or is not properly equipped for the purposes of his business, he may, after giving the licence a reasonable opportunity of being heard, cancel the licence.

(2). A licence may also be cancelled if the licensing authority is satisfied, after giving the licence a reasonable opportunity of being heard, that there has been a breach of any of the conditions of the licence.

"10A.An appeal shall lie from any order refusing or canceling a licence under these rules to such authority as the State Government may, by notification in the official

Gazette, specify for the purpose."

11 Issue of fresh licence after cancellation

A person whose licence has been cancelled under rule 10 may be granted a fresh licence on application made in this behalf if the licensing authority is satisfied that having regard to the circumstances obtaining at the time of such application, there is no reason why the applicant should not be granted a fresh licence.

12 Fees :

(1). The fees payable on every application for a licence shall be one rupee and that on every application for renewal of the licence or for a duplicate thereof shall be fifty paise.

(2). Such fees may be paid either in cash or by affixing non-judicial stamps of equivalent value to the application.

13 Maintenance of register

The licensing authority shall maintain a register containing full particulars relating to every licence

□ Inserted by the Licensing of Farriers (Amendment) Rules, 1966 - vide Government of India, Ministry of Food, Agriculture, Community Development and co-operation (Department of Agriculture) Notification No. 1913/65-LD, dated the 8th March, 1966

Farrier's Licence

Licence No

1. Name of Licence.

2. Place of residence and full postal address.

3. Place of business.

4. Duration of Licence.

From.....To

CONDITIONS OF LICENCE

(1). This licence is valid for two years only from the date of its grant, unless renewed, on application made under rule 7 of the Prevention of Cruelty to Animals (Licensing of Farriers) Rules, 1965, within one month before the date of expiry of the original or earlier licence.

(2). During the continuance of the licence, the licence shall be bound to produce for inspection during normal workings hours and at his place of business all the tools and other implements in his possession and kept for the purpose of his business if a demand for the production of the same is made by the licensing authority.

(3). The licence shall afford all reasonable facilities for the purpose of enabling the licensing authority to inspect the place of business of the licence and the manner in which he is carrying on the business.

RENEWAL ENDORSEMENT

Date of Renewal

Date of Expiry

Signature of licensing authority

Remarks

2 3 4

* (Notified in the Gazette of India, Part 11, Section 3, Sub-section (ii) vide

Government of India, Ministry of Food & Agriculture No.9-18/62-LD, dated 23rd March, 1965).Substituted by the Licensing of Farriers (Amendment) Rule, 1966.

Transport of Animals, Rules, 1978.

In exercise of the powers conferred by clause (h) of sub-section (2) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960); the Central Government hereby makes the following rules, the same having been previously published as required by the said Section,namely :

Transport of Animals Rules, 1978.

Chapter I

1. Short Title

These rules may be called the Transport of Animals, Rules, 1978.

2. Definitions :

In these rules, unless the context otherwise requires

(a) qualified veterinary surgeon means one who holds a diploma or a degree of a recognized veterinary college.

(b) "Schedule" means a schedule appended to these rules.

CHAPTER II

Transport of Dogs and Cats

3. Rules 4 to 14 shall apply to the transport of dogs and cats of all breeds whether by rail, road, inland, waterway, sea or air.

4. (a) A valid health certificate by a qualified veterinary surgeon to the effect that the dogs and cats are in a fit condition to travel by a rail, road, inland waterway, sea or air and are not showing any sign of infectious or contagious disease including rabies, shall

accompany each consignment and the certificate shall be in the form specified in Schedule - A.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

5. No dog or cat in an advanced stage of pregnancy shall be transported.

6. (a) Dogs or cats to be transported in the same container shall be of the same species and breed.

(b) Unweaned puppies of kittens shall not be transported with adult dogs or cats other than their dams.

(c) No female dog or cat in season (cestrus) shall be transported with any male.

7. (a) Any dog or cat reported to be vicious or exhibiting a vicious disposition shall be transported individually in a cage, muzzled and labelled to give warning to the handlers.

(b) In extreme cases, the dogs and cats shall be administered with sedative drugs by a qualified veterinary surgeon.

8. (1) When dogs or cats are to be transported for long distances:

(a) they shall be fed and given water atleast two hours prior to their transport and

shall not be packed for transport if they are hungry or thirsty. they should be exercised as late as possible before despatch.

(b) they shall be given adequate water for drinking every four hours in summer or every six hours during winter.

(c) they shall be fed once in twelve hours in the case of adult dogs or cats and they shall be fed once in four hours in the case of puppies and kittens in accordance with the instructions of the consignors if any.

(e) adequate arrangements shall be made for their care and management during the journey.

(2) When the dogs or cats are to be transported by rail involving a journey of more than, six hours, an attendant shall accompany the dogs or cats to supply them with food and water on the way and the attendant shall have access to the dogs or cats for this purpose at all stations and no dog or cat shall be exposed to the direct blast of air during such journey.

9. Where dogs or cats are to be transported for short distance by road in a public vehicle, the following precautions are to be taken namely:

(a) they shall be put in a cage and the cage containing the dogs or cats shall not be put on the roof of the vehicle but shall be put inside the vehicle preferably near the end of the vehicle

(b) the vehicle transporting the dogs or cats shall as far as possible maintain constant speed, avoiding sudden stops and reducing effects of shocks and jolts to the minimum.

(c) at least one attendant shall be present at all times during transit who shall ensure that proper transit conditions are observed and shall also replenish food and water whenever necessary.

10. Where dogs or cats are to be transported by air:

(a) the cages shall be properly cleaned and disinfected before the dogs or cats are put in the cages.

(b) sufficient paddy straw or saw dust or paper cuttings shall be provided for cats in the cages as resting material.

(c) for international transport, the dogs or cats shall be kept in pressurized compartment with regulated temperature.

11. The size and type of crates for transport of dogs and cats shall conform as clearly as may be to the size and type specified in Schedule - B and Schedule - C respectively.

12. All containers of dogs or cats shall be clearly labelled showing the names address and telephone number (if any) of the consignor.

13. The consignee shall be informed about the train or transport arrival or flight number and its time of arrival in advance.

14. Consignment of dogs or cats to be transported by rail or road shall be booked by the next passenger or main train or bus and should not be detained after accepting the consignment for booking.

CHAPTER III

Transport of Monkeys

15. Rules 16 to 23 shall apply to the transport of all types of monkeys from the trapping area to the nearest rail-head.

16. (a) A valid health certificate by a qualified veterinary surgeon to the effect that the monkeys are in a fit condition to travel from the trapping area to the nearest unit-head and are not showing any sign of infections or contagious disease shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificate shall be in a form specified in Schedule - D.

17. (1) Monkeys from one trapping area shall not be allowed to mix with monkeys from any other trapping area for preventing the dangers of cross - infection.

(2) The time in transit from trapping area to the nearest rail-head shall be as short as possible and factors causing stress to monkeys shall be reduced to the minimum.

(3) If the travel time is longer than six hours provision shall be made to feed and to give - water to the monkeys en route.

(4) During transit, precautions shall be taken to protect the monkeys from extreme weather conditions and monkeys that die en route shall be removed at the earliest available opportunity.

18. Monkeys that are not completely weaned, that is, under 1.8 kilogram in weight, shall not be transported except when specifically permitted by the Central Government.

19. (a) Pregnant and nursing monkeys shall not be transported except when specifically permitted by the Central Government.

(b) Pregnant and nursing monkeys as well as monkeys weighing more than 5 kilograms-shall be transported in compartmented cages.

20. All monkeys in the same cage shall be of the same species and of approximately the same weight and size.

21. Monkeys captured within their natural habitat shall be placed in new, sterilized or thoroughly cleaned cages and subsequent transfer, if any, shall also be new, disinfected or thoroughly cleaned cages.

22. Monkeys shall be transported from trapping area to the nearest rail-head by the fastest means of transport available and the monkeys shall not be left un-attended at any time during the journey.

23. 1. (a) Monkeys shall be transported in suitable wooden or bamboo cages, so constructed as not to allow the escape of the monkeys but permit sufficient passage of air ventilation.

(b) No nails, metallic projections or sharp edges shall be exposed on the exterior or in the interior of the cages.

(c) Each cage shall be equipped with appropriate water and feed receptacles which are leak proof and capable of being cleaned and refilled during transit.

(2) The floor of the cages shall be made of bamboo reapers and the space between each reaper shall range between 20 mm and 30mm.

(3) To facilitate carriage of these cages, provision may be made for rope loops at the four top ends.

(4) The weight of any one loaded cage shall not exceed 45 kilograms.

(5) The following two sizes of cages shall be used.

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

and 5.0 kilograms, each.

(b) 710 x 710 x 510 mm - to contain not more than ten monkeys weighing between 1.8 and 3.00 kilograms each or eight monkeys weighing between 3.1 and 5.00 kilograms each.

Provided that wooden cages as specified in Schedule - F to these rules may also be used for carrying monkeys from the trapping area to the nearest rail-head.

(6) The construction details of two types of cages shall be given in Schedule - E.

24. Rules 25 to 32 shall apply to transport of monkeys from a rail - head to another railhead or from a rail-head to nearest airport.

25. (a) Loading and unloading shall be carried out quickly and efficiently.

(c) Cages shall be stored in such a manner that ventilation is adequate and the monkeys are not exposed to drought and direct heat or cold.

(d) Monkeys found dead shall be removed as quickly as possible for suitable disposal.

26. The transport cages shall be in accordance with specifications given in rule 28.

27. (1) Due provision shall be made by the sender for a sufficient supply of food and water for the journey.

(2) In case the journey is over six hours an attendant shall accompany the monkeys to supply them food, water, and such other things, on route and he shall have access to the monkeys for feeding, giving water and attention at all stations en route.

(3) The food and water containers shall be checked at least every six hours and refilled, if necessary.

(4) Monkeys shall not be disturbed during the night hours.

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

29. Monkeys shall be brought to the airport sufficiently early.

30. Monkeys shall be provided with food and water immediately before loading on the aircraft.

31. (a) The cages shall be clearly labelled showing the name, address and telephone number (if any) of the consignor and the consignee in bold red letters.

(b) The consignee shall be informed about the train in which the consignment of monkeys is being sent and its arrival time in advance.

(c) The consignment of monkeys to be transported shall be booked by the next passenger or main train and should not be detained after the consignment is accepted for booking.

32 (a) A valid health certificate by a qualified Veterinary Surgeon to the effect that the monkeys are in a fit condition to travel from the nearest rail-head to another railhead or from a rail-head to the nearest airport and are not showing any signs of infectious or contagious disease shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificate shall be in a form specified in Schedule - D.

33. Rules 34 to 45 shall apply in relation to the transport of monkeys by air.

34. The time in transit shall be as short as possible and factors causing stress to monkeys shall be reduced to the minimum.

35. Monkeys that are not completely weaned, that is, under 1.8 kilograms in weight, shall not be transported except when specifically permitted by the Central Government.

36. Pregnant and nursing monkeys shall not be transported except when specifically permitted by the Central Government. Pregnant and nursing monkeys and monkeys weighing over 5 kilograms shall be transported in specially designed individual cages.

37. All monkeys in the same cage shall be of the same species and of approximately the same weight and size.

38. (1) In view of the dangers of infection, only monkeys of the same species shall be transported in the same cabin or compartment of the aircraft.

(2) Apparently sick or disabled monkeys exhibiting external injuries or infested with parasites shall not be transported.

(3) Transport of other species of animals, birds, fish food stuff or poisonous materials, such as pesticides and insecticides, in the same cabin or compartment shall not be permitted.

39. (1) At no time during transit shall the monkeys be left unattended when carried in a freighter aircraft.

(2) At least one attendant shall be present at all times when the aircraft is on the ground.

40. (1) Monkeys shall be transported in suitable wooden cages, so constructed as not to allow the escape of the monkeys and shall allow sufficient passage of air for ventilation; no nails, metallic projections or sharp edges shall be exposed in the interior or on the exterior of such cages. Each cage shall be equipped with water and food receptacles which shall be leak - proof and be capable of being cleaned and refilled during transit. A suitable absorbent material such as saw dust shall be kept in the dropping trays.

(2) The weight of any one loaded cage shall not exceed 45 kilograms in any case.

(3) The following two sizes of cages shall be used:

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

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

(4) The construction details of the two types of cages shall be as given in Schedule - F.

(5) The construction details of the two types of cages used for the transport of pregnant and nursing monkeys shall be as given in Schedule - G.

41. (a) The cages shall be clearly labelled showing the name, address and telephone number (if any) of the consignor and the consignee in bold red letters.

(b) The consignee shall be informed in advance about the flight number of the freighter aircraft in which the consignment of monkeys is being sent and its arrival time.

(c) The consignment of monkeys to be transported shall be booked by the next flight of the freighter aircraft and should not be detained after the consignment is accepted for booking.

42. (1) A valid health certificate by a qualified veterinary surgeon to the effect that the monkeys are fit to travel by air and are not showing any signs of infectious or contagious disease shall accompany each consignment of monkeys.

(2) In the absence of such a certificate, the carrier shall refuse to accept the consignment for shipment.

(3) The form of certificate under sub-rule (1) be as given in Schedule - D.

43. (1) The air shall be changed not less than twelve times per hour and draughts shall be avoided and there shall be no dead pockets of air.

(2) Except when the monkeys are being fed and given water; they shall travel in semi darkness to make them quieter and less inclined to fight and thus give them better opportunities of resting.

44. The food and water containers shall be checked at every stop and refilled ; if necessary, and a sufficient stock of food shall be available on the aircraft and at likely stopping places.

Note : About 85 grams of food per monkey is required daily. Suitable foods are dry cereal grains or gram. It is recommended that whole gram made into biscuits or wheat meal bread should be fed. A minimum of 140 ml. of water shall be allowed for each monkey per day.

45. An empty cage of the usual dimensions with its sides covered except 50mm at the top to allow for ventilation shall be provided in the freighter aircraft for housing the monkeys which fall sick or are injured during the journey.

CHAPTER IV

Transport of Cattle

46. Rules 47 to 56 shall apply to the transport by rail of cows, bulls, bullocks, buffaloes, yaks and calves. (hereinafter in these rules referred to as cattle).

47. (a) A valid certificate by a qualified veterinary surgeon to the effect that the cattle are in a fit condition to travel by rail or road and are not suffering from any infectious or contagious or parasitic diseases and that they have been vaccinated against rinderpest and any other infectious or contagious or parasitic diseases, shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificate shall be in the form specified in Schedule - E.

48. Veterinary first-aid equipment shall accompany all batches of cattle.

49. (a) Each consignment shall bear a label showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee, the number and types of cattle being transported and quantity of rations and food provided.

(b) The consignee shall be informed about the train or vehicle in which the consignment of cattle is being sent and its arrival time in advance.

(c) The consignment of cattle shall be booked by the next train or vehicle and shall not be detained after the consignment is accepted for booking.

50. The average space provided per cattle in Railway wagon or vehicle shall not be less than two square metres.

51. (a) Suitable rope and platforms should be used for loading cattle from vehicles.

(b) In case of railway wagon the dropped door of the wagon may be used as a ramp when loading or unloading is done to the platform.

52. Cattle shall be loaded after they are properly fed and given water.

53. Cattle in advanced stage of pregnancy shall not be mixed with young cattle in order to avoid stampede during transportation.

54. (1) Watering arrangements on route shall be made and sufficient quantities of water shall be carried for emergency.

(2) Sufficient feed and fodder with adequate reserve shall be carried to last during the journey.

(3) Adequate ventilation shall be ensured.

55. When cattle is to be transported by rail.

(a) An ordinary goods wagon shall carry not more than ten adult cattle or fifteen calves on broad gauge, not more than six adult cattle or ten calves on metre gauge, or not more than four adult cattle or six calves on narrow gauge.

(b) every wagon carrying cattle shall have at least one attendant.

(c) cattle shall be loaded parallel to the rails, facing each other.

(d) rations for padding, such as straw, shall be placed on the floor to avoid injury if a cattle lies down and this shall not be less than 6 cms thick.

(e) rations for the journey shall be carried in the middle of the wagon.

(f) to provide adequate ventilation, upper door of one side of the wagon shall be kept open properly fixed and the upper door of the wagon shall have wire gauge closely welded mesh arrangements to prevent burning cinders from the engines entering the wagon and leading to fire outbreak.

(g) cattle wagons should be attached in the middle of the train.

(h) cooking shall not be allowed in the wagons nor hurricane lamps without chimneys.

(i) two breast bars shall be provided on each side of the wagon, one at height of 60 to 80 cm and the other at 100 to 110 cm.

(j) Cattle-in-milk shall be milked at least twice a day and the calves shall be given sufficient quantity of milk to drink.

(k) As far as possible, cattle may be moved during the nights only.

(1) during day time, if possible, they should be unloaded, fed, given water and rested and if in milk, milking shall be carried out.

56. When cattle are to be transported by goods vehicle the following precautions are to be taken namely

(a) Specially fitted goods vehicles with a special type of tail board and padding around the sides should be used.

(b) Ordinary goods vehicles shall be provided with anti-slipping material, such as coir matting or wooden board on the floor and the superstructure, if low, should be raised.

(c) no goods vehicle shall carry more than six cattle.

(d) each goods vehicle shall be provided with one attendant.

(e) while transporting, the cattle, the goods vehicle shall not be loaded with any other merchandise; and

(f) to prevent cattle being frightened or injured, they should preferably, face the engine.

CHAPTER V

Transport of Equines

57. Rules 57 to 63 shall apply to the transport by rail, road or sea of horses, mules and donkeys (hereinafter in these rules referred to as 'equines')

58. (a) A valid certificate by a qualified veterinary surgeon to the effect that the equines are in a fit condition to travel by rail; road or sea and are not suffering from any infectious or contagious disease or diseases shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment

for transport.

(c) The certificates shall be in a form specified in Schedule - 1.

59. (a) Each consignment shall bear a label showing in bold red letters the name address and telephone number (if any) of the consignor and consignee the number and type of equines being transported and quantity of rations and food provided.

(b) The consignee shall be informed in advance about the train or vehicle or ship in which the consignment of equines is being sent and its arrival time.

(c) The consignment of equines shall be booked by the next train or vehicle or ship and shall be accepted for booking.

60. (a) Pregnant and young equines shall not be mixed with other animals.

(b) Different species of equines shall be kept separately.

(c) Equines shall be loaded after being fed and given water adequately, watering arrangements shall be made enroute and sufficient food carried to last during the journey.

(d) Veterinary first-aid equipment shall accompany all batches of equines.

(e) Adequate ventilation shall be ensured.

(f) Suitable ramps and platforms, improvised where not available, shall be used for loading and unloading equines.

61. For the transport of equines by rail, the following precautions shall be taken

(a) Equines shall be transported by passenger or mixed trains only;

(b) Ordinary goods wagon when used for transportation shall carry not more than eight to ten horses or ten mules or ten donkeys on broad gauge and not more than six horses or eight donkeys on metre-gauge

(c) in extreme hot, water shall be sprinkled over the wagons containing equines by the railway authorities to bring down temperature. Ice slabs in specially made containers may be placed inside the wagon, if recommended by a qualified veterinary surgeon;

(d) every wagon shall have two attendants if the equines are more than two in number;

(e) equines shall be loaded parallel to the rails, facing each other;

(f) material for padding, such as paddy, straw, shall be placed on the floor to avoid injury if an animal lies down and this shall not be less than 6 cm thick;

(g) to provide adequate ventilation, upper door of the side of the wagon shall be kept open and properly fixed and the upper door of the wagon shall have wire gauge closely welded mesh arrangements to prevent burning cinders from the engines entering the wagon and leading to fire break out;

(h) two breast bars shall be provided on each side of the wagon, one at a height of 50 to 80 cm and the other at 110 cm.

62. For the transport of equines by goods-vehicles, the following precautions shall be taken, namely :

(a) Specially fitted vehicles with a special type of tail-board and padding around the sides shall be used ;

(b) ordinary goods vehicles shall be provided with antislipping material on the floor and the super structure, if low, should be raised;

(c) bamboo poles of at least 8 cm diameter between each animal and two stout batons at the back shall be provided to prevent the animal from falling;

(d) to prevent horses from being frightened or injured their heads should face left away from the passing traffic;

(e) each vehicle shall not carry more than four to six equines;

(f) each vehicle shall be provided with one attendant;

(g) these vehicles shall be driven at a speed not more than 35 kilometers per hour;

63. For the transport of equines by sea the following precautions shall be taken, namely:

(a) horses may normally be accommodated in single stalls and mules in pens, each pen holding four to five mules;

(b) ample ventilation shall be ensured by keeping portholes and providing permanent air trunks or electric blowers on all decks, and exhaust fans shall be installed to blow out foul air;

(c) all standings shall be athwart the ship with heads facing inwards;

(d) to avoid distress specially during hot weather, the ship may go underway immediately after embarking and disembarking shall be done as early as possible after anchoring.

(e) colts and fillies shall be kept on the exposed decks;

(f) a pharmacy and spare stalls for five per cent of equines shall be available;

(g) passage between two rows of pens shall not be less than 1.5 metres.

CHAPTER - VI

Transport of Sheep and Goats

64. Rules 65 to 75 shall apply to the transport of sheep and goats by rail or road involving journeys of more than six hours.

65. (a) A valid health certificate by a qualified veterinary surgeon to the effect that the sheep and goats are in a fit condition to travel by rail or road and are not suffering from infectious or contagious or parasitic disease shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificate shall be in a form specified in Schedule - J

66. (a) Each consignment shall bear a label showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee the number and type of sheep or goats being transported and quantity of rations and food provided.

(b) The consignee shall be informed in advance about the train or vehicle in which the consignment of sheep or goats are being sent and its arrival time.

(c) The consignment of sheep or goats shall be booked by the next train or vehicle and shall not be detained after the consignment is accepted for booking.

67. (a) First-aid equipment shall accompany the sheep or goats in transit.

(b) Suitable romps shall be provided for loading and unloading the sheep or goats.

(c) In the case of a railway wagon, when the loading or unloading is done on the platform the dropped door of the wagon shall be used as a ramp.

68. Sheep and goats shall be transported separately; but if the lots are small special partition shall be provided to separate them.

69. Rams and male young stock shall not be mixed with female stock in the same compartment.

70. Sufficient food and fodder shall be carried to last during the journey and watering facility shall be provided at regular intervals.

71. Material for padding, such as straw, shall be placed on the floor to avoid injury if an animal lies down, and this shall be not less than 5 cm. thick

72. The animals shall not be fettered unless there is a risk of their jumping out and their legs shall not be tied down.

73. The space required for a goat shall be the same as that for a woolled sheep and the approximate space required for a sheep in a goods vehicle or a railway wagon shall be as under:-

Approximate weight of animal in Kilogram

Space required in Square metres

Woolled Shorn

Not more than 20 0.18 0.16

More than 20 but not more than 25 0.20 0.18

More than 25 but not more than 30 0.23 0.22

More than 30 0.28 0.26

74. (a) No railway wagon shall accommodate more than the following number of the sheep or goats :

Broad gauge Metre gauge Narrow gauge

(1) (2) (3) (4) (5)

Area of

wagon

Area of

Wagon

Area of

Wagon

Area of Wagon

Less than 21.1 Less than 12.5

21.1 Square Metres

And above

12.5 Square Metres and

above

70 100 50 60 25

(b) Adequate ventilation shall be provided in every wagon. Upper door of one side of wagon shall be kept open and properly fixed and the upper door of the wagon shall have wire guage closely welded mesh arrangements to prevent burning cinders from the engines entering the wagon and leading to fire breakout.

75. (1) Goods vehicles of capacity of 5 or 4 1/2.tons, which are generally used for transporting animals, shall carry not more than forty sheep or goats.

(2) In the case of large goods vehicles and wagons, partition shall be provided at every two or three metres across the width to prevent the crowding and trapping of sheep and goats.

(3) In the case of ewes, goats or lambs or kids under six weeks of age, separate panels shall be provided.

I.SCHEDULAE - A

(SEE RULE 4)

Proforma for certificate of fitness to Travel - Dogs / Cats

This Certificate should be completed and signed by a qualified Veterinary Surgeon

Date and time of examination :

Species of dogs / cats :

Number of cages :..... Number of Dogs / cats

Breed and identification marks, if any

Transported fromToVia.....

I hereby certify that I have read rules 8 to 14 in Chapter 11 of the Transport of Animals Rules, 1978.

1. That, at the request of (consignor)I have examined the above mentioned dogs / cats in their travelling cages not more than 12 hours before their departure.

2. That each of the dogs / cats appeared to be in good health, free from signs of injury, contagious and infectious disease including rabies and in a fit condition to travel by rail / road / inland / waterway / sea / air.

3. That the dogs / cats were adequately fed and watered for the purpose of the journey.

4. That the dogs / cats have been vaccinated.

(a) Type of vaccine/s:

(b) Date of vaccination/s:

Signed

Address.....

.....

.....

Qualifications.....

Date

2.SCHEDULE - B

(SEE RULE 11)

Size and Type of Crate for Transport of Dogs

The design of the cage mentioned in rule 11 in Chapter 11 of the Transport of Animals Rules, 1978 shall be as per the design as printed on page 7 of IS: 4746 - 1968 published by the Indian Standards Insitution. - All dimensions in centimetres

By Rail / Road / Inland Waterways Sea, By Air

Length (L) A x 1 ½ A + C + 10

Width (W) A D + 2 + 10

Height (H) B + 15 B + 0

Length - tip of nose to root of tail (A)

Width - width across the shoulders (D)

Height - Tip of ears to toe while standing (13)

Elbow size - Toe to tip of elbow (C)

Note : Cages, Cartons or crates, used to transport dogs, shall be of such material which will not tear or crumble.

They shall be well constructed, well ventilated and designed to protect the health of dogs by giving them adequate space and safety. It is essential that wire mesh should be nose and pow proof; suitable material is that welded wire

mesh of not less than 3mm with a spacing 12 x 12 mm. Expanded metal and wire netting are unsuitable for this purpose. There should be no protruding nails or unprotected edges of wire. Dogs Kennels in rail coaches shall be so placed as to give protection to dogs from extremes of temperature and disturbance from birds and by giving them adequate space for health and safety.

3. SCHEDULE - C

(SEE RULE 11)

Size and Type of Crate for Transport of Cats

The design of the cage mentioned in rule 11 in Chapter 11 of the Transport of Animals Rules, 1978 shall be as per the design as printed on page 8 of ISI 4746 - 1968 published by the Indian Standards Institution.

All dimensions in Centimetres

By rail / road / inland waterways sea by air

Length (L) A x 2 A x 2

Width (W) A A

Height (H) B + 15 B + 10

Length - Tip of nose to root of tail (A)

Width - Width across the shoulders (D)

Height - Tip of ears to toe while standing (B)

Elbow size - Toe to tip of elbow (C)

Note: Cages, cartons or crates, used to transport cats, shall be of such material which will not tear or crumble. They shall be well constructed, well ventilated and designed to protect the health of the cats by giving them adequate space and safety. It is essential that wire mesh should be nose and paw proof; suitable material is a welded wire mesh of not less than 3mm with a spacing 12 x 12 mm. Expanded metal wire netting are unsuitable for this purpose. There should be no protruding nails or unprotected edges of wire. Cats Kennels in rail coaches shall be so placed as to give-protection to cats from extremes of temperature and disturbance from birds and by giving them adequate space for health and safety.

4. SCHEDULE - D

(SEE RULE 16 AND 32)

Proforma for Certificate of fitness to Travel Monkeys

This Certificate should be completed and signed by a qualified Veterinary Surgeon.

Date & time of examination:

Species of Monkeys :

Number of CagesNumber of Monkeys

Sex.....Age.....

Breed and identification marks, if any

Transported fromTo.....Via

I hereby certify that I have read rules 15 to 45 in Chapter III of the Transport of Animals Rules, 1978.

1. That, at the request of (consignor)I have examined the above mentioned monkeys in their travelling cages not more than 12 hours before their departure.

2. That each monkey appeared to be in a fit condition to travel from the trapping area to the nearest rail-head / from the nearest rail-head to another rail-head / from the rail - head to the nearest airport / by air and is not showing any signs of infectious or contagious diseases.

3. That the monkeys appeared to be under 6 months of age and that no animal appeared to be pregnant.

4. That the monkeys were adequately fed and watered for the purpose of the journey.

5. That the monkeys have been vaccinated.

(a) Type of vaccine/s:

(b) Date of vaccination/s:

Signed.....

Address

.....

.....

Qualifications.....

Date

5. SCHEDULE - E

[See Rule 23(5) (a) and Rule 23(6)]

Size and Type of Crate for transport of

Monkeys from Trapping area to nearest Rail-head

The construction details of two types of cages mentioned in rule 22(5) (a) in Chapter III of the Transport of Animals Rules, 1978 shall be as per the dimensions and design as printed on page 5 of IS: 3699 (Part - 1) - 1966 published by Indian Standards Institution.

6. SCHEDULE - F

[See Rule 40 (4)]

Size and Type of Crate for Transport of Monkeys by Air

The construction details of two types of cages mentioned in rule 40(3) (a) and (b) in Chapter III of the Transport of Animals Rules, 1978 shall be as per the dimensions and design as printed on page 6 of IS: 3059 - 1965 published by Indian Standards Institution.

7. SCHEDULE - G

[See Rule 40 (5)]

Size and Type of Crate for Transport by Air of pregnant and Nursing

Monkeys and Monkeys weighing over 5 kg.

The construction details of two types of cages mentioned in rule 40(5) in Chapter III of the Transport of Animals Rules, 1978 shall be as per the dimensions and design as printed on page 7 of IS: 3059 -1965 published by Indian Standards Institution.

8. SCHEDULE - H

[See Rule 47]

Proforma for Certificate of fitness to travel Cattle

This Certificate should be completed and signed by a qualified Veterinary Surgeon

Date and time of examination :

Species of cattle :

Number of Trucks / Railway Wagons

Number of cattle :

CATTLE-TRESPASS ACT, 1871

Sex.....Age [Act No. 1 of 1871] 1

.....and identification marks, if any

An Act to consolidate and amend the law relating to Trespasses by Cattle.

Whereas it is expedient to consolidate and amend the law relating to trespasses by cattle; Transported from

ToVia.....

It is hereby enacted as follows: -I hereby certify that I have read rules 46 to 56 in Chapter IV of the Transport of Animals

Rules, 1978.

1. That, at the request of (consignor) CHAPTER I : PRELIMINARY

.....I have examined the above

2[1. Title and extent mentioned Cattle in the goods vehicle/ railway wagons not more than 12 hours before their departure.

(1) This Act may be called the Cattle-trespass Act, 1871; and 2. That each cattle appeared to be in a fit condition to travel by rail/road and is not

(2) it extends to 3[the whole of the India except 4[the territories which, immediately before the 1st November, 1956, were showing any signs of infectious or contagious or parasitic disease and that it has been vaccinated against rinderpest and any other infectious or contagious or parasitic diseases(s).

3. That the cattle were adequately fed and watered for the purpose of the journey.

4. That the cattle have been vaccinated.

(a) Type of vaccine :

(b) Date of vaccination:

Signed

Address

Qualifications

Date

9. SCHEDULE - I

[See Rule 58]

Proforma for Certificate of fitness to travel Equines

This Certificate should be completed and signed by a qualified Veterinary Surgeon.

Date and time of examination :

Specles of Equines:

Number of Equines:

Sex.....Age

Breed and identification marks, if any.....

Transported fromToVia.....

I hereby certify that I have read rules 57 to 63 in Chapter V of the Transport of Animals Rules, 1978.

1. That, at the request of (consignor) I examined the above mentioned equines not more than 12 hours before their departure.

2. That each equine appeared to be in a fit condition to travel by rail/road/sea and is not showing any signs of any infectious or contagious disease(s) and that it has been vaccinated against any infectious or contagious diseases(s).

3. That the equines were adequately fed and watered for the purpose of the journey.

4. That the equines have been vaccinated.

(a) Type of vaccine (s) :

(b) Date of vaccination:

Signed

Address.....

Qualifications.....

Date

10. SCHEDULE - J

[See Rule 651]

Proforma for Certificate of fitness to Travel - Sheep and Goats

This Certificate should be completed and signed by a qualified Veterinary Surgeon

Date and time of examination :

Species of Animals :

Number of Animals :

Sex.....Age

I hereby certify that I have read rules 64 to 75 in Chapter VI of the Transport of Animals Rules, T978.

1. That, at the request of (consignor)I have examined the above mentioned animals not more than 12 hours before their departure.

2. Thai each animal appeared-to be in a fit condition to travel by rail/road and is not showing any signs of any infectious or contagious or parasitic disease(s) and that it has been vaccinated against any infectious or contagious or parasitic disease(s),

3. That the animals were adequately fed and watered for the purpose of the journey.

4. That the animals have been vaccinated.

(a) Type of vaccine(s):

(b) Date of vaccination:

Signed

Address

Qualifications

Date

comprised in Part B States]] and the Presidency-towns and such local areas
the Official Gazette, may from time to time exclude from its operation.

5as the State Government by notification in

6[***]

[Section 2 repealed by the Repealing Act, 1938]

3. Interpretation clause

In this Act,-

"Officer of police" includes also village watchman, and "cattle" includes also elephants, camels, buffaloes, horses,
~~and~~ pigs, ponies colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids, 7[and

"local authority" means any body of persons for the time being invested by law with the control and administration
~~of~~ within a specified local area, and

"local fund" means any fund under the control or management of a local authority.]

CHAPTER II : POUNDS AND POUNDS-KEEPERS

4. Establishment of pounds

Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the State
Government, from time to time directs.

The village by which every pound is to be used shall be determined by the Magistrate of the Districts.

5. Control of pounds. Rates of charge for feeding impounded cattle

The pounds shall be under the control of the Magistrate of the District; and he shall fix, and may from time to time
~~the~~ rates of charge for feeding and watering impounded cattle.

8[6. Appointment of pound-keepers

The State Government shall appoint a pound –keeper for every pound.

Pound-keepers may hold other offices

Any pound-keeper may hold simultaneously any other officer under the Government.

Pound-keepers to be public servants

Every pound-keeper shall be deemed to be a public servant within the meaning of the Indian Penal Code.].

Duties of pound-keepers

7. To keep registers and furnish returns

Every pound-keeper shall keep such registers and furnish such returns as the State Government from time to time directs.

8. To register seizures

When cattle are brought to a pound, the pound-keeper shall enter in his register-

(a) the number and description of the animals,

(b) the day and hour on and at which they were so brought,

(c) the name and residence of the seizure, and

(d) the name and residence of the owner, if known,

and shall give the seizure or his agent a copy of the entry.

9. To take charge of and feed cattle

The pound-keeper shall take charge of, feed and water the cattle until they are disposed of as hereinafter directed.

CHAPTER III : IMPOUNDING CATTLE

910. Cattle damaging land

The cultivator or occupier of any land,

or any person who has advanced cash for the cultivation of the crop or produce on any land,

or the vendee or mortgagee of such crop or produce, or any part thereof,

may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto of to any crop or produce thereon, and [send them or cause them to be sent within twenty four hours] to the pound established for the village in which the land is situated.

Police to aid seizures

All officers of police shall, when required, aid in preventing (a) resistance to such seizures and (b) rescues from persons making such seizures.

Comment : A person is not entitled to seize cattle which has not done any damage. A clear finding of damage done by the trespassing cattle is essential to a conviction under section 24. AIR Patna 299

11. Cattle damaging public roads, canals and embankments

Persons in charge of public roads, pleasure-grounds, plantations, canals, drainage-works, embankments and the like, and officers of police, may seize, or cause to be seized, any cattle doing damage to such roads, grounds, plantations, canals,

drainage-works, embankments, and the like, or the sides or slopes or such roads, canals, drainage-works, or embankments, or found straying thereon.

And shall 1 [send them or cause them to be sent within twenty-four hours] to the nearest pound.

1 §12. Fines for cattle impounded

For every head of cattle impounded as aforesaid, the pound-keeper shall levy a fine in accordance with the scale for the time being prescribed by the State Government in this behalf by notification in the Official Gazette. Different scales may be prescribed for different local areas.

All fines so levied shall be sent to the Magistrate of the District through such officer as the State Government may direct.

List of fines and charges for feeding

A list of the fines and of the rates of charge for feeding and watching cattle shall be posted in a conspicuous place on or near to every pound.]

CHAPTER IV : DELIVERY OR SALE OF CATTLE

13. Procedure when owner claims the cattle and pays fines and charges

If the owner of the impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the fines and charges incurred in respect of such cattle.

The owner or his agent, on taking back the cattle, shall sign a receipt for them in the register kept by the pound-keeper.

14. Procedure if cattle be not claimed within a week

If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police-station, or to such other officer as the Magistrate of the District appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of his office a notice starting--

(a) the number and description of the cattle,

(b) the place where they were seized,

(c) the place where they are impounded,

and shall cause proclamation of the same to be made by beat of drum in the village and at the market – place nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said officer, or an officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time directs :

Provided that if any such cattle are, in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

15. Delivery to owner disputing legality of seizure, but making deposit

If the owner or his agent appear and refuse to pay the said fines and expenses, on the ground that the seizure was illegal, and that the owner is about to make a complaint under section 20, then upon deposit of the fines and charges incurred in respect of the cattle, the cattle shall be delivered to him.

16. Procedure when owner refuses or omits to pay the fines and expenses

If the owner or his agent appear and refuse or omit to pay or (in the case mentioned in section 15) to deposit the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by such officer, at such place and time and subject to such conditions as are referred to in section 14.

Delivery of unsold cattle and balance of proceeds

The remaining cattle and the balance of the purchase- money, if any, shall be delivered to the owner or his agent, together with an account showing,--

- (a) the number of cattle seized,
- (b) the time during which they have been impounded,
- (c) the amount of fines and charges incurred,
- (d) the number of cattle sold,
- (e) the proceeds of sale, and
- (f) the manner in which those proceeds have been disposed of,

Delivery of unsold cattle and balance of proceeds

The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase-money (if any) paid to him according to such account.

17. Disposal of fines, expenses and surplus proceeds of sale

The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted.

The charges for feedings and watering deducted under section 16 shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under section 13.

The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months, and, if no claim thereto be preferred and established within that period shall, at its expiry, deemed to hold them as part of the revenues of the State].

1 §be

[Section 18 repealed by the Government of India (Adaptation of Indian Laws) Order, 1937]

19. Officers and pound-keepers not to purchase cattle at sales under Act

No officer of police, or other officer or pound –keeper appointed under the provisions herein contained shall, directly or indirectly, purchases any cattle at a sale under this Act.

Pound-keepers when not to release impounded cattle

No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the former part of this Chapter , unless such release or delivery is ordered by a Magistrate or Civil Court.

CHAPTER V: COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION

20. Power to make complaints

Any person whose cattle have been seized under this Act, or, having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

21. Procedure on complaint

The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

If the Magistrate, on examining the complainant or his agent, sees reason to believe the complainant to be well founded, he shall summon the person complained against, and make an inquiry into the case.

22. Compensation for illegal seizure or detention

If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

23. Recovery of compensation

The compensation, fines and expenses mentioned in section 22 may be recovered as if they were fines imposed by the Magistrate.]

CHAPTER VI : PENALTIES

24. Penalty for forcibly opposing the seizure of cattle or rescuing the same

Whoever forcibly opposes the seizure of cattle liable to be seized under this Act,

and whoever rescues the same after seizure, either from a pound, or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Act,

shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

25. Recovery of penalty for mischief committed by causing cattle to trespass

Any fine imposed under the next following section or] for the offence of mischief by causing cattle to trespass on any land may be recovered by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

26. Penalty for damage cause to land or crops or public roads by pigs

Any owner or keeper of pigs who, through neglect or otherwise, damages or causes or permits to be damaged any land, or crops or public roads, or any animal, or any property, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

him by this Act, shall, over and above any other penalty to which he may be liable, be punished, on conviction, with a fine not exceeding fifty rupees.

Such fines may be recovered by deductions from the pound-keeper's salary.

28. Application of fines recovered under section 25, 26 or 27

All fines recovered under section 25, section 26 or section 27 may be appropriated in whole or in part as compensation for the satisfaction of the convicting Magistrate.

CHAPTER VII : SUITS FOR COMPENSATION

29. Saving of right to sue for compensation

Nothing herein contained prohibits any person whose crops or other produce of land have been damaged by stray dogs for compensation in any competent Court.

30. Set-off

Any compensation paid to such person under this Act by order of the convicting Magistrate shall be set-off against any amount due by or awarded to him as compensation in such suit.

CHAPTER VIII: SUPPLEMENTAL

31. Power for State Government to transfer certain functions to local authority and direct credit of receipts to local fund

The State Government may, from time to time, by notification in the official Gazette, -

(a) transfer to any local authority, within any part of the territories under its administration in which all or any of the functions of the State Government or the Magistrate of the District under this Act, within the local area under the jurisdiction of the local authority.

[SCHEDULE repealed by the Repealing Act, 1938 (1 of 1938)]

The Prevention of Cruelty to Animals (Transport of Animals on foot) Rules, 2001

NOTIFICATION

New Delhi, the 26th March, 2001

S.O.271 (E) - Whereas the draft Prevention of Cruelty to Animals (Establishment and

Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2000 were published as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O 1166 (E) dated the 26th December, 2000 in the Gazette of India, Extraordinary, Part 11, Section 3, Sub Section (ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public. And, whereas, copies of the said Gazette were made available to the public on the 1st January 2001. And, whereas no objection or suggestion has been received from the public in respect of the said draft rules by the Central Government. Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) the Central Government hereby makes the following rules, namely :

1. Short title and commencement - (1) These rules may be called the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - In these rules, unless the context otherwise requires.

(a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960)

(b) "Animal Welfare Organisation" means a Welfare Organisation for animals which is registered under the Societies Registration Act of 1860 (21 of 1860) or any other corresponding law for the time being in force and recognised by the Board or the Central Government.

(c) "Board" means the Animal Welfare Board of India established under the Act.

(d) "local authority, means a municipal board of municipal committee, a State Animal Welfare Board, district board or any local animal welfare organisation authorised by any law for the control and administration of any matter relating to animals within a specified local areas.

(e) "Society" means Society for Prevention of Cruelty to Animals (hereinafter referred to as SPCA) established in any district under the Societies Registration Act, 1860 (21 of 1860) or any other corresponding law applicable in a state and shall include the existing SPCA functioning in any district.

(f) "veterinary doctor" means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984).

3. Society for Prevention of Cruelty to animals in a district - (1) Every State

Government shall by notification in the Official Gazette, establish, as soon as may be and in any event within six months from the date of commencement of these rules, a society for every district in the State to be the SPCA in that district. Provided that any society for Prevention of Cruelty to Animals functioning in any district on the date of commencement of these rules shall continue to discharge its functions till establishment of the SPCA in that district under these rules.

(2) The Managing Committee of the Society shall be appointed by the State Government or the local authority of the district consisting of a Chairperson to be appointed by the State Government or the local authority of the district, as the case may be with the concurrence of the Board and shall consist of such number of other members as may be considered necessary by the State Government or the local authority of the district subject to the condition that

(i) at least two members shall be representatives of the Animal Welfare Organisations which are actively involved in the work of prevention of cruelty to animals and welfare of animals preferably from within the district; and

(ii) at least two members shall be the persons elected by the general body of members of the Society.

(3) The duties and powers of the Society shall be to aid the Government, the Board and local authority in enforcing the provisions of the Act and to make such bye-laws and guidelines as it may deem necessary for the efficient discharge of its duties.

(4) The Society, or any person authorized by it in this behalf, if it or he has reasonable grounds for believing that any person has committed an offence under the Act, it or such authorized person may require such person to produce forthwith any animal in his possession, control, custody or ownership, or any license, permit or any other document granted to such person or required to be kept by him under the provisions of the Act and may stop any vehicle or enter into any premises in order to conduct a search or inquiry and may seize an animal in respect of which it or such authorized person has reason to believe that an offence under the Act is being committed, and deal with it in accordance with law.

(5) In addition to the powers conferred by these rules, the State Government may, in consultation with the Board, confer such other powers upon any Society for exercising the powers and discharging the functions assigned to it under these rules.

4. Setting up of infirmaries and animal shelters - (1) Every State Government shall provide adequate land and other facilities to the Society for the purpose of constructing infirmaries and animal shelters.

(2) Every infirmary and animal shelter shall have -

(i) a full time veterinary doctor and other staff for the effective running and maintenance of such infirmary or animal shelter; and

(ii) an administrator who shall be appointed by the Society.

(3) Every Society shall, through its administrator or otherwise, supervise the overall functioning of the infirmaries and animal shelters under its control and jurisdiction.

(4) All cattle pounds and pinjrapoles owned and run by a local authority shall be managed by such authority jointly with the Society or Animal Welfare Organisations.

5. Regulation of SPCAs

(1) Every Society shall submit its annual report to the Board incorporating therein the activities undertaken by it for the welfare of animals and the steps or measures taken by it to implement various provisions of the Act and the rules made thereunder along with annual accounts duly audited by a chartered accountant or any other body authorised by law within a period of one month from the date of its accounts having been finalised by its managing committee.

(2) The Board shall examine such annual report and the annual accounts submitted by the Society and may give any directions to it for improvement of its functioning including the supercession of the managing committee of the Society with a view to give effect to the provisions of the Act and the rules made thereunder. Provided that the Board shall give opportunity of personal hearing to the office bearers of the Society or any representative authorised by it before giving direction of its supercession and holding of fresh elections for electing a new managing committee as per bye-laws of the society.

(3) The Board shall give any direction to any Society in the interest of smooth and efficient functioning of the Society including the procedure for holding the election of the managing committee of the Society, utilisation of financial resources and management of assets of the Society with a view to give effect to the provisions of the Act and the rules made there under.

(F.No.19/1/2000-AWD)

DHARMENDRA DEO, Jt. Secy.

NOTIFICATION

New Delhi, the 26th March, 2001

S.O.-268 (E) - Whereas the draft Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2000 were published as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O. I 163(E) dated the 26th December 2000 in the Gazette of India, Extraordinary, Part II, Section 3, Sub Section (ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public. And, whereas copies of the said Gazette were made available to the public on the 1st January, 2001. And, whereas no objection or suggestion has been received from the public in respect of the said rules by the Central Government.

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

1. Short title and commencement :

(1) These rules may be called the Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- In these rules unless the context otherwise requires

a. "animal" means livestock and includes the following animals namely -

(i) cattle including cow, bulls and bullocks, buffalo bulls and bullocks, cows, buffaloes, Mithuns, yaks and calves.

(ii) equines including horses, ponies, mules and donkeys.

(iii) horse including entire (stallions), goldings, brood mares, colts and fillies

(iv) goat including adult goat, male or female of two years age and above.

(v) ruck including male goat

(vi) kid young goat below one year of age

(vii) nanny female goat

(viii) sheep including adult sheep, male or female of two years age and above

(ix) ewe female sheep

(x) lamb young sheep below one year of age

(xi) ram male sheep

(xii) wether includes male lamb that has been castrated before reaching sexual maturity

(xiii) pig includes adult pig, male or female of one year of age or above

(xiv) piglet includes young pig below one year of age.

b. "veterinary doctor" means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984)

c. "Schedule" means a schedule appended to these rules.

3. Application of the rules - These rules shall apply to transport of animals on foot when the distance from the boundary of village or town or city of the origin of such transport to the last destination is 5 km or more than 5 km.

4. Condition of health of animals transported on foot-

(1) Every animal to be transported on foot shall be healthy and in good condition for

such transport.

(2) A certificate of a veterinary doctor in respect of each animal to be transported to the effect that such animal is in a fit condition for such transportation and is not suffering from any infectious, contagious or parasitic diseases and that it has been vaccinated against any infectious, contagious or parasitic diseases shall accompany such animal

(3) The certificate under sub rule (1) shall be in the form as specified in the First Schedule.

5. Certain animals not to transport on foot - New born animals of which the navel has not completely healed, diseased, blind, emaciated, lame, fatigued, or having given birth during the preceding seventy two hours or likely to give birth during transport shall not be transported on foot. Transport in on-farm social group - Animal shall be transported in their on farm social groups (established at least one week prior to journey)

7. First aid equipment to accompany animals transported on foot - The owner of the animals shall provide veterinary first aid equipment to be accompanied with such animals while transported on foot.

8. Certificate to be carried during transportation - In case the person transporting the animals on foot is not the owner of the animal then such person shall carry a certificate as specified in the Second Schedule during such transportation.

9. Watering arrangement during transportation of animals - The owner of the animals shall make watering arrangement in route during transport of such animals on foot.

10. Feed and fodder arrangements during transportation of animals-Sufficient feed and fodder with adequate reserve of such feed and fodder for the animals shall be made available by their owner during their transport on foot.

11. Prohibition of the use of whip, etc during transportation of animals on foot -

(1) No person shall use a whip or a stick in order to for the animal to walk or to hasten the pace of their w nor such person shall apply chillies or any oft substance to any part of the body of the animal for this purpose during their transportation on foot.

(2) If any animal needs to be tied during transport on foot, it shall be tied by a rope covered with suitable cushioning such as cloth around its leg and such animal shall not be tied by its nose, all legs or any other part of the body except by its neck.

(3) If more than one animal is to be tied adjacent to one another by a single rope during their transport on foot, the space between any two of such animals shall be minimum two feet and animals so tied shall be of similar physical condition and strength and no more than two such animals shall be tied adjacent to each other by a single rope.

12. Certain Prohibition on transport of animals on foot

(1) No person shall transport on foot an animal before sunrise or after sunset.

(2) No animal shall be transported on foot beyond the distance, time, rest interval and temperature specified for such animal in the Table below, namely:-

TABLE

Species (Animal) Maximum
distance
covered/day/h
our
Maximu
m no. of
walking/d

ay of
hours
(Travelling)
Period of rest
(interval)
Temperature
range
Max. Min
Cattle (Cows) 30 km/day
4 km/hr
8 hours At every 2 hours for
drinking and at
every
4 hrs for feeding
12 deg. C to 30
deg.C
Buffaloes 25 km/day
3 km/hr
8 hours At every 2 hours
for
drinking and at
every
4 hrs for feeding
12 deg. C to 30
deg. C
Cows and
Buffaloes Calves
16 km/day
2.5 km/hr
6 hours At every 1½ hrs
for drinking and at
every
3 hrs. for feeding
15 deg. C to 25
deg.C
Horses, Ponies,
Mules, Donkeys
45 km/day
6 km/hr
8 hours At every 3 hrs for
drinking and at
every
6 hrs. for feeding
12 deg. C to 30
deg. C

15 deg. C to 25
deg. C
Young ones (Foal) 25 km/day
4 km/hr
6 hours At every 2hrs. for
drinking and at
every
4 hrs. for feeding
Goats and Sheep 30 km/day
4 km/hr
8 hours At every 2 hrs. for
drinking and at
every
4 hrs. for feeding
12 deg. C to 30
deg. C
Kids and Lambs 16 km/day
2.5km/hr
6 hours At every 1 1/2 hrs.
for drinking and at
every
3 hrs. for feeding
15 deg. C to 25
deg. C
Pigs 15 km/day
2 km/hr
8 hours At every 1 Y2 hrs.
for drinking and at
every
3 hrs. for feeding
12 deg. C to
25deg. C
Piglets 10 km/day
1.5 km/hr
6 hours At every 1 Y2hrs.
for drinking and at
every
3 hrs. for feeding
15 deg. C to 25
deg. C

Note : After being provided with water every animal shall be given a break of 20 minutes before the commencement of the transport of the animal on foot and in case of feeding the break shall be given for one hour before the commencement of the transport of the animal on foot.

(3) No animal shall be made to walk under conditions of heavy rain, thunderstorms or extremely dry or sultry conditions during its transport on foot.

13. Transportation of animals in certain cases not permitted without shoes - Animals

whose hooves are not provided with shoes (as in the case of pack or draught animals) shall not be transported on foot on hard cement, bitumen-coated or metallated roads, steep gradients or hilly and rocky terrain, irrespective of weather conditions (summer or winter)

14. Power of Police to require the owner to take animal to nearest Magistrate

(1) If any police officer above the rank of constable or any other person authorised in this behalf by the Central or state Government or by the Animal Welfare Board of India by the general or special order, has reason to believe that an offence has been or is being committed in respect of an animal in contravention of these rules, he may require the owner or other person in charges of such animal to take the animal to the nearest magistrate.

(2) If the owner or the person in charge of the animals referred to in sub rule (1) refuses to comply with the demands of the police officer under that sub rule, it shall be lawful for such police officer or such other persons to take the animal to the nearest magistrate.

FIRST SCHEDULE

Form for Certificate of fitness for transport of animals

(See rule 4 (3))

This Certificate should be completed and signed by a qualified Veterinary Doctor

Date and time of examination Species

Number of Trucks/Railway Wagons

Number of Cattle

Sex Age

Identification

Breed (giving characteristics) - Area where it is found with status regarding general resistance and heat tolerance

Individual Features of the animal -

Body colour

Height

Body weight (approx)

Animal length

Breadth (measured between pelvic bones)

Colour of the eyes

Shape of the horns

General conditions (like fleshy, bony projections)

Health Status

History of the animal, feed status whether or not sign of anorexia/diarrhea

1. Record Body Temperature

2. Examine eyes for buging or protrusion of eyeball, blindness, Corneal opacity & specify

3. Condition of skin, (including signs of dehydration, injuries, anorexia (check for presence of warts on the skin)

4. Ears

Examine ears - (check for animal body response to hearing, check for any infection, inflammation or secretion (a) excess of wax, blood or any fluid)

5. Examine sub maxillary spell for swelling (for any abnormality or pain)

6. Check for status of pregnancy of female animal If yes - which stage 1st, 2nd or 3rd stage

7. Examine udder & teats & specify

a. Relative size of quarters

b. Check for signs of swelling/atrophy/fibrous

- c. in duration on palpation of individual quarter and specify.
- a. Check teat canal for teat tumour or fibrosis of teat canal and specify.
- 8. a) If female - check
Check for sign of vaginal discharge on examination of the vulva and specify
- b) In male - check
Testicles-Size, any sign/abnormalities for monogastric animals
Penis - injury, abrasions or the sheath, discharges to be recorded
- 9. Sign of abdominal pain (check for gait or posture of the animal, check for signs of abdominal distention, left flank to be checked for rumen examination (full, empty) tympani/blood)
- 10. Digestive System
Examine mouth and specify
 - 1 Detail out dentition
 - 2 Specify - evidences of
 - tooth damage
 - broken or worn incisors
- 11. Respiratory system
 - a. Record Respiration rate
 - b. Auscultation & specify for signs of dyspnoea, respiratory distress & specify
- 12. In cows possessing horns check and specify
 - a. shape of horns
 - b. number of horn rings
 - c. any difference in the direction
 - d. or appearance of two horns
- 13. Examine ribs for fracture and specify
- 14. Examine abdominal wall for presence of ventral or umbilical hernia and specify.
- 15. Examine limbs and joints for bony enlargements or synovial distentions & specify
check for signs of lameness - specify
- 16. Examine interdigital space for any lesions check and specify
- 17. Any indications of foot soreness, excessive wear of soles or laminitis
- 18. Examine circulatory system
 - 1. Specify pulse rate
 - 2. Check for presence of oedema dependent portion or ascitis and specify
- 19. Transported from _____ to _____ via

I hereby certify that I have read the Prevention of Cruelty to Animals (Transport of animals on Foot) Rules, 2001.

- 1. That, at the request of (Consignor) I examined the above mentioned Cattle in the goods vehicle/railway wagons not more than 12 hours before their departure.
- 2. That each cattle appeared to be in a fit condition to travel by rail/road and is not showing any signs of infectious or contagious or parasitic disease and that it has been vaccinated against rinderpest and any other infections or contagious or parasitic disease(s)
- 3. That the cattle were adequately fed and watered for the purpose of the journey.
- 4. That the cattle have been vaccinated.

(a) Type of vaccine (b) Date of vaccination :

Signed _____

Address _____

Date _____

Qualification _____

SECOND SCHEDULE

Authorisation certificate

(See rule 8)

1. Name and age of the owner

2. Father's Name

3. Address of the Owner

4. No. of animals for transport specifying species, age and sex of each animal

5. Name of the person/persons transporting the animals

6. Specify the place of origin and the place of last destination of such animals for transport

7. Attach a copy of the veterinary certificate granted under Rule 8

8. Details of feed, fodder and watering arrangements provided during transport of such animals

I do hereby declare that I am the owner of the aforementioned animals. I have

authorized Shri _____ S/o _____ r/o _____ to

transport the said animals. I have read and understood the Transport of Animals on Foot Rules, 2001 and undertake that the said Rules have been and would be complied with during transport.

I do hereby state that the above information is true and correct.

To be filled in by the Transporter

I _____ S/o _____ r/o _____ do

hereby give my consent transport the aforementioned animals from the aforesaid place of origin to the place of destination.

I have read and understood the Transport of Animals on Foot Rules, 2001 and undertake that the said Rules would be complied with during transport. I do hereby state that the above information is true and correct.

Sd/-

(Transporter)

[F.No.19/1/2000-AWD]

DHARMENDRA DEO, Jt. Secy.

**THE PREVENTION OF CRUELTY TO ANIMALS
(APPLICATION OF FINES) RULES, 1978.**

In exercise of the powers conferred by clause (K) of sub-section (2) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, the some having been previously published as required by the said Section, namely

Prevention of Cruelty to Animals (Application of Fines)
Rules, 1978

1. Short Title:

These rules may be called the Prevention of Cruelty to Animals (Application of Fines) Rules, 1978.

2. Definitions:

In these rules, unless the context otherwise requires

- (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960)
- (b) "Board" means the Animal Welfare Board of India established under the Act
- (c) "Fines" means fines levied under the Act.

3. Fines, after deducting cost of collection, to be made over to- Board

(1) . Fines levied and realised under the Act shall, subject to any deductions relating to the cost of collection, be made over by the State Government to the Board as soon as may be after due appropriation by law (State Legislature) in this behalf.

4. Application of fines made over to Board:

(1) Fines made over by any State Government to the Board shall be applied exclusively for the following purposes, namely:-

(i) the grant of financial assistance to societies dealing with the Prevention of Cruelty to Animals or organisation actively interested in animal welfare work which are for the time being recognised by the Board.

(ii) the maintenance of infirmaries, pinjrapoles and veterinary hospitals.

(2) Fines realised in one State and made over to the Board shall be utilised only for the benefit of such societies or other organisations within the jurisdiction of the State and not otherwise.

5. Principles to govern application of fines:

In applying the fines for the benefit of societies or other organisations in any State, the Board shall have due regard to the following principles, namely:-

(i) Financial assistance shall first be given to societies dealing with the prevention of cruelty to animals within the jurisdiction of the state which are for the time being recognized by the Board.

(ii) In granting financial assistance to such societies, due regard shall be had to the amounts they had been receiving from the State Government prior to the coming into force of these rules, and consistently with the amount of fines at its disposal and having regard to the revenues of the Societies concerned, the objects for which assistance is to be given and other relevant matters, the Board shall make every endeavour to ensure that there is no diminution in the amounts such societies had been receiving earlier.

(iii) If after the grant of financial assistance to the societies earlier referred to in this rule, there is any unspent balance, it may be applied by the Board at its discretion for the

benefit of any other organisation actively interested in animal welfare work including infirmaries, pinjrapoles and veterinary hospitals.

* Notified in the Gazette of India, Part 1, Section 2 (ii) vide Government of India, Ministry of Agriculture & Irrigation (Department of Agriculture), Notification No. 14-21/76-LDI dated 15th February, 1978.)

PREVENTION OF CRUELTY TO ANIMALS (REGISTRATION OF CATTLE PREMISES) RULES, 1978.

In exercise of the powers conferred by clause (i) of sub-section (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 the Central Government hereby makes the following rules, namely

1. Short Title and application:

(1) These rules may be called the Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978.

(2) These rules shall apply only to cities or towns which have a population exceeding one lakh.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:

In these rules, unless the context otherwise requires

(a) "cattle" means oxen, buffaloes, cows, bullocks and horses including their young ones;

(b) "Certificate" means the certificate of Registration.

(c) "registering authority" means such officers of the veterinary department of the State Government or of a local authority as the State Government may, by general or special order, specify in this behalf.

3. Registration of Premises:

Every person owning or in charge of premises in which not less than five heads of cattle are kept for the purpose of profit, shall, in any case, where the premises are already in existence, within three months from the commencement of these rules and, in any case where, after the commencement of these rules any such premises, apply to the registering authority for the registration of such premises.

4. Application for Registration:

Every application for registration shall contain full information regarding the number and types of animals kept or to be kept, the purpose for which they are being kept or are to be kept, the provision made or to be made as respects floor space, flooring, ventilation, supply of food and water, disinfection, drainage, disposal of dung or unwanted matter, boundary walls and shall also contain such other information relevant to the matter as may be specifically called for by the registering authority.

5. Certificate of Registration :

(i) If the registering authority is satisfied that, having regard to the information supplied, the welfare of the cattle is adequately secured and that they are not likely to undergo any unnecessary suffering, he shall register the premises and issue to the applicant a certificate in respect thereof.

(ii) Every certificate shall be valid for a period of three years from the date of issuer thereof, but it may be renewed from time to time for a period of three years at a time on

application made by the person owning or in charge of the premises, within three months from the date of expiry of the existing certificate.

6. Inspection of Premises:

Every premises registered under these rules shall be open for inspection at all reasonable times by any veterinary or public health officer of the local authority or of the State Government who may be authorised by the State Government in this behalf by general or special order.

7. Cancellation of registration:

If any premises are not maintained in the manner required under these rules, the registering authority may, by notice in writing stating the grounds on which the notice proceeds and after giving an opportunity to the person concerned to show cause, cancel the certificate.

8. Appeal:

An appeal shall lie from any order refusing or cancelling the registration of any premises under these rules to such officer or other authority as the State Government may specify in this behalf.

9. Display of section 12 of the act:

If in any premises milch cattle are kept, there shall be displayed by the owner of cattle prominently in or near the premises, a copy of section 12 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) (as reproduced below) in a language commonly understood in the locality.

"12. If any person performs upon any cow or other milch animal the operation called phooka or doom dev or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may be extended 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."

10. Saving:

If in any area to which these rules apply, any rule, regulation or bye-laws made under any law for the time being in force, by any local authority which contains the provisions for the registration or licensing of premises in which cattle or any type thereof 'are kept then such rule, regulation or bye-laws to the extent to which it contains provisions relating to cattle or any type thereof, as the case may be, shall to that extent be of no avail.

(Notified in the Gazette of India, Part 11, Section 3, Sub-Section (11) vide Government of India, Ministry of Agriculture & Irrigation (Department of Agriculture), Notification No. 14-20/76-LD.1 dated 30th November 1978.)

THE PREVENTION OF CRUELTY TO ANIMALS (REGISTRATION OF CATTLE PREMISES) RULES, 1978.

In exercise of the powers conferred by clause (i) of sub-section (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 the Central Government hereby makes the

following rules, namely

1. Short Title and application:

(1) These rules may be called the Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978.

(2) These rules shall apply only to cities or towns which have a population exceeding one lakh.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:

In these rules, unless the context otherwise requires

(a) "cattle" means oxen, buffaloes, cows, bullocks and horses including their young ones;

(b) "Certificate" means the certificate of Registration.

(c) "registering authority" means such officers of the veterinary department of the State Government or of a local authority as the State Government may, by general or special order, specify in this behalf.

3. Registration of Premises:

Every person owning or in charge of premises in which not less than five heads of cattle are kept for the purpose of profit, shall, in any case, where the premises are already in existence, within three months from the commencement of these rules and, in any case where, after the commencement of these rules any such premises, apply to the registering authority for the registration of such premises.

4. Application for Registration:

Every application for registration shall contain full information regarding the number and types of animals kept or to be kept, the purpose for which they are being kept or are to be kept, the provision made or to be made as respects floor space, flooring, ventilation, supply of food and water, disinfection, drainage, disposal of dung or unwanted matter, boundary walls and shall also contain such other information relevant to the matter as may be specifically called for by the registering authority.

5. Certificate of Registration :

(i) If the registering authority is satisfied that, having regard to the information supplied, the welfare of the cattle is adequately secured and that they are not likely to undergo any unnecessary suffering, he shall register the premises and issue to the applicant a certificate in respect thereof.

(ii) Every certificate shall be valid for a period of three years from the date of issue thereof, but it may be renewed from time to time for a period of three years at a time on application made by the person owning or in charge of the premises, within three months from the date of expiry of the existing certificate.

6. Inspection of Premises:

Every premises registered under these rules shall be open for inspection at all reasonable times by any veterinary or public health officer of the local authority or of the State Government who may be authorised by the State Government in this behalf by general or special order.

7. Cancellation of registration:

If any premises are not maintained in the manner required under these rules, the registering authority may, by notice in writing stating the grounds on which the notice proceeds and after giving an opportunity to the person concerned to show cause, cancel the certificate.

8. Appeal:

An appeal shall lie from any order refusing or cancelling the registration of any premises under these rules to such officer or other authority as the State Government may specify in this behalf.

9. Display of section 12 of the act:

If in any premises milch cattle are kept, there shall be displayed by the owner of cattle prominently in or near the premises, a copy of section 12 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) (as reproduced below) in a language commonly understood in the locality.

"12. If any person performs upon any cow or other milch animal the operation called phooka or doom dev or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may be extended 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."

10. Saving:

If in any area to which these rules apply, any rule, regulation or bye-laws made under any law for the time being in force, by any local authority which contains the provisions for the registration or licensing of premises in which cattle or any type thereof 'are kept then such rule, regulation or bye-laws to the extent to which it contains provisions relating to cattle or any type thereof, as the case may be, shall to that extent be of no avail.

(Notified in the Gazette of India, Part 11, Section 3, Sub-Section (11) vide Government of India, Ministry of Agriculture & Irrigation (Department of Agriculture), Notification No. 14-20/76-LD.1 dated 30th November 1978.)

**MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
NOTIFICATION**

New Delhi, the 26th March, 2001

S.O. 267 (E). - Whereas the draft Performing Animals (Registration) Rules, 2000 were published, as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act,

1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O. 1162 (E) dated the 26th December 2000 in the Gazette of India. Extraordinary, Part 11, Section 3, Sub Section (ii) dated the 27 th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the 1st January, 2001;

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

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

1. Short title and commencement :

(1) These rules may be called the Performing Animals (Registration) Rules, 2001.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions : In these rules unless the context otherwise requires

(a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);

(b) "Board" means the Animal Welfare Board of India, established under section 4 and as reconstituted from time to time under section 5A of the Act;

(c) "film" means a cinematograph film as defined in the Cinematograph Act of 1952 (37 of 1952);

(d) "fitness certificate" means a certificate granted by a veterinary doctor to be nominated by the prescribed authority certifying the health and fitness of the animal;

(e) "owner" means the owner of an animal and includes any other person in possession or custody of such animal whether with or without the consent of the owner;

(f) "ownership certificate" means a certificate granted under section 42 of the Wildlife (Protection) Act 1972 (53 of 1972);

(g) "prescribed authority" means the Board or such other authority or officer as may be authorised by the Board;

(h) "performing animal" means an animal which is used at or for the purpose of any entertainment including a film or an equine event to which the public are admitted;

(i) "schedule" means a Schedule appended to these rules;

(j) "veterinary doctor" means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984).

3. Application of registration :

(1) Any person desirous of training or exhibiting a performing animal shall, within thirty days from the commencement of these rules, apply for registration to the prescribed authority and shall not exhibit or train any animal as a performing animal without being registered under these rules.

(2) Any person desirous of exhibiting or training any performing animal shall apply for registration in the form of application set out in the First Schedule.

(3) Every such application shall be made to the prescribed authority.

4. Fee and registration : Every application for registration shall be accompanied by a fee of Rupees five hundred which may be paid either in cash or in such other manner as may be specified by the Board for this purpose.

5. Power to call for additional information :

(1) The prescribed authority may call for such additional records and information as it may deem fit from the applicant in respect of the particulars furnished by it.

(2) If the prescribed authority is satisfied about the proposed performance and the method to be adopted for the training of such animals by the applicant it may grant registration,

(3) The prescribed authority while granting registration may impose such other conditions, as it may deem appropriate for the training and upkeep of such performing animals.

6. Form of certificate of registration

(1) The certificate of registration shall be issued by the prescribed authority in the form set out in the Second Schedule.

(2) Every registration shall be given a serial number in a order in which it is made, and it shall be indicated in the certificate of registration.

7. Prior information for use of performing animals in films : -

(1) Every owner desirous of hiring out or lending a performing animal in the making of a film shall give prior information in the format as specified by the prescribed authority for

this purpose to specifying the kind of animal, age of animal, physical health of the animal, the nature of performance to be done by the animal, the duration for which the animal shall be used for such performance, the duration and method of training of the animal for such performance and justification for the use of such animals in the film and such other information as may be required by that authority.

(2) Every such application shall be accompanied by a fitness certificate issued by a veterinary doctor certifying the health and fitness of the animal along with a ownership certificate in case of animals covered under the wildlife (Protection) Act, 1972 (53 of 1972).

8. General conditions for registration

(1) The prescribed authority while granting registration may impose such terms and conditions as it deems appropriate and shall impose the following conditions in granting registration, namely :

- i. every owner who has ten or more such performing animals shall have a veterinarian as a regular employee for their care treatment and transport.
- ii. the owner shall not transport such animals by road continuously for more than 8 hours and except in cages admeasuring as specified in the Fifth Schedule;
- iii. the owner shall ensure proper watering and feeding halts during such transportation;
- iv. the owner after transportation shall provide feeding and retiring enclosures in respect of the animal specified in the Sixth Schedule;
- v. the owner shall ensure that any animal is no inflicted unnecessary pain or suffering before o during or after its training or exhibition;
- vi. the owner shall not deprive the animal of feed c water in order to compel the said animal to train or perform any trick;
- vii. the owner shall train an animal as a performing animal to perform an act in accordance with its basic natural instinct;
- viii. the owner shall not make a performing animal perform if it is sick or injured or pregnant;
- ix. the owner shall ensure that no sudden loud noise is deliberately created within the vicinity of any performing animal or bring an animal close to fire which may frighten the animal;
- x. the owner in case the performing animal is to I exhibited under artificial light, the overall intensity of such light shall not be more than 500 LUX;
- xi. the owner shall not subject the animals to a action which may either kill or injure or use the animal in scenes which may cause injury to the animals;
- xii. the owner shall not use any tripping device wires or pitfalls for such animals;
- xiii. the owner shall not expose any animal to either burning fire or to fire accidents;
- xiv. the owner shall not keep any animal including horses in close proximity while shooting scenes involving explosives or other loud noises;
- xv. the owner shall ensure that props such as spears nails splinters, barbed wires and other such pr shall not cause injury to the animals during performance;
- xvi. the owner shall ensure that the equines are made to walk on hard surfaces without being shoed and shall further ensure that the animals are used in downhill slides or rodeo slide stops wit proper skid and hock boots;
- xvii. the owner of any equine shall not use any other than an air cushioned shock absorbing which has been scientifically tested to provE it will not cause weals, bruising or other damage to the horse and subject to the conditions that (a) the whip

shall not have raised binding, stitching seam or flap. (b) the whip shall be used by licenced jockeys only. (c) the owner shall also ensure the whip is not used other than either o quarters in either the forehand or the backhand position or down the shoulder in the backhand position or use the whip with the arm above shoulder height. (d) the whip shall not be used more than 3 times in a race;

xviii. the owner shall ensure that the animal is not used on floors that are very smooth without the use of non-skidding mats;

xix. the owner shall ensure that large gathering of animals is not allowed in such a way which may cause or result in stampede to the animals;

xx. the owner shall ensure that the animal is not made or incited to fight against other animals and shall further ensure that sedatives or tranquillisers or steroids or any other artificial enhancers are not administered to or inserted in any animal except the anaesthesia by a veterinary doctor for the purpose of treatment of an injured or sick animal;

xxi. the owner shall ensure that the animal shall not be transported or be kept or confined in cages and receptacles which do not measure in height, length or breadth as specified under the Transport of Animal Rules, 1978, the Recognition of Zoo Rules, 1992 or under any other Act, rule or order for this purpose;

xxii. the owner shall ensure that the animal is not 14. continuously used for excessive number of takes in shooting a film without providing adequate rest to the animal and in the event of a snake being used it shall not be made to ingest any substances or made to crawl across tarred or any other heated surface and shall not be contorted to wrestle;

xxiii the owner shall ensure that while using an animal in shooting a film, the fight sequence shall not be shot in any livestock holding area including poultry area and shall further ensure that no birds are 15 shown in cages;

xxiv. the owner shall inform the prescribed authority at least four weeks in advance informing the place, date and time of the actual making of the film wherein the animal is to be used;

(2) The prescribed authority may also impose such other conditions for the grant of registration as may be deemed appropriate to it for the welfare of animals.

9. Register - Every person to whom a certificate of registration is issued under these rules shall have his name entered in a register which shall be kept in the form set out in the Third Schedule.

10. Inspection of register - The register kept for the purpose of these rules shall be open to inspection during office hours on any working day on payment of a fee of twenty rupees and any person may take extract therefrom or may require the prescribed authority to issue to him a certified copy of any entry made therein on payment of a fee of fifty rupees.

11. Application for variation of entries in register - Every application for the variation of any particular entered in the register maintained for the purpose of these rules shall be in the form set out in the Fourth Schedule and when any particular is varied the existing certificate of registration shall be cancelled and a new certificate be issued.

12. Submission of report by veterinary doctor - Every person who has been granted registration under these rules shall ensure that a monthly report of all the performing animals in the form to be specified by the prescribed authority in respect of their health, deaths and births duly certified by a veterinary doctor is submitted to the prescribed

authority on or before the 7th of every succeeding month.

13. Prohibition on exhibition and training of specified performing animals - Performing animals whose performance has been prohibited under sub section (2) of section 22 of the Act shall not be trained or exhibited as a performing animal.

14. Power to inspect -

(1) The prescribed authority may depute an officer or authorise any other person, to inspect the mode of transport, care and upkeep of the animals, or to be present at the time of training or exhibition of the performing animals or during making of a film to ensure that the conditions of registration are being complied with.

(2) The owner shall not obstruct the entry of such officer or authorised person and extend all possible assistance to enable him to discharge his duty.

15. Report of inspection - The officer deputed or person authorised under rule 14 shall after inspection submit a report to the prescribed authority about the compliance of the rules and the conditions as specified by the prescribed authority.

16. Cancellation of registration in respect of which registration has been granted :

1. Every animal in respect of which registration has been granted under rule 5 shall be exhibited and trained subject to the conditions of registration and these rules.

2. Every animal in respect of which registration has been granted under rule 5 shall be exhibited for a film subject to the conditions of registration and these rules.

3. The prescribed authority in the event of breach of any of the conditions of registration under rule 5 or any provision of the Act or the rules made thereunder may suspend the registration pending enquiry and after granting an opportunity of hearing revoke the registration so granted or issue such orders or directions as it may consider proper for the welfare of the animals.

17. Issue of duplicate copies of certificate - Any person who has been granted registration under these rule may, on proof by him that the original certificate registration has been lost or destroyed and on payment of a fee of one hundred rupees, be given a duplicate copy of the certificate of registration which for the purposes of these rules shall have the same effect the original certificate of registration.

FIRST SCHEDULE

Form of Application

(see rule 3 (2))

I, the undersigned, do hereby apply for registration under the Performing Animals (Registration) Rules, 2000 and hereby declare the following particulars to be true and complete to the best of my knowledge and belief

Signature _____

Date _____

Address to which order of approval is to be sent

PARTICULARS

1. Full Name of applicant (in block letters)

2. State name (if any used in India)

3. Nationality

4. Either (a) address of fixed place of residence in India. and (b) the postal address in India to

which letters may be forwarded.

5. Address or address (if any) in India, other than temporary addresses while on tour at which applicant trains or intends to train performing animals (If none, write "None")

6. State whether registered under the Performing Animals Rules, 1973 If so. State the number and date of certificate of registration

7. Copy of ownership certificate if the animal is a protected specie under the Wildlife (Protection) Act 1972.

8. (i) Particulars of performing animals proposed to be
Species Sex Age Number

(a) trained

(b) exhibited

(c) trained and exhibited for use in films

(ii) Trained performing animals already available as prescribed above for being exhibited

9. Describe the nature of the performance or Performances in which the performing animals are to be exhibited or for which they are to be trained, mentioning any apparatus which is used or to be used for the purposes of the performance.

Explanation: Detailed description of what is to be done by the animals taking part in the performance method of trail and should state the approximate duration of the performance the number of performances to be give one and the same day and the number of animals of each kind taking part in the performance.

SECOND SCHEDULE

Certificate of Registration

(see rule 6)

This is to certify that the person to whom the under-mentioned particulars relate has this day been registered under the Performing Animals (Registration) Rules, 2000 with the Registration Authority for the

Serial Number of Entry in Register _____

Signature of Clerk of Registration Authority

Name of the place : _____

Date : _____

Particulars

Kind of

proposed

performing

animal

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To
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or
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Either (a)
Address
of fixed place
of
residence in
India
or (b)
permanent
postal address
in
India to which
Letters
addressed
to the trainer
or
exhibitor may
be
forwarded
Address or
Addresses
at
Which the
Performing
Animals
are to
be trained
Particulars
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Act,
1960
(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11)

THIRD SCHEDULE

Form of Register

(see rule 9)

Particulars

Kind of
proposed
performing
animal

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Name of

trainer or

exhibitor

Nationality Either (a)

Address

of fixed place

of

residence in

India

or (b)

permanent

postal address

in

India to which
Letters
addressed
to the trainer
or
exhibitor may
be
forwarded
Address or
Addresses
at
Which the
Performing
Animals
are to
be trained
Particulars
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made
under
section
24
of the
Prevention
of
Cruelty
to
Animals
Act,
1960

(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12)

FOURTH SCHEDULE

Form of Application for Variation Particulars
Entered In Register

(see rule 11)

Application to have the particulars entered in the register with respect to the applicant varied.

To

The prescribed authority

Full Name of the applicant (in block letters)

Number and date of Certificate of Registration

I return herewith my certificate of registration under the Performing Animals (Registration) Rules, 2000 and I hereby apply to have the particulars entered in the Register with respect to be varied as follows and the reasons given below:

I also request that my existing certificate may be cancelled and a new certificate of registration may be issued to me.

Signature _____

Address _____

FIFTH SCHEDULE

Suggestive Size of Cages for Transportation

(See rule 8 (ii))

Species Length

(M)

Breadth

(m)

Height

(m)

Slender loris 0.40 0.25 0.35

Slow loris 0.60 0.25 0.45
 Horse (domestic/wild) 3.00 1.00 1.75
 Ass (domestic/wild) 2.25 80 1.28
 Zebra 2.60 95 1.80
 Elephant (Adult) 4.80 2.40 2.84
 Hippopotamus (Common) 4.06 2.10 1.50
 Pigmy Hippo 1.52 1.00 0.74
 Civet 0.79 40 0.38
 Mongoose 0.56 25 0.13
 Duck 0.38 to 0.63 22-0.35 78
 Dave 0.46 0.20 0.21

SIXTH SCHEDULE

Minimum prescribed size for feeding/retiring cubicle/enclosures for
 Important mammalian species of captive animals
 (see rule 8 (iv))

Name of the Species Size of the cubicle/enclosures in meters

Length Breadth Height

Family – Felidae

Leopard 2.00 1.50 2.00

Small cats 1.80 1.50 1.50

Family Elephantidae

Elephant 8.0 6.0 5.5

Family – Rhinocerotidae

One-horned Indian Rhinoceros 5.0 10 2.5

Family - Carvidae

Brow antlered deer 3.0 2.0 2.5

Hangul 3.0 2.0 2.5

Swamp deer 3.0 2.0 2.5

Musk deer 2.5 1.5 2.0

Mouse deer 1.5 1.0 1.5

Family - Bovidae

Nilgiri tahr 2.5 1.5 2.0

Chinkara 2.5 1.5 2.0

Four horned antelope 2.5 1.5 2.0

Wild Burrialo 3.0 1.5 2.0

Indian Bison 3.0 2.0 2.5

Yak 4.0 2.0 2.5

Bharal, goral, wild sheep and
markhor 2.5 1.5 2.0

Family - Equidae

Horses 6.0 4.0 3.0

Wild Ass 4.0 2.0 2.5

Family - Canidae

Jackal, wolf and wild dog 2.0 1.5 1.5

Family – Vivirridae

Palm Civet 2.0 1.0 1.0

Large Indian civet & binturong 2.0 1.5 1.0
Family - Mustellidae
Otter--- all types 2.5 1.5 1.0
Rat/Hogbadger 2.5 1.5 1.0
Martens 2.0 1.5 1.0
Family – Procyonidae
Red Panda 3.0 1.5 1.0
Family – Lorisidae
Slow loris and slender loris 1.0 1.0 1.5
[F.No.19/2000-AWD]
DHARMENDRA DEO, Jt. Secy.

NOTIFICATION

New Delhi, the 26th March, 2001

S.O.-268 (E) - Whereas the draft Prevention of Cruelty to Animals (Transport of Animals on Foot)

Rules, 2000 were published as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O. I 163(E) dated the 26th December 2000 in the Gazette of India, Extraordinary, Part II, Section 3, Sub Section (ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public.

And, whereas copies of the said Gazette were made available to the public on the 1st January, 2001.

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

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

1. Short title and commencement :

(1) These rules may be called the Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- In these rules unless the context otherwise requires

a. "animal" means livestock and includes the following animals namely -

(i) cattle including cow, bulls and bullocks, buffalo bulls and bullocks, cows, buffaloes, Mithuns, yaks and calves.

(ii) equines including horses, ponies, mules and donkeys.

(iii) horse including entire (stallions), geldings, brood mares, colts and fillies

(iv) goat including adult goat, male or female of two years age and above.

(v) ruck including male goat

(vi) kid young goat below one year of age

- (vii) nanny female goat
- (viii) sheep including adult sheep, male or female of two years age and above
- (ix) ewe female sheep
- (x) lamb young sheep below one year of age
- (xi) ram male sheep
- (xii) wether includes male lamb that has been castrated before reaching sexual maturity
- (xiii) pig includes adult pig, male or female of one year of age or above
- (xiv) piglet includes young pig below one year of age.
- b. "veterinary doctor" means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984)
- c. "Schedule" means a schedule appended to these rules.

3. Application of the rules - These rules shall apply to transport of animals on foot when the distance from the boundary of village or town or city of the origin of such transport to the last destination is 5 km or more than 5 km.

4. Condition of health of animals transported on foot-

(1) Every animal to be transported on foot shall be healthy and in good condition for such transport.

(2) A certificate of a veterinary doctor in respect of each animal to be transported to the effect that such animal is in a fit condition for such transportation and is not suffering from any infectious, contagious or parasitic diseases and that it has been vaccinated against any infectious, contagious or parasitic diseases shall accompany such animal

(3) The certificate under sub rule (1) shall be in the form as specified in the First Schedule.

5. Certain animals not to transport on foot - New born animals of which the navel has not completely healed, diseased, blind, emaciated, lame, fatigued, or having given birth during the preceding seventy two hours or likely to give birth during transport shall not be transported on foot. Transport in on-farm social group - Animal shall be transported in their on farm social groups (established at least one week prior to journey)

7. First aid equipment to accompany animals transported on foot - The owner of the animals shall provide veterinary first aid equipment to be accompanied with such animals while transported on foot.

8. Certificate to be carried during transportation - In case the person transporting the animals on foot is not the owner of the animal then such person shall carry a certificate as specified in the Second Schedule during such transportation.

9. Watering arrangement during transportation of animals - The owner of the animals shall make watering arrangement in route during transport of such animals on foot.

10. Feed and fodder arrangements during transportation of animals-Sufficient feed and fodder with adequate reserve of such feed and fodder for the animals shall be made available by their owner during their transport on foot.

11. Prohibition of the use of whip, etc during transportation of animals on foot -

(1) No person shall use a whip or a stick in order to for the animal to walk or to hasten the pace of their w nor such person shall apply chillies or any oft substance to any part

of the body of the animal for this purpose during their transportation on foot.

(2) If any animal needs to be tied during transport on foot, it shall be tied by a rope covered with suitable cushioning such as cloth around its leg and such animal shall not be tied by its nose, all legs or any other part of the body except by its neck.

(3) If more than one animal is to be tied adjacent to one another by a single rope during their transport on foot, the space between any two of such animals shall be minimum two feet and animals so tied shall be of similar physical condition and strength and no more than two such animals shall be tied adjacent to each other by a single rope.

12. Certain Prohibition on transport of animals on foot

(1) No person shall transport on foot an animal before sunrise or after sunset.

(2) No animal shall be transported on foot beyond the distance, time, rest interval and temperature specified for such animal in the Table below, namely:-

TABLE

Species (Animal) Maximum
distance

covered/day/h

our

Maximu

m no. of

walking/d

ay of

hours

(Travellin

g)

Period of rest

(interval)

Temperature

range

Max. Min

Cattle (Cows) 30 km/day

4 km/hr

8 hours At every 2hours for

drinking and at

every

4 hrs for feeding

12 deg. C to 30

deg.C

Buffaloes 25 km/day

3 km/hr

8 hours At every 2 hours

for

drinking ano at

every

4 hrs for feeding

12 deg. C to 30

deg. C
Cows and
Buffaloes Calves
16 km/day
2.5 km/hr
6 hours At every 1½ hrs
for drinking and at
every
3 hrs. for feeding
15 deg. C to 25
deg.C
Horses, Ponies,
Mules, Donkeys
45 km/day
6 km/hr
8 hours At every 3 hrs for
drinking and at
every
6 hrs. for feeding
12 deg. C to 30
deg. C
15 deg. C to 25
deg. C
Young ones (Foal) 25 km/day
4 km/hr
6 hours At every 2hrs. for
drinking and at
every
4 hrs. for feeding
Goats and Sheep 30 km/day
4 km/hr
8 hours At every 2 hrs. for
drinking and at
every
4 hrs. for feeding
12 deg. C to 30
deg. C
Kids and Lambs 16 km/day
2.5km/hr
6 hours At every 1 1/2 hrs.
for drinking and at
every
3 hrs. for feeding
15 deg. C to 25
deg. C
Pigs 15 km/day

2 km/hr
8 hours At every 1 Y2 hrs.
for drinking and at
every
3 hrs. for feeding
12 deg. C to
25deg. C
Piglets 10 km/day

1.5 km/hr
6 hours At every 1 Y2hrs.
for drinking and at
every
3 hrs. for feeding
15 deg. C to 25
deg. C

Note : After being provided with water every animal shall be given a break of 20 minutes before the commencement of the transport of the animal on foot and in case of feeding the break shall be given for one hour before the commencement of the transport of the animal on foot.

(3) No animal shall be made to walk under conditions of heavy rain, thunderstorms or extremely dry or sultry conditions during its transport on foot.

13. Transportation of animals in certain cases not permitted without shoes - Animals whose hooves are not provided with shoes (as in the case of pack or draught animals) shall not be transported on foot on hard cement, bitumen-coated or metalled roads, steep gradients or hilly and rocky terrain, irrespective of weather conditions (summer or winter)

14. Power of Police to require the owner to take animal to nearest Magistrate

(1) If any police officer above the rank of constable or any other person authorised in this behalf by the Central or state Government or by the Animal Welfare Board of India by the general or special order, has reason to believe that an offence has been or is being committed in respect of an animal in contravention of these rules, he may require the owner or other person in charges of such animal to take the animal to the nearest magistrate.

(2) If the owner or the person in charge of the animals referred to in sub rule (1) refuses to comply with the demands of the police officer under that sub rule, it shall be lawful for such police officer or such other persons to take the animal to the nearest magistrate.

FIRST SCHEDULE

Form for Certificate of fitness for transport of animals

(See rule 4 (3))

This Certificate should be completed and signed by a qualified Veterinary Doctor

Date and time of examination

Species

Number of Trucks/Railway Wagons

Number of Cattle

Sex Age

Identification

Breed (giving characteristics) - Area where it is found with status regarding general resistance and heat tolerance

Individual Features of the animal -

Body colour

Height

Body weight (approx)

Animal length

Breadth (measured between pelvic bones)

Colour of the eyes

Shape of the horns

General conditions (like fleshy, bony projections)

Health Status

History of the animal, feed status whether or not sign of anorexia/diarrhea

1. Record Body Temperature

2. Examine eyes for buging or protrusion of eyeball, blindness, Corneal opacity & specify

3. Condition of skin, (including signs of dehydration, injuries, anorexia (check for presence of warts on the skin))

4. Ears

Examine ears - (check for animal body response to hearing, check for any infection, inflammation or secretion (a) excess of wax, blood or any fluid)

5. Examine sub maxillary space for swelling (for any abnormality or pain)

6. Check for status of pregnancy of female animal If yes - which stage 1st, 2nd or 3rd stage

7. Examine udder & teats & specify

a. Relative size of quarters

b. Check for signs of swelling/atrophy/fibrous

c. in duration on palpation of individual quarter and specify.

a. Check teat canal for teat tumour or fibrosis of teat canal and specify.

8. a) If female - check

Check for sign of vaginal discharge on examination of the vulva and specify

b) In male - check

Testicles-Size, any sign/abnormalities for monogastric animals

Penis - injury, abrasions or the sheath, discharges to be recorded

9. Sign of abdominal pain (check for gait or posture of the animal, check for signs of abdominal distention, left flank to be checked for rumen examination (full, empty) tympani/blood

10. Digestive System

Examine mouth and specify

1 Detail out dentition

2 Specify - evidences of

- tooth damage

- broken or worn incisors

11. Respiratory system

a. Record Respiration rate

- b. Auscultation & specify for signs of dyspnoea, respiratory distress & specify
- 12. In cows possessing horns check and specify
 - a. shape of horns
 - b. number of horn rings
 - c. any difference in the direction
 - d. or appearance of two horns
- 13. Examine ribs for fracture and specify
- 14. Examine abdominal wall for presence of ventral or umbilical hernia and specify.
- 15. Examine limbs and joints for bony enlargements or synovial distentions & specify check for signs of lameness - specify
- 16. Examine interdigital space for any lesions check and specify
- 17. Any indications of foot soreness, excessive wear of soles or laminitis
- 18. Examine circulatory system
 - 1. Specify pulse rate
 - 2. Check for presence of oedema dependent portion or ascitis and specify
- 19. Transported from _____ to _____ via

I hereby certify that I have read the Prevention of Cruelty to Animals (Transport of animals on Foot) Rules, 2001.

- 1. That, at the request of (Consignor) I examined the above mentioned Cattle in the goods vehicle/railway wagons not more than 12 hours before their departure.
- 2. That each cattle appeared to be in a fit condition to travel by rail/road and is not showing any signs of infectious or contagious or parasitic disease and that it has been vaccinated against rinderpest and any other infections or contagious or parasitic disease(s)
- 3. That the cattle were adequately fed and watered for the purpose of the journey.
- 4. That the cattle have been vaccinated.

(a) Type of vaccine (b) Date of vaccination :

Signed _____

Address _____

Date _____

Qualification _____

SECOND SCHEDULE

Authorisation certificate

(See rule 8)

- 1. Name and age of the owner
- 2. Father's Name
- 3. Address of the Owner
- 4. No. of animals for transport specifying species, age and sex of each animal
- 5. Name of the person/persons transporting the animals
- 6. Specify the place of origin and the place of last destination of such animals for transport
- 7. Attach a copy of the veterinary certificate granted under Rule 8
- 8. Details of feed, fodder and watering arrangements provided during transport of such animals

I do hereby declare that I am the owner of the aforementioned animals. I have

authorized Shri _____ S/o _____ r/o _____ to transport the said animals. I have read and understood the Transport of Animals on Foot Rules, 2001 and undertake that the said Rules have been and would be complied with during transport.

I do hereby state that the above information is true and correct.

To be filled in by the Transporter

I _____ S/o _____ r/o _____ do hereby give my consent transport the aforementioned animals from the aforesaid place of origin to the place of destination.

I have read and understood the Transport of Animals on Foot Rules, 2001 and undertake that the said Rules would be complied with during transport.

I do hereby state that the above information is true and correct.

Sd/-

(Transporter)

[F.No.19/1/2000-AWD]

DHARMENDRA DEO, Jt. Secy.

New Delhi, the 26th March, 2001

S.O.270(E) - Whereas the draft Prevention of Cruelty to Animals (Slaughter House) Rules, 2000

These were published, as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O. 1165 (E) dated the 26th December, 2000 in the Gazette of India, Extraordinary, Part II, Section 3, Sub Section (ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public.

And, whereas copies of the said Gazette were made sufficient for livestock subject to veterinary inspection available to the public on the 1st January 2001.

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

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

1. Short title and commencement: (1) These rules may be called the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001

(2) They shall come into force on the date of their publication in the Official Gazette

2. Definitions - In these rules unless the context otherwise requires -

a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);

b) "Slaughter" means the killing or destruction of any animal for the purpose of food and includes all the processes and operations performed on all such animals in order to prepare it for being slaughtered.

c) "Slaughter house" means a slaughter house wherein 10 or more than 10 animals are

slaughtered per day and is duly licensed or recognised under a Central, State or Provincial Act or any rules or regulations made thereunder.

d) "veterinary doctor" means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984).

3. Animals not to be slaughtered except in recognised or licensed houses - (1) No person shall slaughter any animal within a municipal area except in a slaughter house recognised or licensed by the concerned authority empowered under the law for the time being in force to do so.

(2) No animal which -

(i) is pregnant, or

(ii) has an offspring less than three months old, or

(iii) is under the age of three months or

(iv) has not been certified by a veterinary doctor that it is in a fit condition to be slaughtered.

(3) The municipal or other local authority specified by the Central Government for this purpose shall, having regard to the capacity of the slaughter house and the requirement of the local population of the area in which a slaughter house is situated, determine the maximum number of animals that may be slaughtered in a day.

4. Reception area or resting grounds - (1) The slaughter house shall have a reception area of adequate size sufficient for livestock subject to veterinary inspection.

(2) The veterinary doctor shall examine thoroughly not more than 12 animals in an hour and not more than 96 animals in a day.

(3) The veterinary doctor after examining the animal shall issue a fitness certificate in the form specified by the Central Government for this purpose.

(4) The reception area of slaughter house shall have proper ramps for direct unloading of animals from vehicles or railway wagons and the said reception area shall have adequate facility sufficient for feeding and watering of animals.

(5) Separate isolation pens shall be provided in slaughter house with watering and feeding arrangements for animals suspected to be suffering from contagious and infectious diseases, and fractious animals, in order to segregate them from the remaining animals.

(6) Adequate holding area shall be provided in slaughter house according to the class of animals to be slaughtered and the said holding area shall have water and feeding facilities.

(7) The resting grounds in slaughter house shall have overhead protective shelters.

(8) Ante-mortem and pen area in slaughter house shall be paved with impervious material such as concrete non-slippery herring-bone type suitable to stand wear and tear by hooves, or brick, and pitched to suitable drainage facilities and the curbs of said impervious material 150 to 300 mm high shall be provided around the borders of livestock pen area, except at the entrances and such pen shall preferably be covered.

5. Lairages - (1) Every animal after it has been subjected to veterinary inspection shall be passed on to a lairage for resting for 24 hours before slaughter.

(2) The lairage of the slaughter house shall be adequate in size sufficient for the number of animals to be [aired;

(3) The space provided in the pens of such lairage shall be not less than 2.8 sq.mt. per large animal and 1.6 sq.mt. per small animal

(4) The animals shall be kept in such lairage separately depending upon their type and class and such lairage shall be so constructed as to protect the animals from heat, cold and rain

(5) The lairage shall have adequate facilities for watering and post-mortem inspection.

6. Slaughter - (1) No animal shall be slaughtered in a slaughter house in sight of other animals

(2) No animal shall be administered any chemical, drug or hormone before slaughter except drug for its treatment for any specific disease or ailment.

(3) The slaughter halls in a slaughter house shall provide separate sections of adequate dimensions sufficient for slaughter of individual animals to ensure that the animal to be slaughtered is not within the sight of other animals.

(4) Every slaughter house as soon as possible shall provide a separate space for stunning of animals prior to slaughter, bleeding and dressing of the carcasses

(5) Knocking section in slaughter house may be so planned as to suit the animal and particularly the ritual slaughter; if any and such knocking section and dry landing area associated with it shall be so built that escape from this section can be easily carried out by an operator without allowing the animal to pass the escape barrier.

(6) A curbed-in bleeding area of adequate size as specified by the Central Government shall be provided in a slaughter house and it shall be so located that the blood could not be splashed on other animals being slaughtered or on the carcass being skinned.

(7) The blood drain and collection in a slaughter house shall be immediate and proper

(8) A floor wash point shall be provided in a slaughter house for intermittent cleaning and a hand-wash basin and knife sterilizer shall also be provided for the sticker to sterilize knife and wash his hands periodically.

(9) Dressing of carcasses in a slaughter house shall not be done on floor and adequate means and tools for de-hiding or belting of the animals shall be provided in a slaughter house with means for immediate disposal of hides or skins;

(10) Hides or skins shall be immediately transported from a slaughter house either in a closed wheelbarrow or by a chute provided with self-closing door and in no case such hides or skins shall be spread on slaughter floor for inspection

(11) Floor wash point and adequate number of hand wash basins with sterilizer shall be provided in a dressing area of a slaughter house with means for immediate disposal of legs, horns, hooves and other parts of animals through spring load floor chutes or sidewall doors or closed wheelbarrows and in case wheelbarrows or trucks are used in a slaughter house, care shall be taken that no point wheelbarrow or truck has to ply under the dressing rails and a clear passage is provided for movement of the trucks.

12. Adequate space and suitable and properly located facilities shall be provided sufficient for inspection of the viscera of the various types of animals slaughtered in a slaughter house and it shall have adequate facilities for hand washing, tool sterilisation and floor washing and contrivances for immediate separation and disposal of condemned material.

13. Adequate arrangements shall be made in a slaughter house by its owner for identification, inspection and correlation of carcass, viscera and head.

14. In a slaughter house, a curbed and separately drained area or an area of sufficient

size, sloped 33 mm per metre to a floor drain, where the carcasses may be washed with a jet of water, shall be provided by the owner of such slaughter house.

7. Slaughter house building - The different construction of a slaughter house shall be built and maintained by its owner in the manner as specified below, namely :

a) Plant Building - (i) Materials used shall be impervious, easily cleansable, and resistant to wear and corrosion. (ii) Materials such as wood, plaster board, and porous acoustic-type boards, which are absorbent and difficult to keep clean shall not be used.

b) Floors - The floors shall be non-absorbent and nonslippery with rough finish and shall have suitable gradient for drainage.

c) Coves - Coves with radii sufficient to promote sanitation shall be installed at the juncture of floors and wall, in all rooms and which shall not be less than 100 mm

(d) Interior Walls - (i) interior walls shall be smooth and flat and constructed of impervious materials such a glazed brick, glazed tile, smooth surface Portland cement plaster, or other non-toxic, non-absorber material applied to a suitable base. (ii) Walls shall b provided with suitable sanitary type bumpers to prevent damage by hand trucks, carcass shunks, and the like. (iii) The interior walls shall have washable surface up to the height of 2 meters from the floor so that the splashes may be washed and disinfected.

(e) Ceilings - (i) Ceilings shall be of the height of 5 mts or more in workrooms and so far as structure conditions permit, ceilings shall be smooth and flat (ii) Ceilings shall be constructed of Portland cement plaster, large size cement asbestos boards with join sealed with a flexible sealing compound, or other acceptable impervious material and finished so as minimise condensation, mould development, flaking and accumulation of dirt. (iii) The walls above glazed type portion and ceiling shall be painted with water resistant paint to maintain them clean.

(f) Window Ledges - Window ledges shall be sloped 45 degrees to promote sanitation and to avoid damage to glass in windows from impact of hand trucks and similar equipment, the windowsills shall be 1200 mm above the floor level with proper ventilation through mechanical venting or through working vents shall be provided in the roof structure.

(g) Doorways and Doors - (i) Doorways through which product is transferred on rails or in hand trucks shall be at least 1500 mm high and shall be atleast 1500 mm wide. (ii) Doors shall either be of rust-resistant metal construction throughout, or if made with rust resistant metal having tight softwood, they shall be clad on both sides with soldered or welded seams. (iii) Doorjambes shall be clad with rust-resistant metal securely affixed so as to provide no crevices for dirt or vermin and the juncture at which the door joins the walls shall be effectively sealed with a flexible sealing compound.

(h) Screens and Insect control - All windows, doorways and other openings that may admit flies shall be equipped with effective insect and rodent screens and 'Fly chaser' fans and ducts or air curtains shall be provided over doorways in outside wall of food handing areas that are used for dispatch or receiving.

(i) Rodent-Proofing-Except in the case of solid masonry, walls constructed of glazed tile, glazed brick, and the like, expanded metal or wire mesh not exceeding 12.5 mm mesh, shall be embedded in walls and floor at their junction and such mesh

shall extend vertically and horizontally to a sufficient distance to exclude the entrance of rats and other rodents.

(j) Vehicular areas for Trucks - (i) Concrete paved areas, properly drained and extending at least 6 metres from building, loading docks or livestock platforms shall be provided at places where vehicles are loaded or unloaded. (ii) Pressure washing jets and disinfection facilities for trucks carrying animals shall also be provided at such places.

(k) Drainage - (i) All parts of floors where wet operations are conducted shall be well drained and as far as possible, one drainage inlet shall be provided for each 37 metre square of floor space (ii) A slope of about 20 mm per metre to drainage inlets shall be provided for usual conditions and it shall be ensured that the floor slopes uniformly to drains with no low spots, which collect liquid. (iii) Floor drains shall not be provided in freezer rooms or dry storage areas and when floor drains are installed in rooms where the water seal in traps is likely to evaporate without replenishment, they shall be provided with suitable removable metal screw plugs.

(l) Traps and vents on drainage lines - (i) Each floor drain, including blood drains, shall be equipped with a deep seal trap (P-, U-, or S-shape) (ii) Drainage lines shall be properly vented to the outside air and be equipped with effective rodent screens.

(m) Sanitary drainage lines - Drainage line from toilet pans and urinals shall not be connected with other drainage lines within the plant and shall not discharge into a grease catch basin and such lines shall be installed so that if leakage develops, it shall not affect the product or the equipment.

(n) Lighting and ventilation - (i) Unrefrigerated work rooms shall be provided with adequate direct natural light and ventilation or ample artificial light and ventilation by mechanical means. (ii) Uncoloured glass having a high transmissibility of light shall be used in skylights and windows (iii) The glass area shall be approximately one-fourth of the floor area of a workroom and such ratio shall be increased where there are obstructions, such as adjacent buildings, overhead catwalks, and hoists, which interfere with the admittance of direct natural light. (iv) Distributed artificial lighting of much quality and at such distances as may be specified by the Central Government shall be provided at all places where adequate natural light is not available or is insufficient.

(o) Every abattoir shall be provided with distributed artificial light of an overall intensity of not less than 200 lux at the distances as may be specified by the Central Government throughout the slaughter hall and workrooms and at places where meat inspection is carried out, the overall intensity of artificial light shall be not less than 500 lux.

(p) every abattoir shall be provided with suitable and sufficient means of ventilation to the outside air and the construction of the slaughter hall shall be so arranged that the dressed carcasses are not exposed to direct sunlight;

(q) a sufficient, safe, potable and constant supply of fresh water shall be available at adequate pressure through the premises.

(r) the pressure for the general purpose of floor washing may preferably be 200 to 330 kPa for through floor cleaning

(s) for thorough and efficient washing of carcasses, a higher pressure between

1000 kPa to 1 700 kPa shall be maintained.

(t) floor washing point shall be provided preferably for minimum 37 meter square on slaughter floor and working departments

(u) a constant supply of clean hot water shall be available in the slaughter hall and workrooms during working hours and the hotwater required for frequent sterilising of equipment shall not be less than 82 degree celsius

(v) where necessary for sanitary maintenance, equipment shall be constructed and installed so as to be completely self-draining.

(w) the following materials shall not be used in an abattoir, namely –

(i) copper and its alloys in equipment used for edible products.

(ii) cadmium in any form in equipment handling edible products

(iii) equipment with painted surface in product zone

(iv) enamel containers or equipment is not desirable and

(v) lead

(x) all permanently mounted equipment shall either be installed sufficiently away from walls (minimum 300 mm) to provide access for cleaning and inspection.

(y) all permanently mounted equipment shall either be installed sufficiently above the floor (minimum 300 mm) to provide access for cleaning and inspection or be completely sealed (watertight) to the floor area.

8. Engagement in slaughter house - (1) No owner or occupier of a slaughter house shall engage a person for slaughtering animals unless he possesses a valid license or authorisation issued by the municipal or other local authority.

(2) No person who has not attained the age of 18 years shall be employed in any manner in a slaughter house.

(3) No person who is suffering from any communicable or infectious disease shall be permitted to slaughter an animal.

9. Inspection of slaughter house - (1) The Animal Welfare Board of India or any person or Animal Welfare Organisation authorised by it may inspect any slaughter house without notice to its owner or the person incharge of it at any time during the working hours to ensure that the provisions of these rules are being complied with.

(2) The person or the Animal Welfare Organisation authorised under sub rule (1) shall after inspection send its report to Animal Welfare Board of India as well as to the municipal or local authority for appropriate action including initiation of legal proceedings if any, in the event of violation of any provisions of these rules.

(F.No.19/1/2000-AWD)

DHARMENDRA DEO, A. Secy.

Delhi, the 26th March, 2001

S.O.271 (E) - Whereas the draft Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2000 were published as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O 1166 (E) dated the 26th December, 2000 in the Gazette of India, Extraordinary, Part 11, Section 3, Sub Section (ii) dated the 27th December,

2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public.

And, whereas, copies of the said Gazette were made available to the public on the 1 st January 2001.

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

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

1. Short title and commencement - (1) These rules may be called the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - In these rules, unless the context otherwise requires.

(a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960)

(b) "Animal Welfare Organisation" means a Welfare Organisation for animals which is registered under the Societies Registration Act of 1860 (21 of 1860) or any other corresponding law for the time being in force and recognised by the Board or the Central Government.

(c) "Board" means the Animal Welfare Board of India established under the Act.

(d) "local authority, means a municipal board of municipal committee, a State Animal Welfare Board, district board or any local animal welfare organisation authorised by any law for the control and administration of any matter relating to animals within a specified local areas.

(e) "Society" means Society for Prevention of Cruelty to Animals (hereinafter referred to as SPCA) established in any district under the Societies Registration Act, 1860 (21 of 1860) or any other corresponding law applicable in a state and shall include the existing SPCA functioning in any district.

(f) "veterinary doctor" means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984).

3. Society for Prevention of Cruelty to animals in a district - (1) Every State Government shall by notification in the Official Gazette, establish, as soon as may be and in any event within six months from the date of commencement of these rules, a society for every district in the State to be the SPCA in that district.

Provided that any society for Prevention of Cruelty to Animals functioning in any district on the date of commencement of these rules shall continue to discharge its functions till establishment of the SPCA in that district under these rules.

(2) The Managing Committee of the Society shall be appointed by the State Government or the local authority of the district consisting of a Chairperson to be appointed by the State Government or the local authority of the district, as the case may be with the concurrence of the Board and shall consist of such number of other members as may be considered necessary by the State Government or the local authority of the district subject to the condition that

(i) at least two members shall be representatives of the Animal Welfare

Organisations which are actively involved in the work of prevention of cruelty to animals and welfare of animals preferably from within the district; and

(ii) at least two members shall be the persons elected by the general body of members of the Society.

(3) The duties and powers of the Society shall be to aid the Government, the Board and local authority in enforcing the provisions of the Act and to make such bye-laws and guidelines as it may deem necessary for the efficient discharge of its duties.

(4) The Society, or any person authorized by it in this behalf, if it or he has reasonable grounds for believing that any person has committed an offence under the Act, it or such authorized person may require such person to produce forthwith any animal in his possession, control, custody or ownership, or any license, permit or any other document granted to such person or required to be kept by him under the provisions of the Act and may stop any vehicle or enter into any premises in order to conduct a search or inquiry and may seize an animal in respect of which it or such authorized person has reason to believe that an offence under the Act is being committed, and deal with it in accordance with law.

(5) In addition to the powers conferred by these rules, the State Government may, in consultation with the Board, confer such other powers upon any Society for exercising the powers and discharging the functions assigned to it under these rules.

4. Setting up of infirmaries and animal shelters - (1) Every State Government shall provide adequate land and other facilities to the Society for the purpose of constructing infirmaries and animal shelters.

(2) Every infirmary and animal shelter shall have -

(i) a full time veterinary doctor and other staff for the effective running and maintenance of such infirmary or animal shelter; and

(ii) an administrator who shall be appointed by the Society.

(3) Every Society shall, through its administrator or otherwise, supervise the overall functioning of the infirmaries and animal shelters under its control and jurisdiction.

(4) All cattle pounds and pinjrapoles owned and run by a local authority shall be managed by such authority jointly with the Society or Animal Welfare Organisations.

5. Regulation of SPCAs

(1) Every Society shall submit its annual report to the Board incorporating therein the activities undertaken by it for the welfare of animals and the steps or measures taken by it to implement various provisions of the Act and the rules made thereunder along with annual accounts duly audited by a chartered accountant or any other body authorised by law within a period of one month from the date of its accounts having been finalised by its managing committee.

(2) The Board shall examine such annual report and the annual accounts submitted by the Society and may give any directions to it for improvement of its functioning including the supercession of the managing committee of the Society with a view to give effect to the provisions of the Act and the rules made thereunder. Provided that the Board shall give opportunity of personal hearing to the office bearers of the Society or any representative authorised by it before giving direction of its supercession and holding of fresh elections for electing a new managing committee

as per bye-laws of the society.

(3) The Board shall give any direction to any Society in the interest of smooth and efficient functioning of the Society including the procedure for holding the election of the managing committee of the Society, utilisation of financial resources and management of assets of the Society with a view to give effect to the provisions of the Act and the rules made thereunder.

(F.No.19/1/2000-AWD)

DHARMENDRA DEO, Jt. Secy.

The Animal Birth Control (Dogs), Rules, 2001.

NOTIFICATION

New Delhi, the 24th December, 2001

S.O. 1256 (E) - Whereas the draft Animal Birth Control (Dogs) Rules, 2001 were published, as required under the sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), vide Ministry of Culture notification number G.S.R.816(E) dated November 2, 2001 in the Gazette of India, Extraordinary, Part 11, Section 3, sub-section (i) dated November 2, 2001 and whereas objections and suggestions from all persons likely to be affected thereby were invited before the expiry of 30 days from the date on which copies of the gazette containing the said notification have been made available to the public; And whereas copies of the said Gazette were made available to the public on November 2, 2001; And whereas the objections/suggestions received from the public have been incorporated in the rules. Now, therefore, in exercise of the powers conferred by the sub-sections (1) (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, namely:

1. Short title and commencement : (1) These rules may be called the Animal Birth Control (Dogs) Rules, 2001.

(2) They shall come into force on the date of their final publication in the Official Gazette.

2. Definition : In these rules, unless the context otherwise requires, -

(a) "Act" means the Prevention of Cruelty to Animals Act, 1960.

(b) "Animal Welfare Organisation" means and includes the Society for Prevention of Cruelty to Animals and any other welfare organization for animals which is registered under the Societies Registration Act of 1860 (21 of 1860) or any other corresponding law for the time being in force and which is recognized by the Animal Welfare Board of India

(c) "Board" means the Animal Welfare Board of India, established under section 4 and as reconstituted under Section 5A of the Act;

(d) "Committee" means a committee appointed under these rules

(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" means the owner of an animal and includes any other person in possession or custody of such animal whether with or without the consent of the owner;

(g) "Veterinary doctor" means a person who holds a degree of a recognized veterinary college and is registered with the Indian Veterinary Council.

3. Classification of dogs and their Sterilization : (1) All dogs shall be classified in one of the following two categories (i) pet dogs, (ii) street dogs.

(2) The owner of pet dogs shall be responsible for the controlled breeding,

immunization, sterilization and licensing in accordance with these rules and the law for the time being in force within a specified local area.

(3) The street dogs shall be sterilized and immunized by participation of animal welfare organizations, private individuals and the local authority.

4. Formation of Committee : A monitoring committee consisting of the following persons shall be constituted by the local authority namely

(a) Commissioner/Chief of the local authority, who shall be the ex-officio Chairman of the Committee.

(b) A representative of the Public Health Department of the local authority.

(c) A representative of the Animal Welfare Department if any of the local authority.

(d) A veterinary doctor

(e) A representative of the district Society for Prevention of Cruelty to Animals (SPCA)

(f) At least two representatives from the Animal Welfare Organizations operating within the said local authority.

5. Functions of the Committee : The committee constituted under rule 4 shall be responsible for planning and management of dog control programme in accordance with these rules. The committee may:

(a) issue instructions for catching, transportation, sheltering, sterilisation, vaccination, treatment and release of sterilized vaccinated or treated dogs.

(b) authorize veterinary doctor to decide on case to case basis the need to put to sleep critically ill or fatally injured or rabid dogs in a painless method by using sodium pentathol. Any other method is strictly prohibited.

(c) create public awareness, solicit co-operation and funding.

(d) provide guidelines to pet dog owners and commercial breeders from time to time.

(e) get a survey done of the number of street dogs by an independent agency.

(f) take such steps for monitoring the dog bite cases to ascertain the reasons of dog bite, the area where it took place and whether it was from a stray or a pet dog.

(g) Keep a watch on the national and international development in the field of research pertaining to street dogs' control and management, development of vaccines and cost effective methods of sterilization, vaccination, etc.

6. Obligations of the local authority :

(1) The local authority shall provide for

(a) establishment of a sufficient number of dogs pounds including animal kennels/shelters which may be managed by animal welfare organizations;

(b) requisite number of dog vans with ramps for the capture and transportation of street dogs;

(c) one driver and two trained dog catchers to be provided for each dog van;

(d) an ambulance cum clinical van to be provided as mobile center for sterilisation and immunization;

(e) incinerators to be installed by the local authority for disposal of carcasses.

(f) periodic repair of shelter or pound.

(2) If the Municipal Corporation or the local authority thinks it expedient to control street dog population, it shall be incumbent upon them to sterilize and immunize street Dogs with the participation of animal welfare organizations, private individuals and the local authority.

(3) The animal welfare organizations shall be reimbursed the expenses of sterilization/immunization at a rate to be fixed by the Committee on fortnightly basis based on the number of sterilization/ immunization done.

7. Capturing/sterilization/immunization/release : (1) Capturing of dogs shall be based on:
- (a) Specific complaints (for which the local authority in consultation with the Monitoring Committee shall set up a dog control cell to receive complaints about dog nuisance, dog bites and information about rabid dogs) and
 - (b) General :
 - (i) On receipt of specific complaint about nuisance or dog bite the same shall be attended on priority basis, irrespective of the area from which the complaint comes. On receipt of such complaint the details such as name of the complainant, his complete address, date and time of complaint, nature of complaint etc. shall be recorded in a register to be maintained for permanent record.
 - (ii) Capturing for general purpose will be on such dates and time to be specified by the Committee.
2. The dog capturing squad shall consist of
- (i) The driver of the dog van
 - (ii) Two or more trained employees of the local authority who are trained in capturing of dogs.
 - (iii) One representative of any of the animal welfare organization Each member of the dog squad shall carry, a valid identity card issued by the local authority. The dog capturing squad will be accompanied by a representative of an Animal Welfare Organisation nominated for the purpose.
- (3) On receipt of specific complaint or for capturing dogs in normal course the dog squad will visit the concerned area, capture the dogs identified by the complaint in case of complaint oriented capturing and other dogs in case of general capturing. All the dogs caught will be tagged for identification purposes and to ensure that the dogs are released in the same area after sterilization and vaccination. Only stipulated number of dogs, according to the Animal Birth Control Program target, shall be caught by the van. A record of dogs captured shall be maintained in a register, mentioning therein the name of the area/locality, date and time of capture, names of persons in the dogs squad on that particular day and details about dogs captured such as number of male dogs, number of female dogs, number of puppies etc.
- (4) The dogs shall be captured by using humane methods such as lassoing or soft-loop animal catchers such as those prescribed under the provisions of Prevention of Cruelty (Capture of Animals) Rules, 1979.
- (5) While the dogs are being captured in any locality the representative of the local authority or of the animal welfare organization accompanying the dog squad will make announcements on a public address system that dogs are being captured from the area for the purpose of sterilization and immunization and will be released in the same area after sterilization and immunization. The announcement may also briefly educate the residents of the area about the dog control programme and solicit the support of all the residents reassuring them that the local authority is taking adequate steps for their safety.
- (6) The captured dogs shall be brought to the dog kennels/dog pounds managed by the Animal Welfare Organisations (AWOs). On reaching the dog pounds all the dogs shall be examined by the veterinarians and healthy and sick dogs should be segregated. Sick dogs should be given proper treatment in the hospitals run by Society for Prevention of Cruelty to Animals (SPCA)/other institutions and only after they are treated they should be sterilized and vaccinated. The dogs will be sterilized/vacci noted under the supervision of the veterinarians of the hospital run by the Society for Prevention of Cruelty to Animals (SPCA), Animal Welfare Organization or other dog shelters. After necessary period of follow up, the dogs shall be released at the same place or locality from where they were captured and the date, time and place of their release shall

be recorded. The representative of Animal Welfare Organisations (AWOs) shall accompany the dog squad at the time of release also.

(7) At a time only one lot of dogs shall be brought for sterilization, immunization at one dog kennel or dog pound and these dogs shall be from one locality. Two lots from different areas or localities shall not be mixed at the same dog pound or dog kennel.

(8) The dog kennel must have sufficient space for proper housing and free movement of dogs. The place should have proper ventilation and natural lighting and must be kept clean. Adults and puppies must be housed separately and amongst the adults the males and females also should be housed separately. Adequate arrangement for drinking water and food shall be made for dogs while in captivity.

(9) Female dogs found to be pregnant shall not undergo abortion (irrespective of stage of pregnancy) and sterilization and should be released till they have litter.

8. Identification and Recording : Sterilized dogs shall be vaccinated before release and the ears of these dogs should either be clipped and/ or tattooed for being identified as sterilized or immunised dogs. In addition, the dogs may be given token or nylon collars for identification and detailed records of such dogs shall be maintained. Branding of dogs would not be permitted.

9. Euthanasia of Street Dogs : Incurably ill and mortally wounded dogs as diagnosed by a qualified veterinarian appointed by the committee shall be euthanised during specified hours in a humane manner by administering sodium pentathol for adult dogs and Thiopental Intraperitoneal for puppies by a qualified veterinarian or euthanised in any other humane manner approved by Animal Welfare Board of India. No dog shall be euthanised in the presence of another dog. The person responsible for euthanising shall make sure that the animal is dead, before disposal.

10. Furious or dumb rabid dogs : (1) On the receipt of complaints from the public to the Dog Control Cell of the Local Authority or on its own, the dog squad of the Local Authority would catch such dogs, suspected to be rabid.

(2) The caught dog would then be taken to the pound where it would be isolated in an isolation ward.

(3) The suspected rabid dog would then be subjected to inspection by a panel of two persons i.e.

(i) a veterinary surgeon appointed by the Local Authority and

(ii) a representative from an Animal Welfare Organisation

(4) If the dog is found to have a high probability of having rabies it would be isolated till it dies a natural death. Death normally occurs within 10 days of contracting rabies. Premature killings of suspected rabid dogs therefore prevents the true incidence of rabies from being known and appropriate action being taken.

(5) If the dog is found not to have rabies but some other disease it would be handed over to the AWOs who will take the necessary action to cure and rehabilitate the dog.

11. Disposal of Carcasses : The carcasses of such euthanised dogs shall be disposed of in an incinerator to be provided by the local authority.

12. Guidelines for breeders

(i) A breeder must be registered with Animal Welfare Board of India.

(ii) Breeder must maintain full record of the number of pups born/died from individual bitches.

(iii) Breeder must maintain record of the person buying the pups. He should ensure that the buyer has the required knowledge for the upkeep of the pups.

13. Application of rules where local bye-laws etc., exist - If there is in force in any area

to which these rules extend, any Act, rule, regulation or bye-law made under any law for the time being in force by the State or the Local Authority in respect of any of the matters for which provision is made in these rules, such rule, regulation or bye-law shall to the extent to which

(a) it contains provisions less irksome to the animal than those contained in these rules, shall prevail;

(b) it contains provisions more irksome to the animal than those contained in these rules, be of no effect.

(No.F 1-4/2001 -AWD)

KASHRIVASTAVA, R Secry.

THE PREVENTION AND CONTROL OF INFECTIOUS AND CONTAGIOUS DISEASES IN ANIMALS ACT, 2009

NO. 27 OF 2009

[20th March, 2009]

An Act to provide for the prevention, control and eradication of infectious and contagious diseases affecting animals, for prevention of outbreak or spreading of such diseases from one State to another, and to meet the international obligations of India for facilitating import and export of animals and animal products and for matters connected therewith or incidental thereto.

WHEREAS economic losses due to infectious and contagious diseases of animals are enormous in the country with some of these diseases constituting a serious threat to the public;

AND WHEREAS many of such animal diseases can be largely prevented by judicious implementation of vaccination programmes or by taking other appropriate and timely measures on scientific lines;

AND WHEREAS such measures are necessary to facilitate the import and export of animals and animal products and to keep in tune with international practices;

AND WHEREAS it has been realised that the prevention, control and eradication of infectious and contagious diseases of animals from India has to be tackled on a national basis so as to avoid adverse impact of such diseases on the economy of the country and for this purpose harmonise the control procedures and to prevent inter-State transmission of animal diseases;

AND WHEREAS the national level handling has to be done with the active involvement of the State Governments, particularly in regard to the precautionary measures required to be taken within their jurisdiction in respect of certain infectious and contagious diseases and the regulation of movement of animals outside their respective areas by timely adoption of appropriate measures;

AND WHEREAS India is a Member Country of the Office International Des Epizooties, Paris and it is necessary to implement the general obligations, decisions and recommendations of the said Organisation and abide by the International Animal Health Code stipulated by the said Organisation; BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:-

@ CHAPTER I % PRELIMINARY ! CHAPTER I PRELIMINARY

@ 1. % Short title, extent and commencement. ! 1. Short title, extent and commencement. - (1)
This Act may be called the Prevention and Control of Infectious and Contagious Diseases in Animals Bill, 2009.

(2) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different States or for different areas therein as well as

for different provisions of this Act, and any reference in any such provision of this Act to the commencement of this Act shall be construed in relation to any State or area or provision as a reference to the coming into force of this Act or, as the case may be, of that provision, in such State or area.

@ 2. % Definitions. ! 2. Definitions. - In this Act, unless the context otherwise requires,-

- (a) "animal" means,- (i) cattle, buffalo, sheep, goat, yak, mithun; (ii) dog, cat, pig, horse, camel, ass, mule, poultry, bees; and (iii) any other animal or bird as the Central Government may, by notification, specify;
- (b) "Check Post" means any place established as such by the Director to carry out checking of animals for the purpose of this Act;
- (c) "Competent Officer" means any person or officer of the Government notified as a Competent Officer under section 17;
- (d) "compulsory vaccination" means vaccination of any animal against any scheduled disease in respect of which vaccination is made mandatory under the provisions of this Act;
- (e) "controlled area" means any local area which has been declared as such by the State Government under sub-section (1) of section 6;
- (f) "defective vaccine" means any vaccine which is expired, breach in seal, contaminated, improperly stored, unlabelled or with mutilated label;
- (g) "Director", in relation to a State, means any officer in charge of the Department of Animal Husbandry or Veterinary Services, or both, notified by the State Government as such for the purpose of this Act;
- (h) "free area" means any controlled area which has been declared as such under sub-section (5) of section 6;
- (i) "infected animal" means an animal which is infected with any scheduled disease;
- (j) "infected area" means an area declared as such under section 20;
- (k) "notification" means notification published in the Official Gazette;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "publication" includes propagation of information through the media or newspaper or any other mass media and the means of local communication such as declaration in loud voice and by beating drums in the area;
- (n) "Quarantine Camp" means any place declared to carry out quarantine of animals and birds for the purpose of this Act;
- (o) "scheduled disease" means any disease included in the Schedule;
- (p) "Veterinarian" means a person having a recognised veterinary qualification who, under the law for the time being in force, is allowed to treat animal diseases;
- (q) "Veterinary Officer" means any officer, appointed as such by the State Government under clause (b) of section 3;
- (r) "Village Officer", in relation to a village, means any person who is authorised or designated as such in accordance with the qualifications prescribed by the State Government.

@ CHAPTER II % CONTROL OF SCHEDULED DISEASES ! CHAPTER II CONTROL OF SCHEDULED DISEASES

@ 3. % Appointment of Veterinary Officers. ! 3. Appointment of Veterinary Officers. - The State Government may, by notification, appoint-

- (a) such number of persons, as it deems proper, to be Veterinarians to undertake inspection and specifying the local limits of their respective jurisdiction; and
- (b) such number of Veterinarians, as it deems proper, to be Veterinary Officers, who shall exercise their powers and discharge their duties within the local limits of their jurisdiction as may be specified in the said notification.

@ 4. % Reporting scheduled diseases obligatory. ! 4. Reporting scheduled diseases obligatory.

- (1) Every owner, or any other person, non-governmental organisation, public bodies or the village panchayat, in charge of any animal which he or it has reason to believe to be infective of a scheduled disease shall report the fact to the Village Officer or village panchayat in-charge, who may report the same in writing to the nearest available Veterinarian.

(2) The Village Officer shall visit the area falling within his jurisdiction for reporting any outbreak of the disease.

(3) Every Veterinarian shall, on receipt of a report under sub-section (1), or otherwise, if he has reason to believe that any animal is infected with a scheduled disease, report the matter to the Veterinary Officer.

(4) Where in any State there is any occurrence of scheduled disease in relation to any animal, the Director shall send an intimation to the Directors of the States which are in the immediate neighbourhood of the place where there is such occurrence, for taking appropriate preventive measures against the spread of the disease.

@ 5. % Duty to segregate infected animals. ! 5. Duty to segregate infected animals. - (1) Every owner or person in charge of an animal, which he has reason to believe is infective of a scheduled disease, shall segregate such animal and have it kept in a place away from all other animals which are healthy, and take all possible steps to prevent the infected animal from coming in contact with any other animal.

(2) The owner or other person in charge of, or having control over, the animal referred to in sub-section (1) shall confine that animal and prevent it from grazing in a common place or to drink water from any common source including a vessel, pond, lake or river.

(3) All other infected animals shall be segregated by the Municipality, Panchayat or other local administration.

@ 6. % Notification of controlled areas and free areas. ! 6. Notification of controlled areas and free areas. - (1) The State Government may, with the object of preventing, controlling or eradicating any scheduled disease, by notification, declare any area to be a controlled area in respect of any scheduled disease affecting any species of animal and any other species that may be susceptible to the disease specified in the said notification.

(2) The State Government shall also cause the substance of the notification issued under sub-section (1) to be published in a local newspaper in the vernacular language and by declaration in loud voice and by beating drums in the area.

(3) Where a notification has been issued under sub-section (1), all animals of the species in the controlled area shall be subjected to compulsory vaccination against that disease, and be subjected to such other measures against the disease, in such manner and within such time as the State Government, may, by public notice, direct.

(4) The State Government shall make available necessary vaccine and it shall be obligatory on the part of every owner, or the person in charge of an animal which is required to be vaccinated under sub-section (3), to get the animal compulsorily vaccinated.

(5) Where the State Government is satisfied, on a report received from the Director or otherwise, that, in any controlled area, any of the scheduled diseases affecting any species of animal is no longer prevalent, it may, by notification, declare the area to be a free area in respect of that disease in relation to the particular species of animal.

(6) Where a notification has been issued under sub-section (5), no animal of the species or of any other susceptible species with regard to which it is a free area shall be allowed to enter the free area unless duly immunized by vaccination against that particular disease.

@ 7. % Prohibition of movement of animals from controlled area. ! 7. Prohibition of movement of animals from controlled area. - (1) Where a notification has been issued under sub-section (1) of section 6 declaring any area as a controlled area in relation to any disease affecting any species of animals, no animal belonging to that species shall be moved from the place where it is kept.

(2) The Director may, for the purpose of control, prevention or eradication of any scheduled disease, in respect of any area, by order published in the Official Gazette, prohibit the movement of all animals belonging to any species specified therein, from the place where it is kept, to any other place.

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to prohibit- (a) the movement of any animal referred to therein, from the place where it is kept, to the nearest place where it can be got vaccinated, so long as the animal is being moved for the purpose of its immunization by vaccination; or (b) the movement of any such animal, so long as it is accompanied by a valid certificate of vaccination to indicate that the animal is duly immunized against the particular disease and it bears proper mark of such vaccination.

@ 8. % Vaccination, marking and issue of vaccination certificate. ! 8. Vaccination, marking and issue of vaccination certificate. - (1) The vaccine to an animal may be administered by any person competent under the law for the time being in force to administer it, and issue a certificate of administration of vaccination.

(2) Where any animal has been vaccinated for any scheduled disease in compliance with the provisions of sub-section (1), the person vaccinating the animal shall cause to put a mark by branding, tattooing or ear tagging, or in such other manner as the Director may, by general or special order, direct and the same shall, unless otherwise specified by the Director, shall not be removed.

(3) The authority issuing a certificate of vaccination shall specify the date of vaccination, dates of manufacture and expiry of the vaccine and the date up to which the vaccination of the animal with the particular vaccine shall be valid.

@ 9. % Contents of vaccination certificate. ! 9. Contents of vaccination certificate - Every vaccination certificate issued under this Act shall be in such form and shall contain such particulars as may be prescribed by the Central Government.

@ 10. % Entry and exit of animals into controlled area and free area. ! 10. Entry and exit of animals into controlled area and free area. - (1) Where any area has been declared as a controlled area under sub-section (1) of section 6 in respect of any disease affecting any species of animals, no animal belonging to that species shall be taken out of, or brought into that area save as provided in section 16.

(2) The Director may, by notice duly published in the Official Gazette and at least in one daily local newspaper in vernacular language, extend the prohibition contained in sub-section (1) to any other species of animals, if animals belonging to that species are also likely to be infected with that disease.

(3) No carrier of goods or animal shall carry any animal from or out of a controlled area, free area or infected area by land, sea or air unless he complies with the provisions of section 16.

(4) Nothing contained in sub-sections (1) to (3) shall apply to the carriage by railway of any animal referred to in those sub-sections through any area which, for the time being, is declared as a controlled area or infected area so long as the animal is not unloaded (for whatsoever purpose or duration) in any place within that area: Provided that the State Government may, by notification, declare that any species of animal so carried through any local area within the State shall be duly immunized against such scheduled disease, in such manner and within such time as may be specified in that notification and a certificate of vaccination shall be a prerequisite for the transportation of the animals by the railways through that area: Provided further that, where any notification as referred to in the first proviso has been issued, it shall be incumbent on the State Government to intimate that fact to the concerned railway authorities so as to enable them to satisfy themselves about the immunization of the animal before transporting it through the local area of the State.

@ 11. % Precautionary measures in relation to controlled areas. ! 11. Precautionary measures in relation to controlled areas. - No person shall take out of the controlled area-

(a) any animal, alive or dead, which is infected with, or reasonably suspected to have been infected with, any scheduled disease notified under sub-section (1) of section 6,

(b) any kind of fodder, bedding or other material which has come into contact with any animal infected with such disease or could, in any manner, carry the infection of the notified disease, or

(c) the carcass, skin or any other part or product of such animal.

@ 12. % Prohibition of markets, fairs, exhibition, etc., in the controlled areas. ! 12. Prohibition of markets, fairs, exhibition, etc., in the controlled areas - No person, organisation or institution shall hold any animal market, animal fair, animal exhibition and carry on any other activity which involves grouping or gathering of any species of animals within a controlled area: Provided that the Competent Officer may, suo motu or on application made to him in this behalf, relax the prohibition in relation to any species of animals, in a case where animals belonging to that species are not susceptible to the scheduled disease and are incapable of carrying it, if he is satisfied that in the public interest it is necessary to accord such relaxation.

@ 13. % Prohibition of bringing of infected animals into market and other places. ! 13. Prohibition of bringing of infected animals into market and other places. - No person shall bring or attempt to bring into market, fair, exhibition or other congregation of animals or to any public place, any animal which is known to be infected with a scheduled disease.

@ 14. % Check Posts and Quarantine Camps. ! 14. Check Posts and Quarantine Camps. - (1) The Director may establish as many Quarantine Camps and Check Posts within the State as may be required-

(a) for the detention of animals suffering from any scheduled disease or of animals which have come into contact with or have been kept in the proximity of any such infected animal;

(b) for ensuring the prevention of entry into or exit from any controlled area or infected area or free area, of any animal belonging to the species of animals in respect of which

a notification, issued under sub-section (1) of section 6, or an order issued under sub-section (2) of section 7, is in force.

(2) Any animal which is required to be detained, inspected, vaccinated, or marked, may be kept in the Quarantine Camp for such period as the Competent Officer may direct.

(3) Every animal detained at a Quarantine Camp shall be under the custody of the person in charge of the camp, and shall be vaccinated and marked.

(4) The officer in charge of the Quarantine Camp shall, at the time of release of an animal from the station, grant a permit, in such form as may be prescribed by the State Government, to the person taking charge of the animal, and every such person shall be bound to produce the permit whenever required to do so by any Competent Officer.

@ 15. % Inspection and detention of animals at Check Posts and Quarantine Camps. ! 15. Inspection and detention of animals at Check Posts and Quarantine Camps. - (1) Every person in charge of any Check Post or Quarantine Camp shall inspect any animal stopped at the Check Post, or detained therein or at the Quarantine Camp.

(2) The manner of inspection and the period of detention of the animal at the Check Post or at the Quarantine Camp for the purpose of inspection or for the administration of compulsory vaccination, the marking of animals and the form and manner in which permit for entry in respect of any animal may be issued, shall be such as may be prescribed by the State Government.

@ 16. % Entry and exit of vaccinated animals into controlled and free areas. ! 16. Entry and exit of vaccinated animals into controlled and free areas. -Notwithstanding anything contained in section 10, an animal belonging to the species of animals in respect of which an area has been declared as a controlled or free area in relation to any scheduled disease, which has been duly vaccinated against that disease, shall be allowed to enter into or be taken out of the controlled area or free area, or to be taken out of any other place on the production of a certificate to the effect that vaccine against that disease has been administered and a period of not less than twenty-one days has elapsed thereafter.

@ 17. % Appointment of Competent Officers. ! 17. Appointment of Competent Officers. - The State Government may, for the proper implementation of the provisions of this Act, by notification, authorise any person to exercise any power or discharge any duty as a Competent Officer, under this Act, who shall exercise such powers and such duties within the local limits of his jurisdiction as may be specified in the notification.

@ 18. % Cleaning and disinfection of carriers. ! 18. Cleaning and disinfection of carriers. (1) Every common carrier whether a vessel or vehicle shall be cleaned and disinfected immediately before and after the transportation of any animal in that vessel or vehicle, and so also any other place where the animal has been kept in transit.

(2) Where any area has been declared as a controlled area or free area in respect of any scheduled disease affecting any species of animal, the Director may, by an order duly published in the Official Gazette and in a local newspaper in the vernacular language, direct the owner of every vehicle in which any animal belonging to that species is carried, to have the vehicle properly cleaned and disinfected.

@ 19. % Powers of entry and inspection. ! 19. Powers of entry and inspection. - Any Veterinary Officer or other Competent Officer may enter upon and inspect any land or building or place, vessel or vehicle, for the purpose of ensuring compliance of the provisions of this Act or the rules or orders made thereunder, by the persons responsible for such compliance.

@ CHAPTER III % INFECTED AREAS ! CHAPTER III INFECTED AREAS

@ 20. % Declaration of infected areas. ! 20. Declaration of infected areas. - If the Veterinary Officer, upon receipt of a report from a Veterinarian or otherwise, is satisfied that, in any place or premises falling within his jurisdiction, an animal has been infected with any scheduled disease, or that an animal, which he has reason to believe has been so infected, is kept, may, by notification and publication in at least one local newspaper in the vernacular language and by declaration in loud voice and by beating drums, declare such area as he may deem fit (including the place or premises aforesaid) to be an infected area.

@ 21. % Effect of declaration of infected areas. ! 21. Effect of declaration of infected areas. - (1) Where an area has been declared as an infected area under section 20, all provisions of this Act which are applicable in relation to a controlled area shall mutatis mutandis apply thereto as if for the words "controlled area", the words "infected area" have been substituted.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the following further provisions shall apply in relation to an infected area, namely:-

(a) in respect of every animal in that area which is infected or reasonably believed to be infected, with any scheduled disease, the owner or other person in charge of the animal, shall forthwith get it treated by a Veterinarian;

(b) all articles, which are likely to have come into contact with any animal referred to in clause (a), shall be treated or disposed off in such a manner as the Veterinarian may direct;

(c) every Veterinarian shall, for the purpose of inspection, have the power to enter any place or premises where any animal is kept or is likely to be kept;

(d) the owner or any other person in charge of the animal referred to in clause (a) shall keep the animal in isolation forthwith, and also take such other measures as may be necessary for the prevention, treatment and control of the disease as the Veterinarian may direct.

@ 22. % Denotification of infected area. ! 22. Denotification of infected area. - If the Veterinary Officer, after such enquiry as he may deem fit, is satisfied that there is no longer the threat or danger of any animal being infected with the scheduled disease in any infected area, by notification and publication in a local newspaper in vernacular language, declare that the area is no longer an infected area as aforesaid, whereupon all the restrictions referred to in section 21 shall cease to apply.

@ CHAPTER IV % INFECTED ANIMALS ! CHAPTER IV INFECTED ANIMALS

@ 23. % Segregation, examination and treatment of infected animals. ! 23. Segregation, examination and treatment of infected animals. -

(1) Where the Veterinarian has, on receipt of a report or otherwise, reason to believe that any animal is infected with a scheduled disease, he may, by order in writing, direct the owner or any other person in charge of such animal- (a) to keep it segregated from other apparently healthy animals; or (b) to subject it to such treatment as may be required under the circumstances.

(2) Where any action has been taken in pursuance of sub-section (1), the Veterinarian shall forthwith give a detailed report of the incidence of the disease to the Veterinary Officer.

(3) On receipt of a report from the Veterinarian, the Veterinary Officer shall, as soon as possible, examine that animal as well as any other animal which could have come in contact with it, and for that purpose, submit the animal to such test and medical examination as may be required under the circumstances.

(4) If, after such test and examination, the Veterinary Officer is of the opinion that an animal is not infected with any of the scheduled diseases, he shall issue a certificate in writing that the animal is not infected with any such disease.

@ 24. % Drawing samples from animals. ! 24. Drawing samples from animals. - (1) Where the Veterinary Officer considers it necessary for the purpose of ascertaining whether the animal which is suspected to have been infected with any scheduled disease or susceptible to such infection is actually infected, or for the purpose of ascertaining the nature of the scheduled disease with which an animal is infected, he may draw such samples, as may be required, from the animal for the purpose of carrying out such investigations as he may deem necessary under the circumstances.

(2) The Veterinary Officer or any other Competent Officer shall draw samples from any animal for the purposes of ascertaining whether the animal has been vaccinated against any disease, or whether the vaccination of the animal has been effective in conferring it immunity and have the samples examined, in such manner as he may deem necessary.

@ 25. % Resort to euthanasia for infected animals. ! 25. Resort to euthanasia for infected animals - If the Veterinary Officer deems it necessary that an animal, which is infected with a scheduled disease, euthanasia has to be resorted to, for preventing the spread of the disease to other animals in the area or to protect public health if the disease is of zoonotic importance, he may, notwithstanding anything contained in any other law for the time being in force, by an order in writing, direct euthanasia of the animal and the carcass disposed of immediately to his satisfaction.

@ 26. % Disposal of carcass. ! 26. Disposal of carcass. - Every person in possession of carcass (or any part thereof) of any animal, which, at the time of its death, was infected with any scheduled disease or was suspected to have been infected, shall dispose it of in such manner as may be prescribed.

@ 27. % Powers of Veterinary Officer and Veterinarian to hold post-mortem examination. ! 27. Powers of Veterinary Officer and Veterinarian to hold post-mortem examination. - 1) Where the Veterinary Officer or any Veterinarian has reason to believe that the death of an animal has been caused by an infection of any scheduled disease, he may make or cause to be made a post-mortem examination of the animal and for that purpose he may cause the carcass of any such animal to be exhumed where required followed by proper disposal after necessary examination and post-mortem.

(2) Every examination and post-mortem referred to in sub-section (1) shall be conducted in such manner, and the report of post-mortem shall be in such form, as may be prescribed.

@ 28. % Seizure and removal of certain animals. ! 28. Seizure and removal of certain animals. - Where any animal which is infected or suspected to have been infected is found without any person claiming to be its owner, or where a valid order or direction given in relation to any such animal is not promptly complied with by the owner or other person in control of the animal, it shall be open to the Veterinary Officer or any other Competent Officer, to seize the animal and remove it to a place of isolation or segregation, as he may deem proper.

@ CHAPTER V % ENFORCEMENT AND PENALTIES ! CHAPTER V ENFORCEMENT AND PENALTIES

@ 29. % Enforcement of orders and recovery of expenses. ! 29. Enforcement of orders and recovery of expenses. - (1) Where by any rule, notification, notice, requisition, order or direction made under this Act, any person is required to take any measure or to do anything-

(a) in respect of any animal, carcass of any animal or other thing in his custody or charge, the same shall be promptly complied with by that person;

(b) in case of any stray or ownerless animal, carcass of such animal or parts thereof, the same shall be promptly complied with by the municipality or Panchayat, as the case may be, at its cost.

(2) If the measures as referred to in sub-section (1) are not taken within such time as may be allowed for the purpose, the authority issuing the notice, requisition, order or direction, may cause the measures to be taken at the cost of the person or municipality or Panchayat, as the case may be, who or which was required to take the measures.

(3) The costs of any measures taken under sub-section (2), shall be recoverable from the person or the municipality or Panchayat, as the case may be, concerned in the manner provided by the Code of Criminal Procedure, 1973, for the recovery of fines imposed by a Court, as if such costs were a fine imposed by a Court.

@ 30. % Village Officers, etc., to assist. ! 30. Village Officers, etc., to assist. - All Municipal, Panchayat or Village Officers and all officers of the rural and dairy development, revenue, agriculture, animal husbandry and veterinary departments of the State Government, shall be bound-

(a) to give immediate information to the Veterinary Officer and to the Veterinarian having jurisdiction in the area regarding the prevalence of a scheduled disease amongst any animal or species of animals, in the area;

(b) to take all necessary measures to prevent the outbreak or spread of any scheduled disease; and

(c) to assist the Veterinary Officer and the Veterinarian in the discharge of their duties or in the exercise of their powers under this Act.

@ 31. % Penalty for issuing vaccination certificate without authority or administering defective vaccine. ! 31. Penalty for issuing vaccination certificate without authority or administering defective vaccine. - If any person issues a vaccination certificate,-

(a) without authority or competence in that behalf, or

(b) after administering the vaccine which is known to be defective in any manner, he shall be guilty of an offence punishable with a fine of five thousand rupees or in case of non-payment of fine with imprisonment which may extend to one month, and in the case of any subsequent offence, with fine of ten thousand rupees or with imprisonment which may extend to three months.

@ 32. % Penalties. ! 32. Penalties. - Any person who contravenes the provisions of this Act or obstructs the Competent Officer in performing his duties shall be guilty of an offence punishable with fine which may extend to one thousand rupees, and in case of failure to pay the penalty with imprisonment for a term which may extend to one month; and in the case of any subsequent offence (whether under the same provision or any other provision of this Act except in case of sections 31 and 33) with a fine of two thousand rupees, or with imprisonment for a term which may extend to two months in case of non-payment of the penalty.

@ 33. % Penalty for placing infected animal or carcass in river, etc. ! 33. Penalty for placing infected animal or carcass in river, etc. - Whoever places or causes or permits to be placed in any river, lake, canal or any other water body, the carcass or any part of the carcass of any animal which at the time of its death was known to be infected, shall be guilty of an offence and, on conviction, be punished, in the case of a first offence with fine of two thousand rupees or with imprisonment of one month in case of non-payment of fine and in the case of

subsequent conviction with a fine of five thousand rupees or imprisonment for a term which may extend to three months or with both.

@ 34. % Offences by companies. ! 34. Offences by companies. - (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded and punished accordingly: Provided that nothing contained in this sub-section shall render such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.-For the purposes of this section,- (a) "company" means any body corporate and includes a co-operative society registered or deemed to be registered under any law for the time being in force, a firm or other association of individuals; and (b) "director", in relation to a firm, means a partner in the firm.

@ CHAPTER VI % PRECAUTIONARY MEASURES ON CAUSATIVE ORGANISM, ETC.
! CHAPTER VI PRECAUTIONARY MEASURES ON CAUSATIVE ORGANISM, ETC.

@ 35. % Prevention of escape of causative organism. ! 35. Prevention of escape of causative organism. - (1) In every institution, laboratory or clinic, engaged in the manufacture, testing or research, related to vaccines, sera, diagnostics or chemotherapeutic drugs and aimed at the prevention or treatment of any scheduled disease, adequate precautionary measures shall be taken- (a) to ensure that the causative organism of any scheduled disease does not escape or otherwise get released; (b) to guard against any such escape or release; and (c) to warn and to protect everyone concerned in the event of any escape.

(2) Notwithstanding anything contained in any other law for the time being in force, every animal- (a) used for the manufacture, testing or research as referred to sub-section (1), or (b) which is likely to carry or transmit any scheduled disease, shall be promptly administered euthanasia and disposed of by the person in charge of or having control of the institution, laboratory or clinic, as the case may be, referred to in that sub-section.

(3) Every person who is in charge of or having control of an institution, laboratory or clinic referred to in sub-section (1) comply with the provisions of sub-section (1) and sub-section (2); and in the event of non-compliance he shall be guilty of an offence

punishable with fine which may extend to twenty thousand rupees or imprisonment for a term which may extend to six months or with both, and in case the establishment is in commercial manufacturing of vaccines or medicine, a temporary suspension of licence up to a period of one year may also be imposed.

@ CHAPTER VII % MISCELLANEOUS ! CHAPTER VII MISCELLANEOUS

@ 36. % Power to delegate. ! 36. Prevention of escape of causative organism. Power to delegate. - The State Government may, by notification, delegate to any officer or authority subordinate to it, all or any of the powers conferred on it by or under this Act, except the powers to make rules under sub-section (2) of section 42.

@ 37. % Officers and authorities to function subject to Government control. ! 37. Officers and authorities to function subject to Government control.. - All officers and authorities under this Act shall exercise their powers and discharge their duties conferred or imposed on them by or under this Act, in accordance with such orders, not inconsistent with the provisions of this Act, as the Central Government or the State Government may, from time to time, make.

@ 38. % Power to amend the Schedule. ! 38. Power to amend the Schedule. - (1) The Central Government may, by notification, add to, or omit from the Schedule any animal disease and the said disease shall, as from the date of the notification, be deemed to have been added to, or omitted from, the Schedule. (2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before each House of Parliament.

@ 39. % Power to issue directions. ! 39. Power to issue directions. - The Central Government may, with the object of prevention, control and eradication of any infectious or contagious disease of animals, issue such directions to the State Government or other authorities under this Act, from time to time, including directions for furnishing such returns and statistics on scheduled diseases, and vaccination, as it may deem fit and every such direction shall be complied with.

@ 40. % Certain persons to be public servants. ! 40. Certain persons to be public servants. - Every Competent Officer, Director and Veterinary Officer, while exercising any power or performing any duty under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

@ 41. % Power to remove difficulties. ! 41. Power to remove difficulties. - (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act. (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

@ 42. % Power of Central Government to make rules. ! 42. Power of Central Government to make rules. - (1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the form of vaccination certificate and the particulars which such certificate shall contain, under section 9;
- (b) the manner of disposal of carcass, under section 26;
- (c) the manner of conducting examination and post-mortem under sub-section (1) and the form of report of post-mortem under sub-section (2) of section 27;

(d) any other matter which may be prescribed or in respect of which rules are required to be made by the Central Government.

@ 43. % Power of State Government to make rules. ! 43. Power of State Government to make rules. -

(1) The State Government may, by notification and with the prior approval of the Central Government, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the form of permit to be granted by the officer in charge of a Quarantine Camp, under sub-section (4) of section 14;

(b) the manner of inspection and the period of detention of an animal at a Check Post or at a Quarantine Camp for the administration of compulsory vaccination and marking of animals and the form and manner of issue of entry permit, under sub-section (2) of section 15;

(c) any other matter in respect of which rule is to be or may be made by the State Government.

@ 44. % Laying of rules. ! 44. Laying of rules. - (1) Every rule made by the Central Government under this Act shall be laid, 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 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 both Houses agree that the rule should not be made, the rule 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.

(2) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

@ 45. % Repeal and savings. ! 45. Repeal and savings. - On the commencement of this Act- (i) The Glanders and Farcy Act, 1899; (ii) The Dourine Act, 1910; and (iii) any other corresponding law of any State, so far as it is inconsistent with the provisions of this Act, shall stand repealed: Provided that nothing contained in this section shall-

(a) affect the previous operation of any such provision of law or anything duly done or suffered thereunder;

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under any such provision of law;

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any such provision of law; or

(d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and every such investigation, legal proceeding or remedy may be continued, instituted or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid provisions of law had continued: Provided further that, anything done or any action taken under any such provision of law, including any notification, order, notice or receipt issued or declaration made, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, issued or made under the corresponding provisions of this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

@ THE SCHEDULE % [See sections 2 (o) and 38] !

THE SCHEDULE [See sections 2 (o) and 38]

(a) Multiple species diseases

1. Anthrax. 2. Aujeszky's disease. 3. Bluetongue. 4. Brucellosis. 5. Crimean Congo haemorrhagic fever. 6. Echinococcosis/hydatidosis. 7. Foot and mouth disease. 8. Heartwater. 9. Japanese encephalitis. 10. Leptospirosis. 11. New world screwworm (*Cochliomyia hominivorax*). 12. Old world screwworm (*Chrysomya bezziana*). 13. Paratuberculosis. 14. Q fever. 15. Rabies. 16. Rift Valley fever. 17. Rinderpest. 18. Trichinellosis. 19. Tularemia. 20. Vesicular stomatitis. 21. West Nile fever.

(b) Cattle diseases

1. Bovine anaplasmosis. 2. Bovine babesiosis. 3. Bovine genital campylobacteriosis. 4. Bovine spongiform encephalopathy. 5. Bovine tuberculosis. 6. Bovine viral diarrhoea. 7. Contagious bovine pleuropneumonia. 8. Enzootic bovine leucosis. 9. Haemorrhagic septicaemia. 10. Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis. 11. Lumpy skin disease. 12. Malignant catarrhal fever. 13. Theileriosis. 14. Trichomonosis. 15. Trypanosomosis.

(c) Sheep and goat diseases

1. Caprine arthritis/encephalitis. 2. Contagious agalactia. 3. Contagious caprine pleuropneumonia. 4. Enzootic abortion of ewes (ovine chlamydiosis). 5. Maedi-visna. 6. Nairobi sheep disease. 7. Ovine epididymitis (*Brucella ovis*). 8. Peste des petits ruminants. 9. Salmonellosis (*S. abortusovis*). 10. Scrapie. 11. Sheep pox and goat pox.

(d) Equine diseases

1. African horse sickness. 2. Contagious equine metritis. 3. Dourine. 4. Equine encephalomyelitis (Eastern). 5. Equine encephalomyelitis (Western). 6. Equine infectious anaemia. 7. Equine Influenza. 8. Equine piroplasmosis. 9. Equine rhinopneumonitis. 10. Equine viral arteritis. 11. Glanders. 12. Surra (*Trypanosoma evansi*). 13. Venezuelan equine encephalomyelitis.

(e) Swine diseases 1. African swine fever. 2. Classical swine fever. 3. Nipah virus encephalitis. 4. Porcine cysticercosis. 5. Porcine reproductive and respiratory syndrome. 6. Swine vesicular disease. 7. Transmissible gastroenteritis.

(f) Avian diseases 1. Avian chlamydiosis. 2. Avian infectious bronchitis. 3. Avian infectious laryngotracheitis. 4. Avian mycoplasmosis (*M. gallisepticum*). 5. Avian mycoplasmosis (*M. synoviae*). 6. Duck virus hepatitis. 7. Fowl cholera. 8. Fowl typhoid. 9. Highly pathogenic avian influenza and low pathogenic avian influenza in poultry. 10. Infectious bursal disease (Gumboro disease). 11. Marek's disease. 12. Newcastle disease. 13. Pullorum disease. 14. Turkey rhinotracheitis.

(g) Lagomorph diseases 1. Myxomatosis. 2. Rabbit haemorrhagic disease.

(h) Bee diseases 1. Acarapisosis of honey bees. 2. American foulbrood of honey bees. 3. European foulbrood of honey bees. 4. Small hive beetle infestation (*Aethina tumida*). 5. Tropilaelaps infestation of honey bees. 6. Varroosis of honey bees.

(i) Fish diseases 1. Epizootic haematopoietic necrosis. 2. Infectious haematopoietic necrosis. 3. Spring viraemia of carp. 4. Viral haemorrhagic septicaemia. 5. Infectious pancreatic necrosis. 6. Infectious salmon anaemia. 7. Epizootic ulcerative syndrome. 8. Bacterial kidney disease (*Renibacterium salmoninarum*). 9. Gyrodactylosis (*Gyrodactylus salaris*). 10. Red sea bream iridoviral disease.

(j) Mollusc diseases 1. Infection with *Bonamia ostreae*. 2. Infection with *Bonamia exitiosa*. 3. Infection with *Marteilia refringens*. 4. Infection with *Mikrocytos mackini*. 5. Infection with *Perkinsus marinus*. 6. Infection with *Perkinsus olseni*. 7. Infection with *Xenohalotis californiensis*.

(k) Crustacean diseases 1. Taura syndrome. 2. White spot disease. 3. Yellowhead disease. 4. Tetrahedral baculovirosis (Baculovirus penaei). 5. Spherical baculovirosis (Penaeus monodon-type baculovirus). 6. Infectious hypodermal and haematopoietic necrosis. 7. Crayfish plague (Aphanomyces astaci).

(l) Other diseases 1. Camelpox. 2. Leishmaniosis.

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