

LAW ENFORCEMENT HANDBOOK ON ANIMAL WELFARE LAWS



ANIMAL WELFARE BOARD OF INDIA

Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India
(Department of Animal Husbandry and Dairying)

राजीव रंजन सिंह उर्फ ललन सिंह
RAJIV RANJAN SINGH ALIAS LALAN SINGH



पंचायती राज मंत्री
और मत्स्यपालन, पशुपालन एवं डेयरी मंत्री
भारत सरकार
Minister of Panchayati Raj and
Minister of Fisheries, Animal Husbandry and Dairying
Government of India

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Message

It gives me immense pleasure to present this edition of the *Law Enforcement Handbook on Animal Welfare Laws*, published by the Animal Welfare Board of India.

India's heritage is deeply rooted in the principle of *Ahimsa*—compassion towards all living beings. Our Government remains steadfast in upholding this principle, ensuring that as the nation advances toward holistic development, compassion and justice extend unequivocally to all creatures.

This Handbook will serve as a vital resource, guiding law enforcement officers in preventing and addressing cases of animal cruelty. With the recent enactment of the *Bharatiya Nyaya Sanhita, 2023*, the *Bharatiya Nagarik Suraksha Sanhita, 2023*, and the *Bharatiya Sakshya Adhinyam, 2023*, it becomes imperative that enforcement tools remain updated. This edition integrates these contemporary legal provisions, ensuring that investigating officers are well-equipped to enforce the law with clarity and confidence.

The Ministry of Fisheries, Animal Husbandry and Dairying remains committed to fostering a society where animal welfare is paramount. This Handbook reflects our collective resolve to empower law enforcement agencies across the country with the knowledge and tools necessary to implement animal protection laws effectively and compassionately.

I commend the Animal Welfare Board of India for its continued efforts in strengthening the legal framework for animal protection and enhancing the capacity of law enforcement personnel. I am confident that this Handbook will serve as an indispensable guide, reinforcing our collective responsibility to build a more humane and compassionate society.

(Rajiv Ranjan Singh)

प्रो. एस. पी. सिंह बघेल
राज्य मंत्री
मत्स्यपालन, पशुपालन एवं डेयरी
एवं
पंचायती राज मंत्रालय
भारत सरकार



Prof. S. P. Singh Baghel
Minister of State
Fisheries Animal Husbandry & Dairying
and
Ministry of Panchayati Raj
Government of India

MESSAGE

I am delighted to introduce this edition of the "*Law Enforcement Handbook on Animal Welfare Laws*", a vital resource for our nation's law enforcement agencies. This handbook arrives at a pivotal moment, as we integrate the recently enacted *Bharatiya Nyaya Sanhita, 2023*, *Bharatiya Nagarik Suraksha Sanhita, 2023*, and *Bharatiya Sakshya Adhiniyam, 2023* into our animal welfare framework.

I have had the privilege of witnessing first-hand the dedication of our Investigation Officers across various states. Their commitment to upholding animal welfare laws, often under challenging circumstances, deserves our highest commendation. This handbook is designed to support their noble efforts by providing comprehensive, up-to-date information on legal provisions and practical enforcement strategies.

The relationship between human society and animals reflects our cultural values and ethical principles. Through the proper implementation of animal welfare laws, we not only protect vulnerable creatures but also nurture the compassionate instincts that define our humanity. This handbook serves as an educational tool, fostering greater awareness and sensitivity among those entrusted with enforcing our animal protection statutes.

I extend my gratitude to the Animal Welfare Board of India for their meticulous work in publishing this handbook and to all the stakeholders who contributed their expertise. Together, let us build a society where compassion towards animals becomes an integral part of our national character.


(Prof. S. P. Singh Baghel)

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सत्यमेव जयते

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Message

Effective governance hinges on the seamless translation of policy into practice. The *Law Enforcement Handbook on Animal Welfare Laws* has long served as a vital bridge between legislative intent and on-ground execution. Its revision, incorporating the significant legal reforms introduced through the *Bharatiya Nyaya Sanhita, 2023*, the *Bharatiya Nagarik Suraksha Sanhita, 2023* and the *Bharatiya Sakshya Adhinyam, 2023* and other statutes, not only ensures that our enforcement mechanisms remain aligned with current legal frameworks but also reaffirms the Animal Welfare Board of India's proactive approach to ensuring that legal frameworks remain dynamic, relevant, and responsive to contemporary challenges.

From an administrative standpoint, this handbook serves as a valuable reference that supports the practical implementation of animal welfare laws. It helps standardise approaches while recognising the varied situations officers may encounter in the field and strengthens the entire implementation chain from policy to practice. It also facilitates knowledge transfer between experienced officers and newcomers, institutionalizing best practices and creating a framework for continuous improvement in our enforcement system.

I extend my appreciation to all contributors for their diligence in creating a resource that balances legal rigour with practical usability. I hope this Handbook enhance the efficiency of our officers and strengthen institutional mechanisms, paving the way for a more just and humane society.


(Alka Upadhyaya)

डॉ. अभिजित मित्र
Dr. Abhijit Mitra
पशुपालन आयुक्त
Animal Husbandry Commissioner



सत्यमेव जयते



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Foreword

Law enforcement plays an integral role in safeguarding animal welfare, ensuring that acts of cruelty and neglect are addressed promptly and effectively. The *Law Enforcement Handbook on Animal Welfare Laws*, published by the Animal Welfare Board of India, has long been a trusted resource for investigating officers, providing them with the legal and procedural knowledge required to handle cases of animal cruelty.

In light of the enactment of the *Bharatiya Nyaya Sanhita, 2023*, *Bharatiya Nagarik Suraksha Sanhita, 2023*, and *Bharatiya Sakshya Adhinyam, 2023*, this edition is truly the need of the hour. It ensures that investigating officers remain informed about the latest legal provisions and procedural requirements, enhancing their ability to enforce the law with accuracy and consistency.

This handbook will undoubtedly strengthen law enforcement capabilities, ensuring that officers are better equipped to protect animals and uphold the legal framework governing their welfare. I encourage all officers to utilise this resource in their efforts to promote a more humane and just society for animals.

(Abhijit Mitra)



सत्यमेव जयते

डॉ. एस. के. दत्ता
Dr. S. K. Dutta
सचिव / Secretary



भारतीय जीव जन्तु कल्याण बोर्ड

ANIMAL WELFARE BOARD OF INDIA

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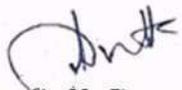
PREFACE

It has been observed that actions concerning cruelty to animals are often delayed, resulting in unnecessary pain and suffering to animals, while offenders go unpunished. A general observation regarding animal welfare laws indicates that the necessary information is not adequately known at the grassroots level, which hampers enforcement authorities from taking swift action in matters related to animal cruelty. The compilation on "**Law Enforcement Handbook on Animal Welfare Laws**" aims to provide legal and procedural knowledge to investigating officers, enabling them to handle cases of animal cruelty effectively.

In light of the enactment of the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhinyam, 2023, this updated edition is the need of the hour. It ensures that investigating officers remain informed about the latest legal provisions and procedural requirements, thereby enhancing their ability to enforce the law with accuracy and consistency.

This handbook will undoubtedly strengthen law enforcement capabilities by ensuring that officers are better equipped to protect animals and uphold the legal framework governing their welfare. It will serve as a vital resource, enabling law enforcement authorities to take proactive steps in preventing cruelty to animals at the grassroots level and sensitizing junior officers in their efforts to promote a more humane approach towards animals.

Conceptualized, developed, authored, and edited by Ms. Gauri Maulekhi, Adv. Vikram Chadravanshi, Mrs. Prachi Jain, Adv. Shalini Aggarwal, and Ms. Shremoyee Chakraborty, this handbook represents a comprehensive resource for investigating officers working in the field.


(Dr. S. K. Dutta)
Secretary

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Introduction

Animal cruelty is a broad term used to describe criminal offences committed against animals. Much like crimes against humans, these offences range in severity, type, cognisability and scale. It is important to note that animals are the victims in these cases, and must be treated as such. There are a number of different legal provisions enacted for the protection of animals in the country. This Handbook is to serve as a ready reference to these statutory provisions protecting animals, and the procedure to be followed in such scenarios, for the ease of filing complaints and conducting investigations in cases involving crimes against animals.

It is important to note that the definition of “animal” as per the *Prevention of Cruelty to Animals Act, 1960* is *any living creature* that is not human. This is a wide definition meant to include **all** animals within the protection of the law. Further, the term “owner” refers not just to the true owner, but also any person having possession or custody of an animal, with or without the consent of the true owner. Therefore, any person who has an animal in their care is legally considered to be the owner, and consequently, responsible for the wellbeing of the animal.

Chapter II lays down the specific legal procedures to be followed when handling cases involving crimes against animals. Chapters III-XI provide an overview of the different types of criminal offences against animals, and the relevant legal provisions, and Chapter XII provides state-specific statutory provisions.



Legal Procedure Upon Receipt of Animal Cruelty Complaints

Cruelty to animals is a criminal offence, therefore the provisions of the *Bhartiya Nyaya Sanhita, 2023 (BNS)*, the *Bharatiya Sakshya Adhinyam, 2023 (BSA)*, and the procedures prescribed in *The Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017* (“Case Property Rules”) along with the *Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS)* shall apply. In addition, specific legislation, i.e. *The Prevention of Cruelty to Animals Act, 1960* (“PCA”) and allied Rules are also applicable. Further, since these offences are vetero-legal cases, they require specific procedures to be followed (similar to medico-legal cases).

Registration of complaint:

Cognizable Offences:

- Upon receipt of information about the commission of a cognizable offence, it is the duty of the police officer in charge of a police station to register an FIR under **section 173(1), BNSS**. [Hon’ble Supreme Court in *Lalita Kumari v. Government of Uttar Pradesh and Others*, 2014(2)SCC 1]
- Information is receivable orally, which shall be reduced in writing by the officer incharge of the police station or by electronic communication [**Section 173(1)(i) & (ii) BNSS**].
- Upon information of cognizable offence, FIR shall be registered at any police station, regardless of the place of occurrence of offence. [**Section 173(1), BNSS**].
- FIR shall also be registered when such information is received electronically, with the informant's signature required within three days [**Section 173(1)(ii), BNSS**],
- A copy of the recorded information shall be given to the informant or victim immediately and free of cost. [**Section 173(2), BNSS**]
- For cognizable offences punishable by three to seven years, the officer in charge may, with prior permission from an officer of the rank of Deputy Superintendent of Police or above, conduct a preliminary enquiry within 14 days to ascertain if there's a *prima facie* case, or proceed with investigation if a *prima facie* case exists. [**Section 173(3), BNSS**]
- If an officer refuses to record the information, the aggrieved person can send the information in writing to the Superintendent of Police. If the Superintendent finds that the information discloses a cognizable offence, they must investigate or direct an investigation. [**Section 173(4), BNSS**].
- Every police officer also has the duty to prevent the commission of cognizable offences, to the best of their ability [**Section 168, BNSS**], which includes

Legal Procedure Upon Receipt of Animal Cruelty Complaints

- informing their superior officers [**Section 169, BNSS**], and arresting a suspect,
- A copy of the recorded information shall be given to the informant or victim immediately and free of cost. [**Section 173(2), BNSS**]
- For cognizable offences punishable by three to seven years, the officer in charge may, with prior permission from an officer of the rank of Deputy Superintendent of Police or above, conduct a preliminary enquiry within 14 days to ascertain if there's a *prima facie* case, or proceed with investigation if a *prima facie* case exists. [**Section 173(3), BNSS**]
- If an officer refuses to record the information, the aggrieved person can send the information in writing to the Superintendent of Police. If the Superintendent finds that the information discloses a cognizable offence, they must investigate or direct an investigation. [**Section 173(4), BNSS**].
- Every police officer also has the duty to prevent the commission of cognizable offences, to the best of their ability [**Section 168, BNSS**], which includes informing their superior officers [**Section 169, BNSS**], and arresting a suspect, without orders from a Magistrate and without a warrant, if the situation so requires. [**Section 170(1), BNSS**], provided that the person so arrested is not detained for a period exceeding 24 hours from the time of arrest, unless further detention is required or authorised under any law at the time being in force.

Non-Cognizable Offences:

- When informed about the commission of a non-cognizable offence, the police officer in charge of a police station must ensure that details of the offence are entered in a book prescribed in a form as prescribed by the state government. [**Section 174(1), BNSS**].
- The officer must also refer such information to the Magistrate [**Section 174(1)(i), BNSS**] and forward the daily diary report of all such cases fortnightly to the Magistrate [**Section 174(1)(ii), BNSS**]

Note: If a case involves both cognizable and non-cognizable offences, it shall be deemed a cognizable case [**Section 174(4), BNSS**].

Legal Procedure Upon Receipt of Animal Cruelty Complaints

Investigation:

- A non-cognizable offence can only be investigated upon the order of a Magistrate [**Section 174(2), BNSS**]. Once such order is received, the investigation will proceed in the same manner as that of a cognizable offence, except the power to arrest without warrant. [**Section 174(3), BNSS**].
- However, any police officer in charge of a police station has the power to investigate any cognizable offence within their station's jurisdiction, without requiring an order from a Magistrate [**Section 175, BNSS**]. A copy of the report of the cognizable offence must be sent to the Magistrate to keep them informed of the status of the investigation [**Section 176(1), BNSS**].
- The Magistrate may order an investigation on private complaints after making an enquiry on the complaint or considering submissions made by the police officer regarding the complaint. [**Section 175(3) of BNSS**]
- Magistrate may order investigation against public servants, subject to receiving a report from the officer superior to the concerned public servant and considering assertions made by the public servant about the alleged incident.[**Section 175(4), BNSS**].
- The investigating officer is required to maintain a daily record of the investigation in a case diary, and include all details such as the statements recorded, places visited, facts ascertained, etc. [**Section 192, BNSS**].
- While conducting an investigation, a police officer also has the power to require the attendance of any person who appears to be acquainted with the facts and circumstances of the case, and resides within the jurisdiction of that or adjoining station's jurisdiction [**Section 179, BNSS**]. They are also empowered to orally examine witnesses and record their statement in writing [**Section 180(1), BNSS**].
- Officers are empowered to conduct searches during the course of the investigation [**Section 185, BNSS**]. The search must be conducted by the officer in person, if practicable [**Section 185(2), BNSS**] and recorded through audio-video electronic means, preferably by mobile phone [**Proviso to Section 185(2), BNSS**]. Copies of any record made must be sent to the nearest empowered Magistrate within 48 hours.[**Section 185(5), BNSS**].
- Police officers not below the rank of sub-Inspector also have the powers of search and seizure for offences under the PCA Act [**Sections 32 and 34, PCA Act**].

Legal Procedure Upon Receipt of Animal Cruelty Complaints

- Searches relating to an offence under the PCA Act that has been, is being or is about to be committed, can be undertaken upon the issuance of a search warrant from a Magistrate [**Section 33, PCA Act**].
- Any police officer above the rank of constable also has a general power to seize an animal if they have reason to believe that an offence against this Act has been, is being or is about to be committed against the animal, and produce the same for examination to the jurisdictional veterinary officer [**Section 34, PCA Act**].
- Upon seizure of an animal, the seizing authority shall ensure health inspection, identification, and marking through the jurisdictional veterinary officer and produce the same before the Magistrate [**Rule 3, Case Property Rules**].
- Any other article of evidentiary value such as a weapon (knife/rod/hammer/stone/gun/stick, etc.), heavy chains, cage in which animal was confined, or any other relevant matter must be taken into custody as well and produced before the magistrate, along with photographs, health/forensic reports and statements [**Section 106, BNSS**].
- Electronic records, such as videos, CCTV camera footage, photographs, etc. are deemed to be documents, and must also be included as evidence [**Section 63 of BSA**]. If the electronic record is of the nature that cannot be produced in court, a certificate attesting to the evidence, device it was recorded on, circumstances of such recording, etc., and signed by the person who operates said device, must also be issued [**Section 63(4) of BSA**].
- Any vehicle used in the commission of an offence under the PCA Act must be seized and produced before the magistrate for directions to hold it as security [**Rule 5(4), Case Property Rules**].

Standard Operating Procedures:

When the animal is alive

- When a police officer is made aware of a situation where an animal has been or is being abused, and the animal is alive, they must go to the location and conduct a search [authorised under **section 32, 34 PCA Act**], and the animal in question must be seized [authorised under **section 34, PCA Act**].
- The police officer must next contact the Jurisdictional Veterinary Officer to arrange for identification tagging in the manner prescribed [**Rule 3, Case Property Rules**],

Legal Procedure Upon Receipt of Animal Cruelty Complaints

and a medical examination of the animal. [See Annexure-A for a sample letter to the Jurisdictional Veterinary Officer]

- In case the animal has sustained any injuries or is sick, they must be given the necessary medical treatment [**Section 35, PCA Act**].
- The animal must be produced before the Magistrate, who will decide upon the custody of the animal pending litigation. Cost of care and maintenance of the animal is to be borne by the accused, who must pay the bond within 3 days, failing which the animal shall be forfeited. The seized animal is then to be shifted to the infirmary/pinjrapole/SPCA/Animal Welfare Organisation that has been granted custody. [**Rules 3-5, Case Property Rules**].
- The animal against which an offense under the PCA Act is committed/alleged to have been committed cannot be returned to the accused while the trial is pending. [Hon'ble Supreme Court in *State of UP v. Mustakeem & Ors.*, *Criminal Appeal Nos. 283-287/2002*].

Note: Reference to AWBI Advisory F.No. 3-5/2021-22/PCA dated 20.01.2022, “Standard Operating Procedure for proper implementation of The Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017” [**Annexure-B**]

When the animal is alive but mortally wounded/diseased

- When a police officer is made aware of a situation where an animal has been or is If a police officer above the rank of constable comes across an animal who is severely injured or diseased, they must contact the Jurisdictional Veterinary Officer to arrange for the medical examination of the animal. [See Annexure-A for a sample letter to the District Veterinary Officer]
- If the veterinary officer certifies that keeping the animal alive would cause unnecessary suffering, the animal can be euthanized after obtaining consent from the Magistrate [**Section 13, PCA Act**].

When the animal is alive

- If the animal victim is already dead, the police officer must contact the

Legal Procedure Upon Receipt of Animal Cruelty Complaints

Jurisdictional Veterinary Officer to arrange for a postmortem examination of the animal. *[See Annexure-A for a sample letter to the Jurisdictional Veterinary Officer]*

- The body must immediately be seized and sent to the Jurisdictional Veterinary Officer for post-mortem examination. In cases of suspected poisoning, viscera must be sent to a forensic laboratory once the veterinarian has sealed and stamped the sample.
- The post-mortem report received from the Jurisdictional Veterinary Officer, identifying the cause of death, must be included with the investigation report, and in the case diary.
- The carcass of the animal can be duly disposed of after the post mortem examination.

When drugs and injurious substances are found

- Situations where drugs and injurious substances may be present require a similar operating procedure as that of handling illegal drugs. When drugs or injurious substances are found during a search, they must be seized and sent to the designated laboratory.
- When a Drug Inspector is a part of the search, the seized substances must be sealed by the Drug Inspector and sent to the designated laboratory.

Completion of Investigation

- The completion of the investigation should be carried out without unnecessary delay. **[Section 193(1), BNSS]**.
- Upon completion of the investigation, the police report must be submitted to the empowered Magistrate **[Section 193(3), BNSS]**.
- The informant or victim should be informed about the progress of the investigation within 90 days **[Section 193(3)(ii) of the BNSS]**.

Further Investigation

- Further investigation is permitted even after the submission of the police report to the Magistrate **[Section 193(9), BNSS]**.
- If further investigation is required during the trial, it necessitates permission from the Court and must be completed within 90 days, extensible with Court permission. **[Proviso to Section 193(9), BNSS]**

General Provision for Prevention of Cruelty to Animals

The *Prevention of Cruelty to Animals Act, 1960* (“PCA”) is the primary legislation pertaining to cruelty to animals. This legislation is applicable to offences against any/all animals, and relevant provisions must be applied **in addition** to any other specific legislation (such as the ones mentioned in the following chapters).



General Provision for Prevention of Cruelty to Animals

Provision	Particulars	Notes
Section 325, BNS, 2023	Killing, poisoning, maiming or rendering useless any animal	Cognizable
Section 11(1)(l), PCA Act, 1960	Mutilating or killing any animal	Cognizable
Section 11(1)(n), PCA Act, 1960	Organising, keeping, using, running, or managing any place for animal fighting	Cognizable
Section 11(1)(o), PCA Act, 1960	Promoting or participating in shooting matches where animals are released from captivity for such purpose	Cognizable
Section 303, BNS, 2023	Stealing an animal	Cognizable
Section 3, PCA Act, 1960	Duty of owner to ensure the well being of an animal	'Animal' refers to <i>any living creature</i> that is not human [sec. 2(a), PCA Act] 'Owner' refers not just to the legal owner, but also any person having possession or custody of an animal, with or without the consent of the legal owner. [sec. 2(f), PCA Act]
Section 11(1)(a), PCA Act, 1960	Kicking, beating, overriding, overdriving, overloading, torturing or otherwise causing unnecessary pain or suffering.	Non-Cognizable

General Provision for Prevention of Cruelty to Animals

Provision	Particulars	Notes
Section 11(1)(b), PCA Act, 1960	Making an old, sick, diseased, wounded, infirm or unfit animal work	Non-Cognizable
Section 11(1)(c), PCA Act, 1960	Administering an injurious substance or drug	Non-Cognizable
Section 11(1)(d), PCA Act, 1960	Transporting an animal in any manner that causes unnecessary pain or suffering	Non-Cognizable
Section 11(1)(e), PCA Act, 1960	Confining an animal in a space that does not provide reasonable opportunity for movement	Non-Cognizable
Section 11(1)(f), PCA Act, 1960	Keeping an animal tethered or chained with an unreasonably short/heavy chain for an unreasonable period of time	Non-Cognizable
Section 11(1)(g), PCA Act, 1960	Neglecting to provide a dog with adequate exercise when it is normally kept chained or confined	Non-Cognizable
Section 11(1)(h), PCA Act, 1960	Failing to provide adequate food, water or shelter	Non-Cognizable
Section 11(1)(i), PCA Act, 1960	Abandoning an animal in circumstances that will make it likely to suffer starvation or thirst	Non-Cognizable
Section 11(1)(j), PCA Act, 1960 &	Permitting an animal with contagious/infectious diseases to roam in any	Non-Cognizable

General Provision for Prevention of Cruelty to Animals

Provision	Particulars	Notes
Section 291, BNS, 2023	street; or permitting a diseased/disabled animal to die in any street	
Section 11(1)(k), PCA Act, 1960	Having in possession or offering for sale any animal that is suffering pain due to mutilation, starvation, thirst, overcrowding, or other ill-treatment	Non-Cognizable
Section 11(1)(m), PCA Act, 1960	Using an animal as bait for another animal for the purpose of entertainment, or inciting any animal to fight	Non-Cognizable * Also see State-specific legislation on gaming/gambling, as applicable
Section 11(3), PCA Act, 1960	Certain animal husbandry practices, animal experimentation, or killing an animal for food is permitted only if done in the <u>prescribed manner</u> , and <u>without causing unnecessary pain or suffering</u>	Exceptions to cruelty; only when carried out without causing unnecessary pain or suffering to the animal
Section 30, PCA Act, 1960	If a person, who has been charged under section 11(1)(l) for killing a goat or cow, has in their possession the skin of such animal with the skin of the head attached, they shall be presumed to have killed the animal in a cruel manner	Presumption of guilt

General Provision for Prevention of Cruelty to Animals

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General Provision for Prevention of Cruelty to Animals

Provision	Particulars	Notes
Section 38(3), PCA Act, 1960	Contravention or abetment of contravention of <u>any Rule</u> made under this Act is a punishable offence	Penal provision for all Rules framed under the PCA Act

Cruelty While Transporting Animals

Relevant statutes: The Motor Vehicles Act, 1988; The Central Motor Vehicles Rules, 1989; The Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules 2001 (“Transport on Foot Rules”) and Transport of Animals Rules, 1978, to be read with sections 11(1) and 38 of the PCA Act; The Wild Life (Protection) Act, 1972 (“WLPA”); The Prevention and Control of Infectious and Contagious Diseases in Animals Act (“Prevention of Infectious Diseases Act”); Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 (“FSS Licensing Regulations”)



Cruelty While Transporting Animals

Provision	Particulars	Notes
Documents required for transporting animals on foot:		
Rule 4, Transport on Foot Rules, 2001	1. Fitness certificate issued by a veterinarian for each animal, in the prescribed format	See <i>Annexure - C for Proformas for Certificate of Fitness</i> * Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 8, Transport on Foot Rules, 2001	2. If the person transporting animals on foot is not the legal owner of such animals, they must carry an authorisation letter from the owner in the format provided	
Documents required for transporting animals by road, sea or air:		
Rules 4, 16, 47, 58, 65, 87, Transport of Animals Rules, 1978	1. Certificate of fitness to travel issued by a qualified veterinarian surgeon in the prescribed format, for dogs, cats, monkeys, cattle, equines, sheep, goats and pigs	See <i>Annexure - D for Proformas for Certificate of Fitness to Travel for different species</i>
Rule 96, Transport of Animals Rules, 2001	2. Certificate issued by an officer or Animal Welfare Organisation recognized for this purpose by the AWBI or Central Government, verifying that all laws have been complied with	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 125E, Central Motor Vehicles Rules, 1989	3. Special license for transporting livestock, issued by the Regional Transport Officer, since vehicles used for such transport must be modified in accordance	Violation of these Rules is punishable under section 177 of The Motor Vehicles Act, 1988 * See Rule 125E for prescribed sizes for

Cruelty While Transporting Animals

Provision	Particulars	Notes
Documents required for transporting animals on foot:		
Rule 4, Transport on Foot Rules, 2001	1. Fitness certificate issued by a veterinarian for each animal, in the prescribed format	See <i>Annexure - C for Proformas for Certificate of Fitness</i> * Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 8, Transport on Foot Rules, 2001	2. If the person transporting animals on foot is not the legal owner of such animals, they must carry an authorisation letter from the owner in the format provided	
Documents required for transporting animals by road, sea or air:		
Rules 4, 16, 47, 58, 65, 87, Transport of Animals Rules, 1978	1. Certificate of fitness to travel issued by a qualified veterinarian surgeon in the prescribed format, for dogs, cats, monkeys, cattle, equines, sheep, goats and pigs	See <i>Annexure - D for Proformas for Certificate of Fitness to Travel for different species</i>
Rule 96, Transport of Animals Rules, 2001	2. Certificate issued by an officer or Animal Welfare Organisation recognized for this purpose by the AWBI or Central Government, verifying that all laws have been complied with	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 125E, Central Motor Vehicles Rules, 1989	3. Special license for transporting livestock, issued by the Regional Transport Officer, since vehicles used for such transport must be modified in accordance	Violation of these Rules is punishable under section 177 of The Motor Vehicles Act, 1988 * See Rule 125E for prescribed sizes for

Cruelty While Transporting Animals

Provision	Particulars	Notes
	with these Rules	partitions for transporting animals
Documents required when transporting wildlife:		
Section 40(2), WLPA, 1972	1. If transporting any animal from Schedule I or Part II of Schedule II: Prior written permission from the Chief Wildlife Warden	‘Wild animal’ refers to any animal specified in Schedules I-IV [sec. 2(36), WLPA] * Punishable under Section 51, WLPA
Section 43, WLPA, 1972	2. Permission from the Chief Wildlife Warden	
	3. Interstate transport of wild animals require the permission of the Chief Wildlife Warden of States sending and receiving the animal	
Animals which may <u>not</u> be transported		
Rules 5-6, Transport on Foot Rules, 2001 & Rule 98, Transport of Animals Rules, 1978	Animals which have given birth in the preceding 72 hours, or are likely to give birth during the transportation, newborn animals whose navel has not fully healed, and diseased, blind, emaciated, lame or fatigued animals must not be transported	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Sections 7, 10, 11, Prevention of Infectious Diseases Act, 2009	Transportation of certain species of animals may be restricted/prohibited by a State Government notification with the objective of controlling the spread of infectious diseases	

Cruelty While Transporting Animals

Provision	Particulars	Notes
General provisions for transport of animals:		
Rule 14, Transport on Foot Rules, 2001	<p>If a police officer above the rank of constable has reason to believe that an offence has been or is being committed against these Rules, they may require the owner to present the animal to the nearest Magistrate.</p> <p>If the owner refuses to comply, the police officer can directly take the animal to the nearest Magistrate.</p>	Power of police to take the animal to the nearest Magistrate
Rule 97, Transport of Animals Rules, 1978	In the event of noncompliance with the rules for transport, any permit or authorisation issued shall be cancelled and the police must stop the further transport of animals and seize them.	Duty of police to stop transport of animals if permit is cancelled for noncompliance
Rule 11, Transport on Foot Rules, 2001	The use of whips or sticks is prohibited, as is the use of chilli powder or similar substances to make the animal move faster. If an animal is to be tied, there must be sufficient cushioning. No animal is to be tied by the nose, all legs or any other part except the neck. If two animals are tied with the same rope, there must be at least 2 feet of space between them, and they must be of similar physical condition and strength.	

Cruelty While Transporting Animals

Provision	Particulars	Notes
General provisions for transport of animals:		
Rule 14, Transport on Foot Rules, 2001	If a police officer above the rank of constable has reason to believe that an offence has been or is being committed against these Rules, they may require the owner to present the animal to the nearest Magistrate. If the owner refuses to comply, the police officer can directly take the animal to the nearest Magistrate.	Power of police to take the animal to the nearest Magistrate
Rule 97, Transport of Animals Rules, 1978	In the event of noncompliance with the rules for transport, any permit or authorisation issued shall be cancelled and the police must stop the further transport of animals and seize them.	Duty of police to stop transport of animals if permit is cancelled for noncompliance
Rule 11, Transport on Foot Rules, 2001	The use of whips or sticks is prohibited, as is the use of chilli powder or similar substances to make the animal move faster. If an animal is to be tied, there must be sufficient cushioning. No animal is to be tied by the nose, all legs or any other part except the neck. If two animals are tied with the same rope, there must be at least 2 feet of space between them, and they must be of similar physical condition and strength.	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960

Cruelty While Transporting Animals

Provision	Particulars	Notes
Rule 12, Transport on Foot Rules, 2001	No animal can be transported before sunrise or after sunset, or during heavy rains, thunderstorms, or extremely dry or sultry conditions. No animal is to be transported beyond the distance, time, rest interval and temperature, as prescribed.	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rules 9-10, Transport on Foot Rules, 2001	The owner must make arrangements for sufficient feed and fodder (as well as a reserve) and water during the journey	
Chapters II-VIII, Transport of Animals Rules, 1978	All animals must be transported in accordance with the specific conditions prescribed in the Rules: <ol style="list-style-type: none"> i. Dogs and Cats (Chapter II) ii. Monkeys (Chapter III) iii. Cattle (Chapter IV) iv. Equines (Chapter V) v. Sheep and Goats (Chapter VI) vi. Poultry (Chapter VII) vii. Pigs (Chapter VIII) 	
Rule 13, Transport on Foot Rules, 1978	Animals without shoes shall not be transported on hard cement, bitumen coated or metallated roads, steep gradients or rocky/hilly terrain at any time.	

Cruelty While Transporting Animals

Provision	Particulars	Notes
Rule 7, Transport on Foot Rules, 2001	The owner must ensure that a first-aid equipment is carried during the journey	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Part IV(A), FSS Licensing Rules, 2011	Humane treatment while transporting from farms to the slaughterhouse, such as only transporting healthy animals, maintaining partitions to prevent infighting, not keeping animals tethered during transit, providing adequate space for each animal to lie down, clean and sanitary transport conditions, not loading during extreme weather conditions, providing a ramp for loading and unloading, and never hitting the animals	See Part IV(A)(a) for prescribed conditions of handling animals pre-slaughter * Violations can be penalised under section 50, FSS Act, 2006

Cruelty Towards Working Animals

Relevant Statutes: Prevention of Cruelty to Draught and Pack Animals Rules, 1965 (“Draught and Pack Animals Rules”) to be read with section 11(1) and 38 of the PCA Act.



Photo: Anipixels.com

Cruelty Towards Working Animals

Provision	Particulars	Notes
Rule 3, Draught and Pack Animals Rules, 1965	No draught animal can be made to pull more than the maximum prescribed load.	See Rule 3 for maximum prescribed weights for draught animals * Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 4, Draught and Pack Animals Rules, 1965	No pack animal can be made to carry more than the maximum prescribed load.	See Rule 4 for maximum prescribed loads for pack animals * Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 11, Draught and Pack Animals Rules, 1965	If a police officer above the rank of constable suspects that Rule 3 or 4 is being violated, they may require the owner to take the animal and vehicle to the nearest weigh-bridge, and give the owners a statement with the recorded weight being carried/pulled by the animal. If the owner refuses to comply, the police officer can take the animal and vehicle to the weigh-bridge	Powers of police and procedure to be followed
Rule 5, Draught and Pack Animals Rules, 1965	Draught animals can only be made to carry a maximum of 4 passengers excluding the driver and children under the age of 6	

Cruelty Towards Working Animals

Provision	Particulars	Notes
Rule 3, Draught and Pack Animals Rules, 1965	No draught animal can be made to pull more than the maximum prescribed load.	See Rule 3 for maximum prescribed weights for draught animals * Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 4, Draught and Pack Animals Rules, 1965	No pack animal can be made to carry more than the maximum prescribed load.	See Rule 4 for maximum prescribed loads for pack animals * Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 11, Draught and Pack Animals Rules, 1965	If a police officer above the rank of constable suspects that Rule 3 or 4 is being violated, they may require the owner to take the animal and vehicle to the nearest weigh-bridge, and give the owners a statement with the recorded weight being carried/pulled by the animal. If the owner refuses to comply, the police officer can take the animal and vehicle to the weigh-bridge	Powers of police and procedure to be followed
Rule 5, Draught and Pack Animals Rules, 1965	Draught animals can only be made to carry a maximum of 4 passengers excluding the driver and children under the age of 6	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960

Cruelty Towards Working Animals

Provision	Particulars	Notes
Rule 6, Draught and Pack Animals Rules, 1965	No animal can be made to work more than 9 hours a day, or for more than 5 hours continuously, or from 12-3pm in an area where temperatures exceed 37 degrees celsius	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 7, Draught and Pack Animals Rules, 1965	Animals must be disengaged after work and not kept in a harness or attached to a vehicle	
Rule 8, Draught and Pack Animals Rules, 1965	The use of spiked bit, stick, or any other sharp equipment that can cause bruises, swelling, abrasions, or severe pain is prohibited	
Rule 9, Draught and Pack Animals Rules, 1965	Horses must not be saddled in a manner wherein the saddle rests directly on their withers, without adequate clearance between the arch or the saddle and withers	

Cruelty Towards Performing Animals

A performing animal is one that is used for the purpose of entertainment to which the public are admitted [Rule 2 (h), The Performing Animals (Registration) Rules, 2001].

Relevant statutes: The Prevention of Cruelty to Animals Act, 1960 (“PCA”), The Wild Life (Protection) Act, 1972 (“WLPA”), and The Performing Animals (Registration) Rules, 2001 (“PAR Rules”) to be read with sections 11(1) and 38 of the PCA Act.



Cruelty Towards Performing Animals

Provision	Particulars	Notes
Section 22, PCA Act, 1960	Complete restriction on: 1. exhibiting or training any animal without registration 2. exhibiting or training animals banned by the Central Government	The Central Government banned training or exhibition of six species, i.e. lions, tigers, bears, monkeys, panthers and bulls for performances (Notification G.S.R 528(E), dated 11.7. 2011)
Documents required for exhibiting or training performing animals:		
Rule 3, PAR Rules, 2001	Certificate of Registration required from the Animal Welfare Board of India, for each animal intended to be used for training or exhibition, and including details about the nature of performance, purpose, use of any apparatus, method of training, number of performances in a day, number of animals of each kind being used in the performance, etc.	Violation of these Rules is punishable under section 38(3), PCA Act, 1960 * Dog shows, animal rides, animal races, animal sports, etc. are considered to be performances * <i>See Annexure - E for the prescribed format of the certificate of registration</i>
Section 42, WLPA, 1972	Where wild animals are trained, exhibited or used for performances, an additional document-certificate of ownership issued by the Chief Wildlife Warden is required	Lack of ownership certificate will amount to hunting/unlawful possession under section 9, and punishable under section 51
Section 26, PCA Act, 1960	The following acts are prohibited: a. exhibiting or training animals without registration b. exhibiting or training	Non-Cognizable

Cruelty Towards Performing Animals

Provision	Particulars	Notes
	animals beyond the scope of the registration c. using any animal prohibited by the Central Government d. obstructing a police officer from entering or inspecting the premises e. concealing an animal from inspection f. If registered, failing to produce the certificate g. applying for registration when not entitled to do so	
Rule 7, PAR Rules, 2001	Any person who wishes to hire or lend a performing animal for a film must give prior intimation to the prescribed authority with necessary details about such training and performance	Violation of these Rules is punishable under section 38(3) of the PCA Act
Rule 8, PAR Rules 2001	No animal shall be used for performances where such performance is not compliant with the general conditions prescribed.	
Section 38H, WLPA, 1972	No circus can operate unless recognized by the Central Zoo Authority.	See section 2(7A) for the definition of 'circus' * All Madaris, Kalandars, Snake Charmers, Fortune-telling parakeets, etc. are in illegal possession of Wildlife * Punishable under Section 51

Cruelty in Animal Slaughter and Meat Shops

Relevant statutes: The Prevention of Cruelty to Animals (Slaughter House) Rules, 2001 (“Slaughterhouse Rules”) to be read with sections 11(1) and 38 of the PCA Act; Bharatiya Nyaya Sanhita (BNS); The Food Safety and Standards Act, 2006 (“FSS Act”); and The Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 (“FSS Licensing Regulations”)



Cruelty in Animal Slaughter and Meat Shops

Provision	Particulars	Notes
Documents required by all slaughterhouses:		
Rule 4(3), Slaughterhouse Rules, 2001	1. Fit for slaughter (antemortem) certificate issued by a qualified veterinarian in the prescribed format	See <i>Annexure-F for Antemortem and Postmortem proforma</i>
Rules 5-6, Slaughterhouse Rules, 2001	2. Postmortem certificate issued by a qualified veterinarian in the prescribed format	
Section 31, FSS Act, 2006 & Regulation 2.1.2 and Schedule I, FSS Licensing Regulations, 2011	3. Food Safety licence/ registration from the appropriate authority depending on size of business	The FSSAI issues two types of licenses / registrations: a. For slaughterhouses: where animals may be slaughtered in prescribed manner b. For meat shops: Where meat products may be sold No food business can receive/retain both licenses/registration at the same premises.
Animals which may not be slaughtered:		
Rule 3, Slaughterhouse Rules, 2001	No animal which is pregnant, has offspring less than 3 months old, is under the age of 3 months or which has not been issued a fitness certificate by a veterinary doctor can be slaughtered.	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Regulation 2.5, Food Safety & Standards (Food Product Standards &	The slaughter of any animal not listed in sub-regulation 2.5.1(a) is not permissible.	Killing of dogs, camels, cats and any other animals not listed in this regulation is a cognizable

Cruelty Towards Performing Animals

Provision	Particulars	Notes
Rule 4, Slaughterhouse Rules, 2001	No more than 12 animals/hour or 96 animals/day can be examined by one veterinary doctor. The animals must be grouped by class of animals and be given access to food and water. Sick or aggressive animals are to be kept in isolation pens.	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 5, Slaughterhouse Rules, 2001	After the veterinary inspection, animals are moved to a lairage to rest for 24 hours before slaughter. All animals must have adequate space, be protected from the elements, and have access to water.	
Rule 8, Slaughterhouse Rules, 2001	All slaughterhouse employees must be above the age of 18. Butchers must be free from infectious diseases, and must possess valid authorisation from the local government	
Section 59, FSS Act, 2006	Manufacturing, storing, selling or distributing food unsafe for human consumption is an offence	
Section 63, FSS Act, 2006	Carrying out a business without necessary licenses is an offence	

Cruelty Towards Livestock

Relevant statutes: The Prevention of Cruelty to Animals Act, 1960 (“PCA”); The Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978 (“Cattle Premises Rules”); The Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017 (“Livestock Markets Rules”). All PCA Rules are to be read with section 11(1) and 38 of the PCA Act.



Cruelty Towards Livestock

Provision	Particulars	Notes
Section 12, PCA Act, 1960	Injecting any substance (eg. oxytocin) to improve lactation	Cognizable
Rule 3, Cattle Premises Rules, 1978	Document required: Every person who owns or is in charge of premises with five or more cattle kept for profit must apply for registration with the State Government	Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960
Rule 13, Livestock Markets Rules, 2017	No unfit animal can be sold. No pregnant animal likely to give birth in the animal market or during transportation can be offered or displayed for sale.	
Rule 14, Livestock Markets Rules, 2017	Prohibited cruel and harmful practices: a. identification methods including branding, cuts, sharing horns or teeth b. use of chemicals, colours, ornaments or decorative material c. preventing calves from suckling d. use of any muzzle that prevents eating e. inadequate bedding f. use of non-therapeutic medication	
Rule 15, Livestock Markets Rules, 2017	No one can cause unnecessary pain or suffering or injury to an animal, including leaving an animal exposed to the weather, inadequate ventilation, hitting/	

Cruelty Towards Livestock

Provision	Particulars	Notes
	<p>prodding, pulling of nose ropes, nose pegs or bits, tethering on a short rope for an unreasonable period, and thirst/starvation.</p>	
<p>Rule 16, Livestock Markets Rules, 2017</p>	<p>Animals must be handled humanely, and practices like dragging, suspending off the ground, lifting via the head/neck/ears/horns/legs /feet/tail/fleece/wing, tying up/muzzling calves, tying animals in a manner that completely prevents moving, tying multiple animals with the same rope, and using sharp/rough materials to tie animals are prohibited.</p>	
<p>Rule 17, Livestock Markets Rules, 2017</p>	<p>No one is permitted to use excessive force to control an animal, including methods such as twisting/breaking of tails, twisting ears or muzzle, hitting with a stick, goad or other instrument, use of chilli powder, nose rings, etc. Nor can any animal be moved upon surfaces where they are likely to fall.</p>	<p>Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960</p>
<p>Rule 19, Livestock Markets Rules, 2017</p>	<p>Animals must be provided with clean, wholesome water and food</p>	

Cruelty Towards Community and Street Dogs

Relevant Statutes: Animal Birth Control Rules, 2023 (“ABC Rules”) to be read with sections 11(1) and 38 of the PCA Act; and Bhartiya Nyaya Sanhita, 2023 (BNS).



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Cruelty Towards Community and Street Dogs

Provision	Particulars	Notes
Rule 11, ABC Rules, 2023	Street dog population can only be managed via the capture-sterilise-vaccinate-release program (ABC program). Every dog must be captured in a humane method and then released in the same locality from where it was picked up.	In <i>S.L.P.(C) 691/09</i> , the Supreme Court held that this is the only method to be used, and no street dog can be killed or relocated. * Violation of these Rules is punishable under section 38(3) of the PCA Act
Section 351, BNS, 2023	Threatening or intimidating anyone from keeping pets or feeding street dogs amounts to criminal intimidation.	Non-cognizable

Offences Against Wildlife

Relevant statutes: The Wild Life (Protection) Act, 1972 (“WLPA”)



Offences Against Wildlife

Provision	Particulars	Notes
Section 50, WLPA, 1972	Any police officer not below the rank of sub-Inspector has the power of entry, search, seizure, arrest, detention for offences under this Act	Power of entry, search, arrest, detention
Section 51, WLPA, 1972	Penalties for all offences under this Act	Penal provision
Section 52, WLPA, 1972	Attempt or abetment of an offence under this Act is deemed to be contravention of the provision	
Section 9, WLPA, 1972	Capturing, killing, poisoning, snaring, trapping of any wild animal, and every attempt to do so; injuring or destroying or taking any part of the body of a wild animals; disturbing or damaging the eggs or nests of wild birds and reptiles	See section 2(16), WLPA for the definition of 'hunting'
Section 27, WLPA, 1972	No person shall tease or molest any wild animal, or litter the grounds of a sanctuary	
Section 29, WLPA, 1972	No person shall destroy, exploit, remove any wild life, or destroy/damage its habitat without a permit from the Chief Wild Life Warden	
Section 31, WLPA, 1972	Prohibition of entry into sanctuary with a weapon	See section 2(35), WLPA for the definition of 'weapon'

Offences Against Wildlife

Provision	Particulars	Notes
Section 32, WLPA, 1972	Ban on the use of chemicals, explosives, and other substances that can injure or endanger wild animals in a sanctuary	
Section 38J, WLPA, 1972	Teasing, molesting, injuring, causing disturbance or feeding any animal in a zoo	See section 2(39), WLPA for the definition of 'zoo'
Section 39, WLPA, 1972	Acquiring, possessing, transferring, destroying or damaging any wild animal, wild animal article, trophy, meat, ivory and ivory articles, and any vehicle, vessel, weapon, trap or tool used for trapping or hunting wild animals	
Section 40, WLPA, 1972	No person shall acquire, receive, keep in her custody or possession, sell, offer for sale or otherwise transfer any animal listed in Schedule I or Schedule II (Part II), or any article derived from such animal	
Section 42, WLPA, 1972	The Chief Wild Life Warden may issue a certificate of ownership over a wild animal or animal article, etc. in certain cases, after ensuring that the person has adequate facilities for housing, maintenance and upkeep of the animal	If a person is found in possession of an animal/ animal article without a licence and ownership certificate, it will be considered illegal possession under section 9, and punishable under section 51

Offences Against Wildlife

Provision	Particulars	Notes
Section 44, WLPA, 1972	No person can deal in any animal article, trophy, etc. without a licence	If a person is found in possession of an animal/ animal article without a licence and ownership certificate, it will be considered illegal possession under section 9, and punishable under section 51
Section 48, WLPA, 1972	No person shall have in their possession any animal, article, trophy that is undeclared or not lawfully acquired. Nor can they capture any wild animal or have in their possession any captive animal specified in Schedule I or Part II of Schedule II	
Section 48A, WLPA, 1972	No person shall accept any animal or animal article for transportation except after exercising due care to ascertain that the transport has been permitted	
Section 58C, WLPA, 1972	Prohibition on holding illegally acquired property	
Section 55, WLPA 1972	Cognizance of offences shall only be taken upon complaints by- <ol style="list-style-type: none"> 1. Director (Wildlife Preservation) 2. Member-Secretary (Central Zoo Authority) 3. Member-Secretary (Tiger Conservation Authority) 4. Director of the concerned tiger reserve 5. Chief Wildlife Warden or any officer in this behalf by the State Government or any officer authorised 	

Offences Against Wildlife

Provision	Particulars	Notes
	<p>(Tiger Conservation Authority)</p> <p>4. Director of the concerned tiger reserve</p> <p>5. Chief Wild Life Warden or any officer authorised in this behalf by the State Government</p> <p>6. officer-in-charge of the concerned zoo</p> <p>7. any person who has given a notice of at least 60 days of the offence and intention to make a complaint to the Central or State Government or any of the above officers</p>	
<p>Section 57, WLPA, 1972</p>	<p>When a person has been found to have in their possession any captive animal, animal article, trophy, etc., it shall be presumed to be unlawfully acquired, and the burden on proof lies on the accused to establish lawful acquisition</p>	<p>Burden of proof on accused</p>

Cruelty in Animal Trade

Relevant statutes: The Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017 (“Dog Breeding Rules”) and The Prevention of Cruelty to Animals (“Pet Shop) Rules, 2018 (“Pet Shop Rules”) to be read with section 11(1) and 38 of the PCA Act; The Wild Life (Protection) Act, 1972 (“WLPA”)



Cruelty in Animal Trade

Provision	Particulars	Notes
Rule 3, Dog Breeding Rules, 2017	Documents required for any breeding-related activity: Certificate of registration from the State Animal Welfare Board.	See Rule 2(c), Dog Breeding Rules for the definition of 'breeder' * Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960 * Any State requirements/permits shall additionally be applicable Eg. License under Shops & Establishment Laws * <i>See Annexure-G for proforma of certificate of registration for dog breeding</i>
Rule 3, Pet Shop Rules, 2018	Documents required to operate a pet shop: Certificate of registration from the State Animal Welfare Board.	See Rule 2(k), Pet Shop Rules for the definition of 'pet shop' * Violation of these Rules is punishable under section 38(3) of the PCA Act, 1960 * Any State requirements/permits shall additionally be applicable Eg. License under Shops & Establishment Laws * <i>See Annexure- H for proforma of certificate of registration for pet shops</i>
Rule 8, Dog Breeding Rules , 2017	Breeders must ensure that no puppy under the age of 8 weeks is sold,	Violation of these Rules is punishable under section

Cruelty in Animal Trade

Provision	Particulars	Notes
Rule 6, Pet Shop Rules, 2018	Pet shops must provide adequate accommodation, infrastructure and housing for the animals. They must not be located near loud noises, noxious smells, butcher shops or slaughterhouses.	38(3) of the PCA Act, 1960 *
Rule 7, Pet Shop Rules, 2018	All animals must be housed in a species-appropriate, hygienic environment, with sufficient clean drinking water and food. Animals must be housed with their own species and not kept next to species they are inimical with.	Any State/Local requirements shall additionally be applicable Eg. Fire Safety standards; building registration etc. *
Rule 15, Pet Shop Rules, 2018	The pet shop owner must ensure that imported, exotic birds and animals are sourced through legal channels from suppliers that obtained all necessary approvals and licenses.	
Section 9, 43, WLPA, 1972	Trading in any Indian wild animals (monkeys, parakeets, tortoises, turtles, birds, frogs, snakes, etc.) or their body parts (skin, teeth, bones, ivory, etc.) is prohibited	Punishable under section 51, WLPA, 1972

State-Specific Legislation on Animal Cruelty

Andhra Pradesh

- a. The Andhra Pradesh Animals and Birds Sacrifices (Prohibition) Act, 1950 [Sections 3-6]
- b. Andhra Pradesh Prohibition of Cow Slaughter and Animals Preservation Act, 1977 [Section 5, 6, 8, 10]
- c. Andhra Pradesh Gaming Act, 1974 [Sections 9-11]
- d. Andhra Pradesh Motor Vehicles Rules, 1989 [Rule 253]

Arunachal Pradesh

- a. The Arunachal Pradesh Fisheries Act, 2006 [Sections 4-5]

Assam

- a. Assam Cattle Preservation Act, 2021 [Sections 4, 6, 7, 8, 9, 10, 11, 13]
- b. The Assam Police Act, 2007 [Section 100(1)(a)]

Bihar

- a. Bihar Preservation and Improvement of Animals Act, 1955 [Sections 3, 4, 4A, 4B, 9, 14, 29]
- b. The Bihar Police Act, 2007 [Section 79(1)(a)]

Chhattisgarh

- a. The Chhattisgarh Agricultural Cattle Preservation Act, 2004 [Sections 4-6]
- b. The Chhattisgarh Police Act, 2007 [Section 35]

Daman & Diu

- a. Goa, Daman and Diu Prevention of Cow Slaughter Act, 1978 [Section 3, 5, 8]
- b. Goa, Daman & Diu Wild Animals & Wild Birds Protection Act, 1965 [Sections 7, 13, 15, 27, 28, 30, 34-39]

Delhi

- a. The Delhi Police Act, 1978 [Sections 73-79]
- b. The Delhi Agricultural Cattle Preservation Act, 1994 [Sections 4-14]

Goa

- a. Goa Animal Preservation Act, 1995 [Sections 4-9]
- b. Goa, Daman and Diu Prevention of Cow Slaughter Act, 1978 [Section 3, 5, 8]
- c. Goa, Daman & Diu Wild Animals & Wild Birds Protection Act, 1965 [Sections 7, 13, 15, 27, 28, 30, 34, 35, 36, 38, 39]

State-Specific Legislation on Animal Cruelty

Gujarat

- a. Gujarat Animals and Birds Sacrifices (Prohibition) Act, 1972 [Sections 3-5]
- b. The Gujarat Essential Commodities and Cattle (Control) Act, 2005 [Section 4]
- c. The Gujarat Wild Animals and Wild Birds Protection Act, 1963 [Section 9, 16, 18, 31, 34, 40, 44, 45]
- d. The Gujarat Fisheries Act, 2003 [Sections 2-5, 8, 9]

Haryana

- a. Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 [Section 3, 5, 8, 13]
- b. The Haryana Police Act, 2008 [Section 79(1)(a)]

Himachal Pradesh

- a. The Himachal Pradesh Prohibition of Cow Slaughter Act, 1979 [Section 3, 5, 8, 9]
- b. The Himachal Pradesh Police Act, 2007 [Section 114(i), (ii)]
- c. The Himachal Pradesh Fisheries Act, 1976 [Sections 6-7A]

Jharkhand

- a. The Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005 [Section 3, 4, 5, 7, 10, 12]

Karnataka

- a. The Karnataka Police Act, 1963 [Sections 92, 93, 156]
- b. The Karnataka Prevention of Animal Sacrifices Act, 1959 [Sections 3-6]
- c. The Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020 [Sections 4-7]
- d. Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act, 2017 [Section 3 read with Schedule]

Kerala

- a. The Kerala Animals and Bird Sacrifices Prohibition Act, 1968 [Sections 3-6]
- b. Kerala Police Act, 1960 [Section 46]

Madhya Pradesh

- a. The Madhya Pradesh Agricultural Cattle Preservation Act, 1959 [Sections 4-6]

State-Specific Legislation on Animal Cruelty

Maharashtra

- a. The Maharashtra Animal Preservation Act, 1976 [Sections 5-10]
- b. The Bombay Police Act, 1951 [Sections 74-78, 89-92, 99-101, 106]
- c. The Maharashtra Fisheries Act, 1960 [Sections 3, 6]

Meghalaya

- a. The Meghalaya Police Act, 2010 [Sections 110(1)(a)]

Mizoram

- a. The Mizoram Animal Slaughter Act, 2013 [Sections 3, 4, 5, 8, 11]

Orissa

- a. The Orissa Prevention of Cow Slaughter Act, 1960 [Section 3, 7]
- b. The Orissa Urban Police Act, 2003 [Section 66-69, 71, 72, 86,

Puducherry

- a. The Puducherry Animals and Birds Sacrifices Prohibition Act, 1965 [Sections 3, 4, 5, 6]
- b. The Pondicherry Prevention of Cow Slaughter Act, 1968 [Section 3, 5, 8]

Punjab

- a. The Punjab Prohibition of Cow Slaughter Act, 1955 [Sections 3, 5, 8, 9]
- b. The Punjab Police Act, 2007 [Section 68(1)(a)]

Rajasthan

- a. Rajasthan Animals and Birds Sacrifice (Prohibition) Act, 1975 [Sections 3-6]
- b. The Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995 [Sections 3-11]The Rajasthan Camel (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 2015 [Sections 3-11]
- c. The Rajasthan Police Act, 2007 [Section 60]
- d. Rajasthan Fisheries Act, 1953 [Section 3, 4, 6, 8]

Sikkim

- a. The Sikkim Police Act, 2008 [Section 169(1)(a), (m)]
- b. The Sikkim Fisheries Act, 1980 [Sections 3, 7]

State-Specific Legislation on Animal Cruelty

Telangana

- a. The Telangana Animals and Birds Sacrifices Prohibition Act, 1950 [Sections 3-6]
- b. Telangana Prohibition of Cow Slaughter and Animals Preservation Act, 1977 [Section 5, 6, 8, 10]
- c. Telangana Gaming Act, 1974 [Sections 9-11]

Tripura

- a. The Tripura Police Act, 2007 [Section 90(1)(a)]

Uttar Pradesh

- a. The Uttar Pradesh Prevention of Cow Slaughter Act, 1955 [Sections 3, 5, 5A, 8, 9]

Uttarakhand

- a. The Uttarakhand Cow and its Progeny Protection Act, 2007 [Sections 3, 5, 6, 8, 11, 12]
- b. Uttarakhand Fisheries Act, 2003 [Sections 6-10]

Annexure - A: Sample letter to Jurisdictional Veterinary Officer

To,

Jurisdictional Veterinary Officer,

Ref: _____

_____ District

Case Number: _____

Department of Animal Husbandry

Government of _____

Subject: Requesting Medical Examination / Postmortem Examination

Dear Madam/Sir,

With reference to the above cited subject, on _____ (date) at _____ (time), received a complaint from _____ aged _____ r/o _____ regarding a case of cruelty to animals. The incident involves _____ (number and type of animals).

(Further details to be added regarding type of offense and any injury to the animal)

Case no. _____ under _____ was registered and the investigation has been entrusted to _____.

Hence it is requested to kindly arrange for Medical Examination / Postmortem Examination, as applicable, as per Rule 3(a) of **The Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017**.

Name: _____

Designation and Police Station: _____



ANIMAL WELFARE BOARD OF INDIA

Department of Animal Husbandry and Dairying
Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India
NIAW Campus, 42 Mile Stone, Delhi-Agra Highway
NH-2, Ballabhgarh, Haryana-121004
Email: animalwelfareboard@gmail.com : Website: www.awbi.in

F. No. 3-5/2021-22/PCA

Date: 20.01.2022

To

1. The Chief Secretary of all States/UTs
2. The Director General of Police of all States/UTs
3. The District Magistrate of All States/ UTs.
4. The Municipal Commissioner of all States/UTs

Subject: Standard operating procedure for proper implementation of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 - regarding.

Reference: Advisory of even no. dated 15.06.2021 and 27.12.2021 -regarding.

Sir/Madam,

With reference to the aforesaid subject, it is submitted that the ABWI vide its advisory dated 15.06.2021 has requested to kindly issue necessary direction to the erring officials to properly implement the provision of Prevention of Cruelty to Animals Act, 1960 and rules made there under. However, due to non-implementation of the provisions of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 a reminder letter dated 27.12.2021 was issued.

2. In this regard, it is stated that the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 framed under the Prevention of Cruelty to Animals Act, 1960. These Rules were framed to resolve the difficulty which was being faced in various pending litigation across the country in which the custody of the cattle's or animals during the pendency of the litigation were raising debate and confusion as there was no fixed position of the same in the law which leads to further conflict.

3. Accordingly, a standard operating procedure(SOP) has prepared by the AWBI, detailing the steps which must be followed while reporting, entering or search and seizure of any animals in case of violation of the PCA Act, 1960 and rules made there under.

4. Therefore, in view of the above, it is again requested to kindly issue necessary direction to the erring officials to strictly follows the SOP for proper implementation of the provision of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and to maintain a full record of seized animals.

dm

5 Your co-operation and co-ordination is highly solicited for the welfare of animals.

Yours sincerely,



(Dr. S. K. Dutta)
Secretary, AWBI

Copy to:

1. Director, Animal Husbandry of all States/ UTs

Protocol to be adopted for seizure and custody of animals vis-à-vis Prevention of Cruelty to Animals Act 1960

The following steps should be followed while reporting crime against animals (Complainant can be any individual/individuals or an SPCA or an Animal Welfare Organisation) :-

- a. Information in writing should be made to the nearest Police Station.
- b. Complainants may accompany Police Officers for search and seizure of the animals. Where search & seizure is undertaken by SPCA or any person authorised by the prescribed authority, the information shall promptly be provided to the jurisdictional Police Station for registration of NCR/FIR, as the case may be and for compliance of Case Property Animals Rules. Thereafter, the investigation must be initiated by the Jurisdictional Police in accordance with law.

Note: Search and Seizure undertaken by any unauthorised person is illegal and would attract legal consequences. Only Law Enforcement Agency, inspectors/officers or individuals duly authorised for this purpose are empowered under the PCA Act and Rules thereunder, to undertake search and seizure.

- c. Photos & videos should be taken by seizing authority to record the conditions of animals.

1- Power to Enter and Inspect -

- a. In accordance with Section 18 of the Prevention of Cruelty to Animals Act, 1960, the Committee for the Purpose of Control and Supervision of Experiments on Animals may authorise any of its officers or any other person in writing, to enter and inspect any institution where animals are being housed for any experiment/research/testing.
- b. In accordance with Section 25 of the Prevention of Cruelty to Animals, 1960, the AWBI may authorise any person to enter and inspect any premises where animals are being trained for performance or are being performed. Rule 14 of the Performing Animals (Registration) Rules, 2001, empowers AWBI or any other person authorised on its behalf to inspect the housing, transport and working conditions of animals at the time of training or exhibition of the performing animal.
- c. In accordance with Rule 9(1) of the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, empower the AWBI or a State Animal Welfare Board or any person who is a qualified veterinarian authorised by it may inspect any slaughter house.
- d. Upon receipt of a complaint or for any other reason, under Rule 7(1) read with Rule 2(1)(i) of the Prevention of Cruelty to Animals (Dog Breeding & Marketing) Rules, 2017, the State Board may in writing authorise any person to enter and inspect a dog breeding establishment.
- e. In accordance with Rule 11 of the Prevention of Cruelty to Animals (Regulation of Livestock Market) Rules, 2017, the State Board, local authority, District Animal Market Monitoring Committee or the State Animal Husbandry Department may in writing authorise any of its officers to inspect any animal market and seize any animals if there is reason to believe that the animal(s) is being treated cruelly.



f. Upon receipt of a complaint or for any other reason, under Rule 10 read with Rule 2(1)(g) of the Prevention of Cruelty to Animals (Pet Shop) Rules, 2018, the State Board may in writing authorise any person to enter and inspect a pet shop establishment.

2- Power to Search and Seize Animals -

a. Section 32 and 34 of the Prevention of Cruelty to Animals Act, 1960 [hereinafter referred to as 'PCA Act'] empowers the Law Enforcement Agency (or any other person authorised by the State Government) to search and seize the animals upon whom unnecessary pain and suffering is being inflicted.

b. SPCAs notified under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules 2001, have power under Rule 3(4) to authorise persons to conduct search of any premises/vehicle and seizure of animals if violation of the Act is suspected.

c. Vehicle(s) used in commission of an offence under the PCA Act are required to be seized by the police and produced before the Magistrate. The Magistrate shall be informed of the provision under Rule 5(4) of the Case Property Rules which states that the vehicle(s) shall be held as security until pendency of the case.

3- Procedure to be followed after seizure of animals –

- a. Upon seizure of animals, a copy of seizure memo shall be given to accused from whom the animal(s) are seized. [Sections 100- 103, CrPC]
- b. Pursuant to seizure, an entry shall be made in the General Dairy or Daily Dairy or Station Dairy of the jurisdictional police station in accordance with the provisions of the State Police Act or under Police Manual of the respective state, as the case may be.
- c. In case the seizure has been made by any SPCA, the animals must be produced before the concerned Police Station immediately after seizure for the compliance of the veterolegal protocol, registration of case and production of animals before the Jurisdictional Magistrate.
- d. The Police Station shall issue a request for the medical examination/post-mortem of the animal to be conducted by the Jurisdictional Veterinary Officer.
- e. Thereafter, in accordance with Rule 3(a) of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, identification, tagging and medical examination/health check of the seized animal(s) shall be carried out by the Jurisdictional Veterinary Officer. It shall be the duty of the Jurisdictional Veterinary Officer to conduct a medical examination/post-mortem of the seized animals and tender a report to the police, as mandated under Section 34 of the Prevention of Cruelty to Animals Act, 1960, notwithstanding the registration of an FIR/NCR lodged by the police until such time.
- f. The Jurisdictional Veterinary Officers shall provide all veterinary assistance to any injured or diseased animals as required without delay.
- g. Panchnama shall be prepared while complying with (c) above, simultaneously. [Section 100(4) & (5), 102, 165, 166 of CrPC]
- h. Based on the facts of the case and the medical/health report of the seized animal(s), a First Information Report (FIR) or Non-Cognisable Report (NCR) shall be registered by the police.
- i. Pursuant to registration of FIR/NCR, the police shall produce the seized animal(s) before the jurisdictional judicial magistrate and obtain an order regarding housing/

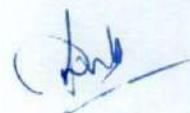
(Signature)

hospitalisation of seized animals pending litigation. At this stage, any Animal Welfare Organisation, SPCA or Gaushala may make an application before the magistrate seeking interim custody of the seized animals in accordance with Rule 3(b) of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.

4- Upkeep and Maintenance of Seized Animals -

- a. Section 35 of the PCA Act R/w the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 [hereafter referred to as 'Case property Animals Rules 2017'] provides for upkeep and maintenance of animals seized under the Provisions of the PCA Act & Rules made thereunder.
- b. The seized animals are the property of the court and the custodian of the seized animals is a mere guardian of the court's property. The seized animal(s) whose interim/temporary custody has been given to any person or organisation shall ensure that they are looked after properly, maintain a record of their treatment, vaccination, deworming, post mortem report (if any) and bills/account of expenses incurred in the upkeep of such seized animal(s) and submit the same to the court from time to time.
- c. In a case where the animals have been forfeited to an Animal Welfare Organisation, such organisation shall have liberty to give the said animals up for adoption in accordance with Rule 9 of the Case Property Animals Rules 2019. Also, in case where the accused relinquishes ownership of his animals to an Animal Welfare Organisation in presence of the Magistrate, the Animal Welfare Organisation may put those animals up for adoption in accordance with Rule 9 of the Case Property Animals Rules.
- d. If any case property animal is incurably ill or mortally wounded, the custodian of such animal shall request the jurisdictional police to subject such animal to examination by the jurisdictional veterinary officer, who if 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, seek permission of a magistrate to euthanize such animal, thereby ensuring that the animal is not made to endure unnecessary pain or suffering, as provided under Section 13(3) of the PCA Act, 1960.
- e. If there is lack of clarity on any matter regarding case property animals, not specifically addressed in the PCA Act or Rules made thereunder, the Magistrate should be approached for the same. No decision should be taken by the custodian of the animals as they are merely guardians of the court's property.
- f. Vehicle(s) used in commission of an offence under the PCA Act are required to be seized by the police and produced before the Magistrate. The Magistrate shall be informed of the provision under Rule 5(4) of the Case Property Rules which states that the vehicle(s) shall be held as security until pendency of the case.

For transport and upkeep of the animals and any incidental expenses, rates shall be fixed by the District Magistrate [Section 35(4) of PCA] or State Animal Welfare Board [Rule 4 of the Case Property Animals Rules 2017], in accordance with which the Magistrate can issue relevant orders.





Reminder-1

ANIMAL WELFARE BOARD OF INDIA

Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India
NIAW Campus, 42 Mile Stone, Delhi-Agra Highway
NH-2, Ballabgarh, Haryana-121004

Email: animalwelfareboard@gmail.com : Website: www.awbi.in

F. No. 3-5/2021-22/PCA

Date: 27.12.2021

To

1. The Chief Secretary of all States/UTs
2. The Director General of Police of all States/UTs

Subject: Request to ensure proper implementation of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 - regarding.

Reference: Our advisory of even no. dated 15.06.2021 - regarding.

Sir/Madam,

With reference to the aforesaid subject, it is submitted that the ABWI vide its advisory dated. 15.06.2021 has requested you to kindly issue necessary direction to the erring official's officials to properly implement the provision of Prevention of Cruelty to Animals Act, 1960 and rules made there under. However, it is observed that most of the cases related to cruelty to animals are not registered by the local police stations and in most of the cruelty cases police official are still facing issues in implementing the provisions of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.

2. In this regard, it is submitted that the Hon'ble Supreme Court of India in its order dated 07.05.2014, in para 77 has directed all the States/UTs to take proactive steps to take action against the offenders inflicting cruelty to animals and to prevent unnecessary pain or suffering to animals.

3. It has come to the knowledge of the ABWI that some of the animal welfare organisation/ activist are misleading the local administration as well as police officers insisting that the temporary custody of the animal(s) may be given to non-governmental organisation who is willing to look after/take custody of the animals during pendency of the litigation. It is state that custody of a case property animals should only be done as per the section 34 of the PCA, Act 1960 Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and various exhaustive direction of the Apex court should be followed in letter and sprite.

4. It is pertinent to mention that as per the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and Section 35 of the Act, for Treatment and Care of rescued animals, if the Magistrate thinks it fits in his wisdom, the animals cannot be released to the offender during the pendency of litigation, the vehicle and animals may be seized and handed over the animals to some local Pinjarapoles or Gaushala or Animal Shelter Houses. Also, the expenditure incurred by

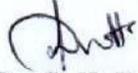
such shelter house in Caring and Maintaining the rescued animals during the pendency of the litigation has to be borne by the Accused Owner and the Transporter. The Animals cannot be temporary or otherwise given to anyone without the proper direction of the Magistrate.

5. Further, it is stated that the Delhi Society of prevention of Cruelty to Animals has issued a circular to all the Police Stations to proactively register the FIR/complaint so as to prevent unnecessary pain or suffering to animals. A copy of the same is enclosed for ready reference.

6. Therefore, in view of the above, it is again requested to kindly issue necessary direction to the erring officials to properly implement the provision of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and to maintain a full record of seized animals. Also, no unnecessary seizure on frivolous complaint may be made from the houses/residences of the citizens unless concerned police official thinks that an offense under PCA Act, 1960 has been committed and upon such seizure, the provisions of the PCA Act, 1960 and Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 may be followed diligently. A copy of the direction may also be forwarded to the AWBI for information and record.

7. Your co-operation and co-ordination is highly solicited for the welfare of animals.

Yours sincerely,


(Dr. S. K. Dutta)
Secretary

Copy for necessary action and information:

1. The District Magistrate of All States/ UTs.
2. The Municipal Commissioner of all States/UTs
3. Chairman, AWBI



ANIMAL WELFARE BOARD OF INDIA

Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India
NIAW Campus, 42 Mile Stone, Delhi-Agra Highway
NH-2, Ballabhgarh, Haryana-121004
Email: animalwelfareboard@gmail.com : Website: www.awbi.in

F. No. 3-5/2021-2022/PCA

Date: 15.06.2021

To

1. The Chief Secretary of all States/UTs
2. The Director General of Police of all States/UTs

Subject : Request to ensure proper implementation of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017- regarding.

Sir/Madam,

The Animal Welfare Board of India is a statutory body established under Section 4 of the PCA Act 1960. The function of the Board includes the promotion of animal welfare generally for the purpose of prevention of cruelty and to advise Government or local bodies on any matter connected with animal welfare or the prevention of unnecessary pain or suffering.

2. It is stated that the Hon'ble Supreme Court in the matter of **GauriMaulekhi Vs. Union of India &Ors., WP 881 of 2014 and Akhil Bharat KrishiGoseva Sang Vs. Union of India &Ors., WP 210 of 2015** formed a committee which was consist of all the concerned states and the representatives of the petitioners. Based on the suggestion/ recommendation of the committee and with the guidance as well as the direction of the Apex Court, the Government of India has notified the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 in exercise of the power conferred under Section 38A of the Prevention of Cruelty to Animals Act, 1960.

3. Further, it is stated that Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 were formulated to resolve the difficulties which were being faced in various litigation pending across the country, in which the custody of the animals during the pendency of the litigation were raising doubt and confusion.

4. As per the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and Section 35 of the Act, for Treatment and Care of rescued animals, if the Magistrate thinks it fits in his wisdom, the animals cannot be released to the offender during the pendency of litigation, the vehicle and animals may be seized and handed over the animals to some local Pinjarapoles or Gaushala or Animal Shelter Houses. Also, the expenditure incurred by such shelter

house in Caring and Maintaining the rescued animals during the pendency of the litigation has to be borne by the Accused Owner and the Transporter.

5. It is also pertinent to mention that the Hon'ble Supreme Court of India has given exhaustive direction in various cases in regard to the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 which are as under:-

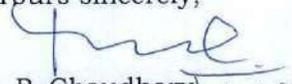
- I. In the case of **State of UP v Mustakeem (Criminal Appeal No. 283-287/2002); Pinjrapole Deudar v. ChakramMoraji Nat (1998) 6 SCC 520; M.P. v. Islam (2007) 15 SCC 588** mandates to the Ld. Trial Courts, how the interim custody application of the accused owner should be decided in case of allegations are of committing cruelty to the Animal. It provides that the condition in which the animal was found at the time of inspection and seizure; and the possibility of the animal being again subjected to cruelty; is relevant factor while deciding the interim custody Application of the accused owner. It is in those cases where interim custody cannot be given to the accused, Ld. Magistrate gives interim custody of the Animals to the Shelter House during the pendency of litigation and cost of which must be bear by the accused owners and transporter as per Section 35 of the Act.
- II. In the case of **State of UP v Mustakeem (Criminal Appeal No. 283-287/2002)** on 22.02.2002, the Hon'ble Supreme Court had expressed the view in the matter that in a case of cruelty against animals, when there is apprehension of slaughter, the case property animals must not be given into custody of the accused during pendency of the trial.
- III. In the case of **Bharat Amratlal Kothari v. DosukhanSamadkhan Sindhi** reported in **(2010) 1 SCC 234** the Supreme Court held that when animals are filled in trucks in a cruel manner and being transported, seized by police on complainant's report and sent to pinjrapole. The owner of animals claiming custody of animals in such circumstances, normally cost of maintenance and treatment of animals under Section 35(4) would be payable by the persons claiming custody and not by the complainant.
- IV. In the case of **Pinjrapole Deudar v. ChakramMoraji Nat** reported in **(1998) 6 SCC 520** the Supreme Court held that in deciding whether the interim custody of the animal be given to the owner who is facing prosecution, or to the pinjrapole, the following factors will be relevant:
 - a. the nature and gravity of offence alleged against the owner;
 - b. whether it is the first offence alleged or he has been found guilty of offences under the Act earlier;
 - c. if the owner is facing the first prosecution under the Act, the animal is not liable to be seized, so the owner will have a better claim for the custody of the animal during the prosecution;
 - d. the condition in which the animal was found at the time of inspection and seizure;
 - e. the possibility of the animal being again subjected to cruelty;
 - f. whether the pinjrapole is functioning as an independent organization or under the scheme of the Board and is answerable to the Board; and
 - g. whether the pinjrapole has a good record of taking care of the animals given under its custody.

6. In addition to the above, the AWBI has recently through various incidents has found out that these rules are not properly implemented and the concerned official fails to make basic caution during the seizure as well as handling of the case property animals, sometimes they even fail to maintain proper records of the seized animals. Also, when the police make a seizure under section 34 of the PCA Act, 1960 based on the NCR or complaint from any person regarding animal cruelty, the seized animals are mostly handed over to the complainant viz. NGO or animal activists or person directly, without following proper procedure, proper record and veterinary examination which is in direct violation of Section 34 of PCA Act, 1960 and in various cases it has been found that these animals are either sold off and found dead or missing.

7. The AWBI has also issued an advisory dated 13.03.2020 stating that the Board has not authorized any person or organization to carry out the inspection to investigate the cruelty-related matters and if any animal cruelty is happening, the same may be brought to the notice of the Board. However, the same is being done by various personnel or AWO and it is advised to the concerned official to not partake in such unlawful inspection of premises, residences, institute etc. unless it is as per the provision of the PCA Act, 1960 or for any other law for the time being in force.

8. Therefore, in view of the above, it is requested to kindly issue necessary direction to the erring officials to properly implement the provision of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and to maintain a full record of seized animals. Also, no unnecessary seizure on frivolous complaint may be made from the houses/residences of the citizens unless concerned police official thinks that an offense under PCA Act, 1960 has been committed and upon such seizure, the provisions of the PCA Act, 1960 and Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 may be followed diligently.

Yours sincerely,


(Dr. O. P. Chaudhary) 16.6.21
Chairman

Copy for necessary action and information:

1. The District Magistrate of All States/ UTs.
2. The Municipal Commissioner of all States/UTs
3. Chairman, AWBI

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 Institution.

- All dimensions in centimetres

By Rail / Road / Inland Waterways Sea, By Air

Length (L)	$A \times 1 \frac{1}{2}$	$A + C + 10$
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 paw 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 :

Sex.....Age

Breed and identification marks, if any

Transported from To Via.....

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)I have 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 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 :

Species 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. That 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

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 bulging 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.
 - d. 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.

Proposed Fit for Slaughter Certificate under Rule 4(3) of Slaughter House Rule 2001
(One Certificate for maximum 12 Animals/ hour)

Name of the owner/ Incharge of the Animal :

Address of the owner/ Incharge of the Animal :

Ante-Mortem Details :

Details	Species	Breed	Sex	Body Color	Pregnancy	Approx Age	Gait	Posture	Body Temp.	Pulse Rate	Appetite	Eyes	Nostrils	Muzzle	Opinion
1.															
2.															
3.															
4.															
5.															
6.															
7.															
8.															
9.															
10.															
11.															
12.															

It is certified that:

1. Animal No..... is/ are healthy & fit for slaughter & Animal No..... is/ are diseased/ pregnant/ under aged / had recent parturition in last three months thus not fit for slaughter.

Name/ Qualification/ VCI Registration No./ Designation/ Address/ Seal of Veterinary

Post Slaughter Details:

Details	Species	Breed	Sex	Body Color	Approx Age	Visible Mucous membranes	Thoracic Cavity	Abdominal cavity	Pelvic cavity	Specimen collection if any	Special observation if any	Opinion
Animal No.												
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												

It is certified that:

1. While postmortem of the Animal No..... was/ were found free from any lesions/ signs of zoonotic disease & the flesh is fit for human consumption & Animal No..... was/ were found having lesions of infection of zoonotic disease of public health importance thus whole carcass was/ were discarded/ parts of the carcass was/ were discarded & only the portion fit for human consumption was allowed to be taken out of the slaughter house.
2. Destruction of condemned carcasses, organs or parts thereof had been carried out under direct supervision of undersigned (as per Part-IV of Regulation 2011 framed under Food Safety & Standards Act, 2006).
3. None of the above animals were slaughtered without proper stunning.
4. Stunning system is well in place & effectively functional.
5. None of the above animals were slaughtered in the sight of other animal/ animals.

6. None of the above animals were slaughtered in the sight of public, particularly children.
7. None of the above animals were administered any chemical, drug or hormone before slaughter except drug for its treatment for any specific disease or ailment.
8. In case of a mechanized slaughterhouse, the animals were hung up on the conveyor only after a fixed dilated pupil confirming death has been ensured. The animals, until confirmation of death, were bled on a flat surface/floor.

Name/ Qualification/ VCI Registration No./ Designation/ Address/ Seal of Veterinary Doctor

1. Slaughter House has adequate arrangement to ensure that none of the above animals were slaughtered in the sight of other animal/ animals or in the sight of public.
2. Slaughter House has adequate arrangement of pre slaughter lairages, housing, feeding & humane handling of the animals.
3. Slaughter House has adequate arrangement for hygiene, cleanliness, safety of public health.
4. Slaughter House is free from rodents, flies, dogs, cats or any other source of contaminants/ vectors of any disease.
5. All the butchers & their supporting staff permitted to perform in the Slaughter House have undergone health check up on dated..... & were found healthy fit to be permitted to work in the Slaughter House.
6. Slaughter House has proper arrangement for drainage & disposal of waste/ garbage as per the norms of the CPCB guidelines.
7. Slaughter House has been registered/ licensed by appropriate authority under Food Safety & Standards Act, 2006 (Part-IV of Regulation2011).

Name/ Designation/ Address/ Seal of the Controlling Authority of Veterinary Doctor

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 bulging 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.
 - d. 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 parastic 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 :

Date _____

Signed _____

Address _____

Qualification _____

SCHEDULE – A
(SEE RULE 4)

Performa 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:.....

Sex:..... Age:.....

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

Transported from.....To.....Via.....

I hereby certify that I have read rules 8 to 14 in Chapter II 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:.....

.....

Date:.....

Qualifications.....

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 II 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 Institution.

– All dimensions in centimeters

By Rail/Road/Inland Waterways/Sea, By Air

Length (L)	$A \times 1 Z$	$A + C + 10$
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 (B)

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 paw proof; suitable material is that welded wire mesh of not less than 3mm with a spacing 12 x 12mm. 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 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 II 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 Centimeters
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)

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 welding wire mesh of not less than 3mm with a spacing 12 x 12mm. 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 examination:.....

Species of Monkeys:.....

Number of Cages:..... Number 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 of the monkeys 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 disease.
- 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) 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 dimensions and design as printed on page 5 of IS: 3699 (Part – I) – 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:.....

Sex:..... Age:.....

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

Transported from.....To.....Via.....

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).....I have 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 infectious 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/s:
 - (b) Date of vaccination/s:

Signed:.....

Address:.....

Date:.....

Qualifications.....

**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:.....

Species of Equines:.....

Number of Equines:.....

Sex:..... Age:.....

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

Transported from.....To.....Via.....

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 have examined the above mentioned equines not more than 12 hours before their departure.
- 2) That each equines 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 disease(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/s:

Signed:.....

Address:.....

Date:.....

Qualifications.....

10.

SCHEDULE – J
(See Rule 65)

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, 1978.

- 1). That, at the request of (consignor)..... I have examined the above mentioned animals in their travelling cages not more than 12 hours before their departure.
- 2). That each of the animals 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/s:

Signed:.....

Address:.....

.....

Date:.....

Qualifications.....

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 do 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 training and should state the approximate duration of the performance the number of performances to be given in one and the same day and the number of animals of each kind taking part in the performance.

Proposed Fit for Slaughter Certificate under Rule 4(3) of Slaughter House Rule 2001
(One Certificate for maximum 12 Animals/ hour)

Name of the owner/ Incharge of the Animal :

Address of the owner/ Incharge of the Animal :

Ante-Mortem Details :

Details	Species	Breed	Sex	Body Color	Pregnancy	Approx Age	Gait	Posture	Body Temp.	Pulse Rate	Appetite	Eyes	Nostrils	Muzzle	Opinion
1.															
2.															
3.															
4.															
5.															
6.															
7.															
8.															
9.															
10.															
11.															
12.															

It is certified that:

1. Animal No..... is/ are healthy & fit for slaughter & Animal No..... is/ are diseased/ pregnant/ under aged / had recent parturition in last three months thus not fit for slaughter.

Name/ Qualification/ VCI Registration No./ Designation/ Address/ Seal of Veterinary

Post Slaughter Details:

Details	Species	Breed	Sex	Body Color	Approx Age	Visible Mucous membranes	Thoracic Cavity	Abdominal cavity	Pelvic cavity	Specimen collection if any	Special observation if any	Opinion
Animal No.												
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												

It is certified that:

1. While postmortem of the Animal No..... was/ were found free from any lesions/ signs of zoonotic disease & the flesh is fit for human consumption & Animal No..... was/ were found having lesions of infection of zoonotic disease of public health importance thus whole carcass was/ were discarded/ parts of the carcass was/ were discarded & only the portion fit for human consumption was allowed to be taken out of the slaughter house.
2. Destruction of condemned carcasses, organs or parts thereof had been carried out under direct supervision of undersigned (as per Part-IV of Regulation 2011 framed under Food Safety & Standards Act, 2006).
3. None of the above animals were slaughtered without proper stunning.
4. Stunning system is well in place & effectively functional.
5. None of the above animals were slaughtered in the sight of other animal/ animals.

6. None of the above animals were slaughtered in the sight of public, particularly children.
7. None of the above animals were administered any chemical, drug or hormone before slaughter except drug for its treatment for any specific disease or ailment.
8. In case of a mechanized slaughterhouse, the animals were hung up on the conveyor only after a fixed dilated pupil confirming death has been ensured. The animals, until confirmation of death, were bled on a flat surface/floor.

Name/ Qualification/ VCI Registration No./ Designation/ Address/ Seal of Veterinary Doctor

1. Slaughter House has adequate arrangement to ensure that none of the above animals were slaughtered in the sight of other animal/ animals or in the sight of public.
2. Slaughter House has adequate arrangement of pre slaughter lairages, housing, feeding & humane handling of the animals.
3. Slaughter House has adequate arrangement for hygiene, cleanliness, safety of public health.
4. Slaughter House is free from rodents, flies, dogs, cats or any other source of contaminants/ vectors of any disease.
5. All the butchers & their supporting staff permitted to perform in the Slaughter House have undergone health check up on dated..... & were found healthy fit to be permitted to work in the Slaughter House.
6. Slaughter House has proper arrangement for drainage & disposal of waste/ garbage as per the norms of the CPCB guidelines.
7. Slaughter House has been registered/ licensed by appropriate authority under Food Safety & Standards Act, 2006 (Part-IV of Regulation2011).

Name/ Designation/ Address/ Seal of the Controlling Authority of Veterinary Doctor

Form II

[See rule 4(6)]

Certificate of Registration of Dog Breeding Centre

1. This Certificate of Registration is granted to (Name and address of applicant) to establish a Dog Breeding Centre as prescribed in Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017.
2. The location of the Breeding Centre is at
3. The owner of Dog Breeding Centre is permitted to deal with the following dog breeds
4. The owner of Dog Breeding Centre shall abide by provisions of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) and the rules and notifications issued thereunder.
5. The owner of Dog Breeding Centre shall submit every year an annual report in compliance with clause (a) of rule 11 of the aforesaid rules for the year ending 31st December to reach the undersigned before 31st January of the succeeding year.
6. The Certificate of Registration shall be displayed prominently in the Shop.
7. The Certificate of Registration is non-transferable
8. The Certificate of Registration is valid up to and renewal application should be submitted thirty days prior to the expiry date

Signature and Seal of

Date:

the State Animal Welfare Board

THE FIRST SCHEDULE

FORM-I

[See rules 4(2) and 5]

APPLICATION FORM FOR REGISTRATION/RENEWAL

To

The State Animal Welfare Board

----- (name of the district and State)

Subject : Application for grant of license for Pet Shop

Sir,

I/We ----- r/o ----- with office address -----

-----, do hereby apply for registration to operate/continue operating a pet shop,
the particulars of which are set out below:-

1. Name and address of the pet shop:
2. Name and address of pet shop owner:
3. Telephone number (landline and mobile):
4. Details of accommodation and infrastructure available at proposed pet shop with photographs:
5. Working hours and rest day, i.e. day on which shop shall remain closed:
6. Ventilation arrangement:
7. Lighting arrangement:
8. Smoke-detection and fire fighting arrangement:
9. Heating or cooling arrangement, and manner in which comfortable temperature will be maintained for all pet animals:
10. Power back-up arrangement:
11. Arrangements for food storage:
12. Cleanliness, how proposed to be maintained, and arrangements for removal of animal excreta and waste:
13. Arrangement for disposal of animals that die:
14. Arrangement for medical and veterinary support:
15. Details of pet animals proposed to be displayed or housed in the pet shop for sale:
16. Details of cheque or demand draft number for payment of fee:

(ADDITIONAL INFORMATION PERTAINING TO THE FULL RECORDS OF THE PRECEDING YEAR TO BE PROVIDED IN APPLICATIONS FOR RENEWAL OF REGISTRATION)

17. Species and breeds of pet animals available for sale, and price at which offered for sale:
18. Age of each pet animal available for sale:
19. Records from the previous year of number of animals sold, prices at which sold, copies of receipts issued, animal deaths and all other records required by the Prevention of Cruelty to Animals (Pet Shop) Rules, 2018 these rules to be maintained:
20. Audited balance sheets and profit and loss accounts:

I/We do hereby declare that the information provided herein is accurate and true.

Place:

Signature of Applicant

Date:

Form II

[See Rules 3(1) and 4(5)]

Certificate of Registration of Pet Shop

1. Certificate of Registration is granted to (name and address of applicant) to establish a pet shop as provided in the Prevention of Cruelty to Animals (Pet Shop) Rules, 2018.
2. The location of the pet shop is at
3. The owner of pet shop is permitted to deal with the following pet animals
4. The owner of pet shop shall abide by the provisions of the Prevention of Cruelty to Animals Act, 1960 and the rules and notifications made and issued thereunder.
5. The owner of the pet shop shall submit annual report in compliance with clause (a) of sub-rule(1) of rule 12 of the aforesaid rules for the year ending the 31st December to reach the undersigned before the 31st January of the succeeding year.
6. The Certificate shall be displayed prominently in the pet shop.
7. The Certificate is non-transferable.
8. The Certificate shall be valid up to five years from the date of issue of this Certificate and renewal application should be submitted thirty days prior to the expiry date.

Date:

Signature and Seal of

State Animal Welfare Board



ANIMAL WELFARE BOARD OF INDIA

Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India

(Department of Animal Husbandry and Dairying)

42 Mile Stone, Delhi-Agra Highway NH-2,

Ballabgarh, Haryana-121004

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