

1. The Prevention of Cruelty to Animals Act, 1960 (59 of 1960)

(26th December, 1960)

ANACT

to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals. Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement- 1) This Act may be called the Prevention of Cruelty to Animals Act, 1960.

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

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different States and for the different provisions contained in this Act.¹

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

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

²[(b) "Board" means the Board established under Section 4, and as reconstituted from time to time under Section 5A.]

(c) "captive animal" means any animal (not being a domestic animal) which is in captivity or confinement, where permanent or temporary, or which is subjected to any appliance or contrivance for the purposes of hindering or preventing its escape from captivity or confinement or which is pinioned or which is or appears to be maimed;

(d) "domestic animal" means any animal which is tamed or which has been or is being sufficiently tamed to serve some purpose for the use of man or which, although it neither has been nor is intended to be so tamed, is or has become in fact wholly or partly tamed;

(e) "local authority" means a municipal committee, district board or other authority for the time being invested by law with the control and administration of any matters within a specified local area;

(f) "owner", used with reference to an animal, includes not only the owner but also any other person for the time being in possession or custody of the animal, whether with or without the consent of the owner.

(g) "phooka" or "doom dev" includes any process of introducing air or any substance into the female organ of a milch animal with the object of drawing off from the animal any secretion of milk;

(h) "prescribed" means prescribed by Rules made under this Act;

¹ See Annexure for notifications under Section 1(3).

² Substituted by Act 26 of 1982 which came into force on 30th July, 1982.

(1) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thorough fare or not to which the public have access.

3. Duties of persons having charge of animals-It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.

CHAPTER II

¹[ANIMAL WELFARE BOARD OF INDIA]

4. Establishment of Animal Welfare Board of India-(1) For the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular, there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the ²[Animal Welfare Board of India.]

(2) The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by its name sue and be sued.

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

(a) the Inspector-General of Forests, Government of India, *ex-officio*;

(b) the Animal Husbandry Commissioner to the Government of India, *ex-officio*;

³(ba) two persons to represent respectively the Ministries of the Central Government dealing with Home Affairs and Education, to be appointed by the Central Government;

(bb) one person to represent the Indian Board for Wild Life, to be appointed by the Central Government;

(bc) three persons who, in the opinion of the Central Government, are or have been actively engaged in animal welfare work and are well-known humanitarians, to be nominated by the Central Government;]

(c) one person to represent such association of veterinary practitioners as in the opinion of the Central Government ought to be represented on the Board, to be elected by that association in the prescribed manner;

(d) two persons to represent practitioners of modern and indigenous systems of medicine, to be nominated by the Central Government;

⁴[(e) one person to represent each of such two municipal corporations as in the opinion of the Central Government ought to be represented on the Board, to be elected by each of the said corporations in the prescribed manner;]

(f) one person to represent each of such three organisations actively interested in animal welfare as in the opinion of the Central Government ought to be represented on the Board, to be chosen by each

¹ Subs, by Act 26 of 1982; S. 3, for the words "Animal Welfare Board".

² Subs.—*ibid*, S. 4 for the words "Animal Welfare Board".

³ Inserted by Act 26 of 1982; Section 5(a)(i).

⁴ Subs, by Act 26 of 1982; S.5(a)(ii), for the original clause.

of the said organisations in the prescribed manner;

(g) one person to represent each of such three societies dealing with prevention of cruelty to animals as in the opinion of the Central Government ought to be represented on the Board, to be chosen in the prescribed manner;

(h) three persons to be nominated by the Central Government;

(1) six Members of Parliament, four to be elected by the House of the People (Lok Sabha) and two by the Council of States (Rajya Sabha).

(2) Any of the persons referred to in clause (a) or ¹[clause (b) or clause (ba) or clause (bb)] of sub-section (1) may depute any other person to attend any of the meetings of the Board.

²(3) The Central Government shall nominate one of the members of the Board to be its Chairman and another member of the Board to be its Vice-Chairman.]

³[5A. Reconstitution of the Board-(1) In order that the Chairman and other members of the Board hold office till the same date and that their terms of office come to an end on the same date, the Central Government may, by notification in the Official Gazette, reconstitute, as soon as may be after the Prevention of Cruelty to Animals (Amendment) Act, 1982 comes into force, the Board.

(2) The Board as reconstituted under sub-section (1) shall be reconstituted from time to time on the expiration of every third year from the date of its reconstitution under sub-section (1).

(3) There shall be included amongst the members of the Board reconstituted under sub-section (1), all persons who immediately before the date on which such reconstitution is to take effect, are Members of the Board but such persons shall hold office only for the unexpired portion of the term for which they would have held office if such reconstitution had not been made and the vacancies arising as a result of their ceasing to be Members of the Board shall be filled up as casual vacancies for the remaining period of the term of the Board as so reconstituted :

Provided that nothing in this sub-section shall apply in relation to any person who ceases to be a Member of the Board by virtue of the amendment made in sub-section (1) of section 5 by sub-clause (ii) of clause (a) of section 5 of the Prevention of Cruelty to Animals (Amendment) Act, 1982.]

⁴[6. Terms of office and conditions of service of Members of the Board-(1) The term for which the Board may be reconstituted under section 5A shall be three years from the date of the reconstitution and the Chairman and other Members of the Board as so reconstituted shall hold office till the expiry of the term for which the Board has been so reconstituted.

(2) Notwithstanding anything contained in sub-section (1)—

(a) the term of office of an ex-officio Member shall continue so long as he holds the office by virtue of which he is such a Member;

(b) the term of office of a Member elected or chosen under clause (c), clause (e), clause (f), clause (g),

¹ Subs, *ibid*; S.5(b), for the word, brackets and letter "clause (b)".

² Subs, *ibid*. Section 5(c) for the original clause.

³ Ins. *ibid*, S. 6.

⁴ Subs, by Act 26 of 1982, S. 7, for the original Section.

clause (h) or clause (i) of section 5 to represent any body of persons shall come to an end as soon as he ceases to be a Member of the body which elected him or in respect of which he was chosen;

(c) the term of office of a Member appointed, nominated, elected or chosen to fill a casual vacancy shall continue for the remainder of the term of office of the Member in whose place he is appointed, nominated, elected or chosen;

(d) the Central Government may, at any time, remove for reasons to be recorded in writing a Member from office after giving him a reasonable opportunity of showing cause against the proposed removal and any vacancy caused by such removal shall be treated as casual vacancy for the purpose of clause (c).

(3) The Members of the Board shall receive such allowances, if any, as the Board may, subject to the previous approval of the Central Government, provide by regulations made in this behalf.

(4) No act done or proceeding taken by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Board and in particular, and without prejudice to the generality of the foregoing, during the period intervening between the expiry of the term for which the Board has been reconstituted under section 5A and its further reconstitution under that section, the ex-officio members of the Board shall discharge all the powers and functions of the Board.]

7. Secretary and other employees of the Board-(1) The Central Government shall appoint ¹[x x x] the Secretary of the Board.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Board may appoint such member of other officers and employees as may be necessary for the exercise of its powers and the discharge of its functions and may determine the terms and conditions of service of such officers and other employees by regulations made by it with the previous approval of the Central Government.

8. Funds of the Board-The funds of the Board shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any local authority or by any other person.

9. Functions of the Board-The functions of the Board shall be—

(a) to keep the law in force in India for the prevention of cruelty to animals under constant study and advise the Government on the amendments to be undertaken in any such law from time to time;

(b) to advise the Central Government on the making of rules under this Act with a view to preventing unnecessary pain or suffering to animals generally, and more particularly when they are being transported from one place to another or when they are used as performing animals or when they are kept in captivity or confinement;

(c) to advise the Government or any local authority or other person on improvements in the design of vehicles so as to lessen the burden on draught animals;

¹ The words "one of its officers to be" omitted by Act 26 of 1982.

(d) to take all such steps as the Board may think fit for ¹[amelioration of animals] by encouraging, or providing for, the construction of sheds, water-troughs and the like and by providing for veterinary assistance to animals;

(e) to advise the Government or any local authority or other person in the design of slaughter-houses or the maintenance of slaughter houses or in connection with slaughter of animals so that unnecessary pain or suffering, whether physical or mental, is eliminated in the pre-slaughter stages as far as possible, and animals are killed, wherever necessary, in as humane a manner as possible;

(f) to take all such steps as the Board may think fit to ensure that unwanted animals are destroyed by local authorities, whenever it is necessary to do so, either instantaneously or after being rendered insensible to pain or suffering;

(g) to encourage, by the grant of financial assistance or otherwise, ²[the formation or establishment of pinjrapoles, rescue homes animal shelters, sanctuaries and the like] where animals and birds may find a shelter when they have become old and useless or when they need protection;

(h) to co-operate with, and co-ordinate the work of, associations or bodies established for the purpose of preventing unnecessary pain or suffering to animals or for the protection of animals and birds;

(i) to give financial and other assistance to animal welfare organisations functioning in any local area or to encourage the formation of animal welfare organisations in any local area which shall work under the general supervision and guidance of the Board;

(j) to advise the Government on matters relating to the medical care and attention which may be provided in animal hospitals and to give financial and other assistance to animal hospitals whenever the Board thinks it necessary to do so;

(k) to impart education in relation to the humane treatment of animals and to encourage the formation of public opinion against the infliction of unnecessary pain or suffering to animals and for the promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions and the like;

(l) to advise the Government on any matter connected with animal welfare or the prevention of infliction of unnecessary pain or suffering on animals.

10. Power of Board to make regulations-The Board may, subject to the previous approval of the Central Government, make such regulations as it may think fit for the administration of its affairs and for carrying out its functions.

CHAPTER III

CRUELTY TO ANIMALS GENERALLY

11. (1) If any person—

¹ Subs, by Act 26 of 1982, S. 9(a) for the word "ameliorating the condition of beats of burden".

² Subs, *ibid*, S. 9(b) for the words "the formation of pinjrapoles, sanctuaries and the like".

(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or cause, or, being the owner permits, any animal to be so treated; or

(b) ¹[employs in any work or labour or for any purpose any animal which, by reason of its age or any disease] infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed; or

(c) wilfully and unreasonably administers any injurious drug or injurious substance to ²[any animal] or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by ²[any animal;] or

(d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or

(e) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or

(f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(g) being the owner, neglects to exercise or cause to be exercised reasonably and dog habitually chained up or kept in close confinement; or

(h) being the owner of ³[any animal] fails to provide such animal with sufficient food, drink or shelter; or

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

(j) willfully permits any animal, of which he is the owner, to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or

(k) offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill treatment; or

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

⁵[(m) solely with a view to providing entertainment—

(i) confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal; or (ii) incites any animal to fight or bait any other animal; or]

¹ Subs, by Act 26 of 1982, S. 10(a)(i) for the words "employs in any work or labour any animal which, by reason of any disease".

² Subs, *ibid* S. 10(a)(ii) for the words "any domestic or captive animal".

³ Subs, by Act 26 of 1982, S. 10(a)(iii) for the words "any captive animal".

⁴ Subs, *ibid*, S. 10(a)(iv) for the original clause.

⁵ Subs. *ibid*. S. 10(a)(v) for the original clause.

(n) ¹[x x x] organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person of any place kept or used for any such purposes; or

(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting; he shall be punishable ²[in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees, and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both.]

(2) For the purposes of sub-section (1) an owner shall be deemed to have committed an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence:

Provided that where an owner is convicted of permitting cruelty by reason only of having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to—

(a) the dehorning of cattle, or the castration or branding or nose-roping any animal, in the prescribed manner; or

(b) the destruction of stray dogs in lethal chambers or ³[by such other methods as may be prescribed.] or

(c) the extermination or destruction of any animal under the authority of any law for the time being in force; or

(d) any matter dealt with in Chapter IV; or

(e) the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

12. Penalty for practising phooka or doom dev-If any person performs upon any cow or other milch animal the operation called phooka or ⁴[doom dev or any other operation (including injection of any substance) to improve lactation which is injurious to the health of the animal] or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to the Government

13. Destruction of suffering animals-(1) Where the owner of an animal is convicted of an offence under section 11, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animal to any suitable

¹ The words "for the purpose of his business" omitted by Act 26 of 1982, S. 10(a)(vi).

² Subs, *ibid* S. 10(a)(vii) for the portion beginning with the words "in the case of a first offence and ending with the words "or with both".

³ Subs, by Act 26 of 1982, S. 10(b), for the words "by other methods with a minimum of suffering".

⁴ Subs, *ibid* S. 11, for the words "doom dev".

person for that purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal or cause such animal to be destroyed in his presence without unnecessary suffering; and any reasonable expense incurred in destroying the animal may be ordered by the court to be recovered from the owner as if it were a fine :

Providing that unless the owner assents thereto, no order shall be made under this section except upon the evidence of a veterinary officer in charge of the area.

(2) When any magistrate, commissioner of police or district superintendent of police has reason to believe that an offence under section 11 has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion, it would be cruel to keep the animal alive.

(3) Any police officer above the rank of a constable or any person authorised by the State Government in this behalf who finds any animal so diseased or so severely injured or in such a physical conditions that in his opinion it cannot be removed without cruelty, may, if the owner is absent or refuses his consent to the destruction of the animal, forthwith summon the veterinary officer in charge of the area in which the animal is found, and if the veterinary officer certifies that the animal is mortally injured or so severely injured or in such a physical condition that it would be cruel to keep it alive, the police officer or the person authorised, as the case may be, may, after obtaining orders from a magistrate, destroy the animal injured or cause it to be destroyed ¹[in such manner as may be prescribed.] (4) No appeal shall lie from any order of a magistrate for the destruction of an animal.

CHAPTER IV

EXPERIMENTATION OF ANIMALS

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

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

(1) If at any time, on the advice of the Board, the Central Government is of opinion that it is necessary so to do for the purpose of controlling and supervision experiments on animals, it may, by notification in the official Gazette, constitute a Committee consisting of such number of officials and non-officials, as it may think fit to appoint thereto.

(2) The Central Government shall nominate one of the Members of the Committee to be its Chairman.

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

¹ Ins. by Act 26 of 1982, S. 12

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

¹[15A. **Sub-Committees**—(1) The Committee may constitute as many sub-t committees as it thinks fit for exercising any power or discharging any duty of the Committee or for inquiring into or reporting and advising on any matter which the Committee may refer.

(2) A sub-committee shall consist exclusively of the Members of t Committee.]

16. Staff of the Committee-Subject to the control of the Central Government the Committee may appoint such number of officers and other employees as may be necessary to enable it to exercise its powers and perform its duties, and it determine the remuneration and other terms and conditions of service of sue officers and other employees.

17. Duties of the Committee and power of the Committee to make rule relating to experiments on animals-(I) It shall be the duty of the Committee take all such measures as may be necessary to ensure that animals are not subjected to unnecessary pain or suffering before, during or after the performance of experiments on them, and for that purpose it may, by notification in the Gazette of India and subject to the condition of previous publication, make such rules as it may think fit in relation to the conduct of such experiments.

²[(1A) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:

(a) the registration of persons or institutions carrying on experiments animals;
(b) the reports and other information which shall be forwarded to the Committee by persons and institutions carrying on experiments on animals.]

(2) In particular, and without prejudice to the generality of the foregoing power, rules made by the Committee shall be designed to secure the following objects, namely :

(a) that in cases where experiments are performed in any institution, I responsibility therefore is placed on the person in charge of the institution and that in cases where experiments are performed outside an institution by individuals the individuals are qualified in that behalf and the experiments are performed their full responsibility;

(b) that experiments are performed with due care and humanity, and that far as possible experiments involving operations are performed under the influence of some anaesthetic of sufficient power to prevent the animals feeling pain;

(c) that animals which, in the course of experiments under the influence anesthetics, are so injured that their recovery would involve serious suffer! are ordinarily destroyed while still insensible;

(d) that experiments on animals are avoided wherever it is possible to so; as for example, in medical schools, hospitals, colleges and the like, if other leaching devices such as books, models, films and the

¹ Ins. by Act 26 of 1982, S. 13.

² Ins. by Act 26 of 1982, S. 14.

like may equally suffice;

(e) that experiments on larger animals are avoided when it is possible to achieve the same results by experiments upon small laboratory animal like guinea- pigs, rabbits, frogs and rats;

(f) that, as far as possible, experiments are not performed merely for the purpose of acquiring manual skill;

(g) that animals intended for the performance of experiments are properly looked after both before and after experiments;

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

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

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

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

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

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

19. Power to prohibit experiments on animals-If the Committee is satisfied, on the report of any officer or other person made to it as a result of any inspection under section 18 or otherwise, that the rules made by it under section 17 are not being complied with by any person or institution carrying on experiments on animals, the Committee may, after giving an opportunity to the person or institution of being heard in the matter, by order, prohibit the person or institution from carrying on any such experiments either for a specified period or indefinitely, or may allow the person or institution to carry on such experiments subject to such special conditions as the Committee may think fit to impose.

20. Penalties-If any person—

(a) contravenes any order made by the Committee under section 19; or

commits a breach of any condition imposed by the Committee under that section; he shall be punishable with fine which may extend to two hundred rupees, and, when the contravention or breach of condition has taken place in any institution the person in charge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

CHAPTER V

PERFORMING ANIMALS

21. "Exhibit" and "train" defined—In this Chapter, "exhibit" means exhibit or any entertainment to

which the public are admitted through sale of tickets, and "train" means train for the purpose of any such exhibition, and the expressions "exhibitor" and "trainer" have respectively the corresponding meanings.

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

- (i) any performing animal unless he is registered in accordance with the provisions of this Chapter;
- (ii) as a performing animal, any animal which the Central Government may, by notification in the official Gazette, specify as an animal which shall not be exhibited or trained as a performing animal.

23. Procedure for registration—(1) Every person desirous of exhibiting or training any performing animal shall, on making an application in the prescribed form to the prescribed authority and on payment of the prescribed fee, be registered under this Act unless he is a person who, by reason of an order made by the court under this Chapter, is not entitled to be so registered.

(2) An application for registration under this Chapter shall contain such particulars as to the animals and as to the general nature of the performance in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register maintained by the prescribed authority.

(3) The prescribed authority shall give to every person whose name appears on the register kept by them, a certificate of registration in the prescribed form containing the particulars entered in the register.

(4) Every register kept under this Chapter shall at all reasonable times be open for inspection on payment of the prescribed fee, and any person shall, on payment of the prescribed fee, be entitled to obtain copies thereof or make extracts there from.

(5) Any person whose name is entered in the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making an application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied, the existing certificate shall be cancelled and a new certificate issued.

24. Power of court to prohibit or restrict exhibition and training of performing animals—

(1) Where it is proved to the satisfaction of any magistrate on a complaint made by a police officer or any officer authorised in writing to the prescribed authority referred to in section 23, that the training or exhibition of any performing animal has been accompanied by unnecessary pain or suffering and should be prohibited or allowed only subject to conditions, the court may make an order against the person in respect of whom the complaint is made, prohibiting the training or exhibition or imposing such conditions in relation thereto, as may be specified by the order.

(2) Any court by which an order is made under this section, shall cause a copy of the order to be sent, as soon as may be after the order is made, to the prescribed authority by which the person against whom the order is made is registered, and shall cause the particulars of the order to be endorsed upon the certificate held by that person, and that person shall produce his certificate on being so required

by the court for the purpose of endorsement, and the prescribed authority to which a copy of an order is sent under this section shall enter the particulars of the order in that register.

25. Power to enter premises-(1) Any person authorised in writing by the prescribed authority referred to in section 23 and any police officer not below the rank of a sub-inspector may—

(a) enter at all reasonable times and inspect any premises in which any performing animals are being trained or exhibited or kept for training or exhibition, and any such animals found therein; and

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

(2) No person or police officer referred to in sub-section (1) shall be entitled under this section to go on or behind the stage during a public performance of performing animals.

26. Offences-If any person—

(a) not being registered under this Chapter, exhibits or trains any performing animal; or

(b) being registered under this Act, exhibits or trains any performing animal with respect to which or in a manner with respect to which, he is not registered; or

(c) exhibits or trains as a performing animal, any animal which is not to be used for the purpose by reason of a notification issued under clause (ii) of section 22; or

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

(e) conceal any animal with a view to avoiding such inspection; or

(f) being a person registered under this Act, on being duly required in pursuance of this Act to produce his certificate under this Act, fails without reasonable excuse so to do; or

(g) applies to be registered under this Act when not entitled to be so registered, he shall be punishable on conviction with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

27. Exemptions-Nothing contained in this Chapter shall apply to—

(a) the training of animals for *bona fide* military or police purpose or the exhibition of any animal so trained; or

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

CHAPTER VI

MISCELLANEOUS

28. Saving as respects manner of killing prescribed by religion—Nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community.

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

(1) If the owner of any animal is found guilty of any offence under this Act the court upon his conviction thereof, may, if it thinks fit, in addition to any other I punishment make an order that the

animal with respect to which the offence was committed shall be forfeited to Government and may, further, make such order as to the disposal of the animal as it thinks fit under the circumstances.

(2) No order under sub-section (1) shall be made unless it is shown by evidence as to a previous conviction under this Act or as to the character of the owner or otherwise as to the treatment of the animal that the animal, if left with the owner, is likely to be exposed to further cruelty.

(3) Without prejudice to the provisions contained in sub-section (1), the court may also order that a person convicted of an offence under this Act shall, either permanently or during such period as is fixed by the order, be prohibited from having the custody of any animal of any kind whatsoever, or as the court thinks fit of any animal of any kind or species specified in the order.

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

(a) it is shown by evidence as to a previous conviction or as to the character of the said person or otherwise as to the treatment of the animal in relation to which he has been convicted that an animal in the custody of the said person is likely to be exposed to cruelty;

(b) it is stated in the complaint upon which the conviction was made that it is the intention of the complainant upon the conviction of the accused to request that an order be made as aforesaid; and

(c) the offence for which the conviction was made was committed in an area in which under the law for the time being in force a licence is necessary for the keeping of any such animal as that in respect of which the conviction was made.

(5) Notwithstanding anything to the contrary contained in any law for the time being in force, any person in respect of whom an order is made under sub-section (3) shall have no right to the custody of any animal contrary to the provisions of the order, and if he contravenes the provisions of any order, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

(6) Any court which has made an order under sub-section (3) may at any time, either on its own motion or on application made to it in this behalf, rescind or modify such order.

30. Presumption as to guilt in certain cases-If any person is charged with offences of killing a goat, cow or its progeny contrary to the provisions of clause (i) of sub-section (1) of section 11, and it is proved that such person had in his possession, at the time the offence is alleged to have been committed, the skin of any such animal as is referred to in this section with any part of the skin of the head attached thereto, it shall be presumed until the contrary is proved that such animal was killed in a cruel manner.

31. Cognizability of offences-Notwithstanding anything contained in the Code or Criminal Procedure, 1898, (5 of 1898) an offence punishable under clause (l) or clause (n) or clause (o) of sub-section (1) of section 11 or under section 12 shall be a cognizable offence within the meaning of that Code.

32. (1) Powers of **search and seizure**—If a police officer not below the rank of sub-inspector or any person authorised by the State Government in this behalf has reason to believe that an offence under

clause (1) of sub-section 11 in respect I any such animal as is referred to in section 30 is being, or is about to be, or as been, committed in any place, or that any person has in his possession the kin of any such animal with any part of the skin of the head attached thereto, he ay enter and search such place or any place in which he has reason to believe any such skin to be, and may seize such skin or any article or thing used for tended to be used in the commission of such offence.

(2) If a police officer not below the rank of sub-inspector, or any person authorised by the State Government in this behalf, has reason be believe that pooka or ¹[doom dev or any other operation of the nature referred to in section f] has just been, or is being, performed on any animal within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal I be, and may seize the animal and produce it for examination by the veterinary (officer in charge of the area in which the animal is seized).

I 33. Search Warrants-(1) If a magistrate of the first or second class or a Residency magistrate or a sub-divisional magistrate or a commissioner of police or district superintendent of police, upon information in writing, and after such inquiry as he thinks necessary, has reason to believe that an offence under this Act is being, or is about to be, or has been committed in any place, he may either self enter and search or by his warrant authorise any police officer not below rank of sub-inspector to enter and search the place.

(2) The provisions of the Code or Criminal Procedure, 1898, (5 of 1891 relating to searches shall so far as those provisions can be made applicable, apply to searches under this Act.

34. General power of seizure for examination-Any police officer above the rank of a constable or any person authorised by the State Government in this behalf, who has reason to believe that an offence against his Act has been or being, committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest magistrate or by such veterinary officer as may be prescribed, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.

35. Treatment and care of animals-(1) The State Government, may be general or special order appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before magistrate.

(2) The magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animals concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a pinjrapole, or if the veterinary officer charge of the area in which the animal is found or such other veterinary office as may be authorised in this behalf by rules made under this Act certifies that is incurable or cannot be removed without cruelty, that it shall be destroyed.

¹ Subs, by Act 26 of 1982 S. IS for the words "doom dev".

(3) An animal sent for care and treatment to an infirmary shall not, unless the magistrate directs that it shall be sent to a pinjrapole or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the veterinary officer in charge of the area in which the infirmary is situated or such other veterinary officer as may be authorised in this behalf by rules made under this Act.

(4) The cost of transporting the animal to an infirmary or pinjrapole and of its maintenance and treatment in an infirmary, shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by the district magistrate, or, in presidency-towns, by the commissioner of police :

Provided that when the magistrate so orders on account of the poverty of the owner of the animal, no charge shall be payable for the treatment of the animal.

(5) Any amount payable by an owner of an animal under sub-section (4) may be recovered in the same manner as an arrear of land revenue.

(6) If the owner refuses or neglects to remove the animal within such time as a magistrate may specify, the magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(7) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him.

36. Limitation of prosecutions—A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission of the offence.

37. Delegation of powers—The Central Government may, by notification in the Official Gazette, direct that all or any of the powers exercisable by it under this Act, may, subject to such conditions as it may think fit to impose, be also exercisable by any State Government.

38. Power to make rules—(1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

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

(a) the ¹[xxx] conditions of service of members of the Board, the allowances payable to them and the manner in which they may exercise their powers and discharge their functions;

²[(aa) the manner in which the persons to represent municipal corporations are to be elected under clause (e) of sub-section (1) of section 5;]

(b) the maximum load (including any load occasioned by the weight of passengers) to be carried or drawn by any animal;

(c) the conditions to be observed for preventing the overcrowding of animals;

(d) the period during which, and the hours between which, any class of animals shall not be used

¹ The words "terms and" omitted by Act 26 of 1982, S, 16 (a) (i).

² Ins. *ibid*, S. 16 (a) (ii).

for draught purposes;

¹[(ea) prohibiting the use of any bit or harness involving cruelty to animals; ³[(ea) the other methods of destruction of stray dogs referred to in clause (b) of sub-section (3) of section 11;

(eb) the methods by which any animal which cannot be removed without cruelty may be destroyed under sub-section (3) of section 13;]

(f) requiring persons carrying on the business of a farrier to be licensed and registered by such authority as may be prescribed and levying a fee for the purpose;

(g) the precautions to be taken in the capture of animals for purposes of sale, export or for any other purpose, and the different appliances or devices that may alone be used for the purpose; and the licensing of such capture and the levying of fees for such licences;

(h) the precautions to be taken in the transport of animals whether by rail, road, inland, waterway, sea or air and the manner in which and the cages or other receptacles in which they may be so transported;

(i) requiring persons owning or in charge of premises in which animals are kept or milked to register such premises, to comply with such conditions as may be laid down in relation to the boundary walls or surroundings of such premises, to permit their inspection for the purpose of ascertaining whether any offence under this Act is being or has been committed therein, and to expose in such premises copies of section 12 in a language or languages commonly understood in the locality;

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

²[(ja) the fees which may be charged by the Committee constituted under section 15 for the registration of persons or institutions carrying on experiments on animals or for any other purpose;]

(k) the purpose to which fines realised under this Act may be applied, including such purposes as the maintenance of infirmaries, pinjrapole and veterinary hospitals;

(1) any other matter which was to be, or may be prescribed.

(3) If any person contravenes, or abets the contravention of, any rules made under this section, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

³[x x x]

⁴**[38A. Rules and Regulations to be laid before Parliament-**Every rule made by the Central Government or by the Committee constituted under section 15 and every regulation made by the Board shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the

¹ Ins *ibid*, S. 16 (a) (iii).

² Ins. by Act 26 of 1982. S. 16(a)(iv).

³ "Sub-section (4) of the Principal Act" omitted by Act 26 of 1982, S. 16(b).

⁴ Ins. *ibid* S. 17.

successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, should not be made, the rule or regulation shall there after have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.]

39. Persons authorised under Section 34 to be public servants-Every person authorised by the State Government under section 34 shall be deemed to be a public servant within the meaning of section 21 of the Indian Panel Code.

40. Indemnity-No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Panel Code in respect of anything in good faith done or intended to be done under this Act.

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

ANNEXURE

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

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

(b)Chapter IV came into force in the States of Assam, Andhra Pradesh, Bihar, Gujarat, Cerala, Madras (Tamil Nadu), Maharashtra, Madhya Pradesh, Mysore (Karnataka), Orissa, Rajasthan, Uttar Pradesh and West Bengal and in the Union Territories of Delhi, Himachal Pradesh, Manipur and Tripura on the 15th July, 1963, vide Notification No. 19-12/63-LD Dated 11th July, 1963/20th Asadha 1885 (S.E.) of Government of India, Ministry of Food and Agriculture (Department of Agriculture).

(c)Chapters III and VI came into force in the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Madras (Tamil Nadu), Maharashtra, Madhya Pradesh, Mysore (Karnataka), Orissa, Rajasthan and Uttar Pradesh and in the Union Territories of Delhi, Himachal Pradesh, Manipur and Tripura on the 20th November, 1963, vide Notification No. 9-24/ 2-LD dated 29th October, 1963/7th Kartika 1885 (S.E.) of Government of India, Ministry of Food and Agriculture (Department of Agriculture).

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

(e)The whole Act came into force in the State of Punjab and the Union Territory of Andaman and

Nicobar Islands on the 1st April, 1961 vide Notification No. 9-2/61-LD of the Ministry of Food and Agriculture.

(0 Chapters I and II came into force in the than Union Territory of Himachal Pradesh I the 2nd October, 1961, vide Notification No. 9-2/61 LD of the Ministry of Food and Agriculture.

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

The **2.** Prevention of Cruelty to Draught and Pack Animals Rules, 1965

(as amended up to 9th December, 1968)¹

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

1. Short title and commencement-[^] 1) These rules may be called the Prevention of Cruelty to Draught and Pack Animals Rules, 1965.

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

2. Definitions-(1) In these rules, unless the context otherwise requires,—

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

(b) "medium bullock" or "medium buffalo" respectively means a bullock or buffalo the weight of which exceeds 250 kilograms, but does not exceed 350 kilograms;_

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

(d) "street" includes any way, road, lane, square, alley or passage whether a thoroughfare or not, over which the public have a right of way;

(e) "vehicle" means a wheeled conveyance of any description which is capable of being used as such on any street.

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

$$\frac{\text{Length} \times \text{Girth}^2 \text{ in cms.}}{10838} = \text{Weight of animal in Kgs.}$$
$$\frac{9 \text{ lengths in cms.} \times \text{Girthinmcs}^2}{1,00,000}$$

¹ "Government of India, Ministry of Food, Agriculture, Community Development & Co-operation (Department of Agriculture), Notification No. 34-2/67—LD III dated the 9th December, 1968.

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

1	2	3
1. Small bullock or small buffalo	two-wheeled vehicle—	
	(a) if fitted with ball bearings	—1000 kilograms
	(b) if fitted with pneumatic tyres	—750 kilograms
2. Medium bullock or medium buffalo	(c) if not fitted with pneumatic tyres	—500 kilograms
	two-wheeled vehicle—	
	(a) if fitted with ball bearings	—1400 kilograms
3. Large bullock or large buffalo	(b) if fitted with pneumatic tyres	—1050 kilograms
	(c) if not fitted with pneumatic tyres	—700 kilograms
	two-wheeled vehicle—	
4. Horse or mule	(a) if fitted with ball bearings	— 1800 kilograms
	(b) if fitted with pneumatic tyres	— 1350 kilograms
	(c) if not fitted with pneumatic tyres	- 900 kilograms
5. Pony	two-wheeled vehicle—	
	(a) if fitted with pneumatic tyres	— 750 kilograms
	(b) if not fitted with pneumatic tyres	— 500 kilograms
6. Camel	(a) if fitted with pneumatic tyres	— 600 kilograms
	(b) if not fitted with pneumatic tyres	— 400 kilograms
	two-wheeled vehicle	— 1000 kilograms

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

(3) Where the vehicle, whether two-wheeled or four wheeled is to be drawn by two animals of either species referred to in each of the entries in column 1 of the said table, the weight specified in the

corresponding entry in column 3 thereof shall be read as being twice, and, if the vehicle is one fitted with pneumatic tyres, as being two and a half times as much as the weight specified.

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

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

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

4. Maximum load for certain pack animals-No person shall cause an animal specified in column 1 of the table below to carry any load in excess of the weight specified in the corresponding entry in column 2 thereof.

1	2
1. Small bullock or buffalo	100 kilograms.
2. Medium bullock or buffalo	150 kilograms.
3. Large bullock or buffalo	175 kilograms.
4. Pony	70 kilograms.
5. Mule	200 kilograms.
6. Donkey	50 kilograms.
7. Camel	250 kilograms.

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

6. General conditions for use of draught and pack animals-No person shall use or cause to be used any animal for drawing any vehicle or carrying any load-

- (i) for more than nine hours in a day in the aggregate;
- (ii) for more than five hours continuously without a break or rest for the animal;
- (iii) in any area where the temperature exceeds 37°C (99°F) during the period between 12 noon and 3.00 p.m.

7. Animals to be disengaged after work-No person shall continue to keep or cause to be kept in harness any animal used for the purpose of drawing vehicle: after it is no longer needed for such purpose.

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

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

10. Certificates regarding unladen weight of vehicles, etc—(1) For the purpose of these rules, the Board may authorise any organisation established for the purpose of preventing cruelty to

animals or for promoting their welfare to issue to the owner of any vehicle which may be brought before it for examination, a certificate as to its unladen weight, and any certificate so issued may be accepted as evidence of the weight of such vehicle.

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

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

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

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

12. Application of rules where local bye-laws etc. exist- If there is in force in any area to which these rules extend, any rule, regulation or bye-law made under any law for the time being in force by any local authority in respect of any of the matters for which provision is made in these rules, such rule, regulation or bye-law shall) to the extent to which—

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

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

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

The **3.** Prevention of Cruelty to Animals (Licensing of Farriers) **Rules, 1965¹**

In exercise of the powers conferred by clause (f) of sub-section (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following

¹ Notified in the Gazette of India, Part II, Section 3, sub-section (ii) vide Government of India, Ministry of Food & Agriculture No. 9-18/62 LD, dated 23rd March, 1965.

rules, the same having been previously published as required by sub-section (1) of that section, namely:—

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

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

2. Definitions-In these rules, unless the context otherwise requires—

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

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

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

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

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

4. Persons entitled to apply for licence-Every person who—

(i) has completed the age of eighteen years; and (ii) has undergone any such training in the business of showing cattle as may be approved by the licensing authority; or (iii) has been carrying on the business of a farrier for not less than two years before the commencement of these rules; shall be entitled to a licence.

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

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

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

1. Driving hammer with claws.	8. Chisel for cutting bar iron.
2. Hand hammer.	9. Punch for making nail holes.
3. Drawing knife.	10. Nails for shoeing.
4. Scorcher knife.	11. Twitch.
5. Pincers.	12. Wooden plank for finishing work
6. Buffer.	13. Iron anvil.
7. Rasp.	14. Good quality wrought iron for shoes.

7. Term of licence and renewal thereof-(I) A licence shall be valid for a period of two years from the years from the date of its grant, but it may be renewed from time to time on application made by the licensee stating the period from which the licence is to be renewed :

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

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

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

9. Farries to exercise reasonable care and skill-Every licensee under these rules shall exercise a reasonable degree of care and skill in the shoeing of cattle.

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

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

¹[10A. An appeal shall lie from any order refusing or cancelling a licence under these rules to such authority as the State Government may, by notification in the official Gazette, specify for the purpose.]

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

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

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

¹ Inserted by the Licensing of Farriers (Amendment) Rules, 1966 vide Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Agriculture) Notification No. 19-13/65-LD, dated the 8th March, 1966.

13. Maintenance of register—The licensing authority shall maintain register containing full particulars relating to every licence.

Farrier's Licence

Licence No

- 1. Name of licensee.
- 2. Place of residence and full postal address.
- 3. Place of business.
- 4. Duration of licence.

From To.....

CONDITIONS OF LICENCE

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

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

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

RENEWAL ENDORSEMENT

Date of Renewal	Date of Expiry	Signature of licensing authority	Remarks
1	2	3	4

¹ Substituted by the Licensing of Farriers (Amendment) Rules, 1966.

4 ● Performing Animals Rules, 1973¹

WHEREAS the draft of the Performing Animals Rules, 1969, was published as required by sub-section (i) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960, at page 3239 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 2nd August, 1969, under the notification of the Government of India in the late Ministry of Food, Agriculture, Community Development and Co-operation (Department of Agriculture) No. S.O. 3091 dated the 25th July, 1969, inviting objections or suggestions from all persons likely to be affected thereby, till the 15th September, 1969.

AND WHEREAS the said Gazette was made available to the public on 02-8-1969;

AND WHEREAS no objections or suggestions were received from the public on the said draft;

NOW, THEREFORE, in exercise of the powers conferred by section 38, read with section 37 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement—(1) These rules may be called the Performing Animals Rules, 1973.

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

2. Definitions—In these rules, unless the context otherwise requires— (a) "Act" means the Prevention of Cruelty to Animals Act, 1960;

(b) "performing animal" means any animal which is used at, or for the purpose of any entertainment to which the public are admitted through sale of tickets;

(c) "prescribed authority" means the State Government or such other Authority as the State Government may, by general or special order, specify in his behalf;

(d) "schedule" means a schedule appended to these rules.

3. Application for registration—(i) Every application by a person desirous of exhibiting or training any performing animal for registration under the Act shall be in the form and shall contain the particulars set out in the First Schedule;

(ii) Every such application shall be made to the prescribed authority within whose jurisdiction the applicant ordinarily resides and, if he has no fixed place of residence, the application shall be made to such authority as the Central Government may by order specify in this behalf.

4. Fee and registration—Every application for registration shall be accompanied by a fee of rupees twenty-five which may be paid either in cash or in such other manner as may be specified by the prescribed authority.

¹ As per Bharat Sarkar, Krishi Mantralaya (Krishi Vibhag) Notification No. 35-4/72-LDI, dated 22.5.1973.

5. Form or Certificate of Registration-(i) The certificate of registration to be issued by the prescribed authority shall be in the form set out in the Sec Schedule.

(ii) Every registration shall be given a serial number according to the order in which it is made, and the serial number shall be inserted in the certificate of registration issued to the applicant.

6. Register—Every person to whom a certificate registration is issued under these rules shall have his name entered in a register which shall be kept in *form set* out in the Third Schedule.

7. Inspection of register-The register kept under these rules shall be c to inspection during office hours on any working day on payment of a fee of rupees and any person may take extract there from or may require the prescribed authority to issue to him a certified copy of any entry therein on payment fee of five rupees.

8. Application for variation of entries in register-Every application under sub-section (5) of section 23 of the Act for the variation of any particulars end in the register shall be in the form set out in the Fourth Schedule and when particulars are varied the existing certificate of registration shall be cancelled a new certificate issued to the applicant.

9. Issue of duplicate copies of certificates-Any person whose name is registered under these rules may, on proof by him that the original certificate of registration has been lost or destroyed and on payment of a fee of rupees five, be given a duplicate copy of the certificate of registration which for the purposes of these rules shall have the same effects as the original certificate of registration or

10. Copies of certificates etc. to be sent to the Animal Welfare Board - The prescribed authority shall cause a copy of every certificate of registration or duplicate thereof or a new certificate issued under these rules to be sent to the Animal Welfare Board established under the Act, as soon as may be after it is issued.

FIRST SCHEDULE

(SEE RULE 3)

Form of Application

I, the undersigned, do hereby apply for registration under the Performing Animal Rules, 1973 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 certificate of registration 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, or (b) permanent postal address in India to which letters addressed to the applicant may be forwarded.
5. Address or addresses (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 previously registered under the Performing Animals Rules, 1973. If so, State the number and date of certificate of registration.
7. (i) Kinds of performing animals proposed to be

	To be trained	To be exhibited
	Kind Number	Kind Number

(a) trained,

(b) exhibited,

Stating number of each kind.

Kind Number

- (ii) Trained animals already available for being exhibited.
- 8 Describe briefly the general nature¹ 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 for the purpose of the performance.

¹ The description must be sufficient to give a general idea of what is done by the animals taking part in the performance, and should state the approximate duration of the performance, the number of times for which it is usually to be given in one and the same day, and the number of animals of each kind taking part in the performance. It need not give details which would divulge any professional secret.

SECOND SCHEDULE (See Rule 5)

Certificate of Registration

THIS IS TO CERTIFY THAT the person to whom the under mentioned particulars relate has this day been registered under the Performing Animals Rules, 1975 with the Registration authority for the

Name of Place :

Serial Number of Entry in Register

Date :

Signature of clerk of Registration authority

PARTICULARS

Name of trainer of exhibit	Nationality	Either (a) Address of fixed place or residence in India or (b) permanent postal address in India to which letters addressed to the trainer or exhibitor may be forwarded	Address or addresses at which the performing animals are to be trained	Particulars of any previous registration	Kind of performing animals		Description of general nature of performance	Date of Registration	Particulars of any order of Court made under section 24 of the Prevention of Cruelty to Animals Act, 1960
					To be trained	To be exhibited			
					Kind No	Kind No			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

SECOND SCHEDULE (See Rule 5)

Form of Registration

Serial No	Name of trainer of exhibit	Nationality	Either (a) Address of fixed place or residence in India or (b) permanent postal address in India to which letters addressed to the trainer or exhibitor may be forwarded	Address or addresses at which the performing animals are to be trained	Particulars of any previous registration	Kind of performing animals		Description of general nature of performance	Date of Registration	Particulars of any order of Court made under section 24 of the Prevention of Cruelty to Animals Act, 1960
						To be trained	To be exhibited			
						Kind No	Kind No			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

FOURTH SCHEDULE

Form of Application for Variation of Particulars Entered in Register

Application to have the particulars entered in the register with respect to the applicant varied.

To

The Prescribed Authority,

Full Name of applicant (in block letters).....

Number and date of certificate of registration.....

I return herewith my certificate of registration under the Performing Animals Rules, 1973, and I hereby apply to have the particulars entered in the Register with respect to be varied, as follows' and for the reasons given below :

I also request that my existing certificate may be cancelled and a new certificate of registration may be issued to me.

Signature

Address

Note : No fee is payable for the issue of a new certificate of registration.

5. Transport of Animals Rules, 1978¹

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

CHAPTER I

1.Short title-These rules may be called the Transport of Animals Rules,1978.

2.Definitions-In these rules unless the context otherwise requires—

(a)qualified veterinary surgeon means one who holds a diploma or a degree of a recognised veterinary College;

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

CHAPTER II

TRANSPORT OF DOGS AND CATS

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

¹ As per Govt. of India, Ministry of Agriculture & Irrigation (Department of Agriculture), KB Bhavan Notification No. 18-6/70 LDI Dt. 23.3.78.

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

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

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

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

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

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

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

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

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

(a) they shall be fed and given water atleast two hours prior to their transport and shall not be packed for transport if they are hungry or thirsty;

(b) they should be exercised as late as possible before despatch;

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

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

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

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

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

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

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

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

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

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

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

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

11. The size and type of crates for transport of dogs and cats shall conform as clearly as may be to the size and type specified in Schedule B and Schedule C respectively.
12. All containers of dogs or cats shall be clearly labelled showing the names, address and telephone number (if any) of the consignor.
13. The consignee shall be informed about the train or transport arrival or flight number and its time of arrival in advance.
14. Consignment of dogs or cats to be transported by rail or road shall be booked by the next passenger or mail train or bus and should not be detained after accepting the consignment for booking.

CHAPTER III

TRANSPORT OF MONKEYS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) 910 x 760 x 510mm-to contain not more than twelve monkeys, weighing between 1.8 and 3.00 kilograms each or ten monkeys weighing between 3.1 and 5.0 kilograms each.

(b) 710x710x510 mm-to contain not more than ten monkeys weighing between 1.8 and 3.00 kilograms each or eight monkeys weighing between 3.1 and 5.00 kilograms each: Provided that wooden cages as specified in Schedule-F to these rules may also be used for carrying monkeys from the trapping area to the nearest rail-head.

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

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

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

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

- (c) Monkeys found dead shall be removed as quickly as possible for suitable disposal.
26. The transport cages shall be in accordance with specifications given in Rule 28.
27. (1) Due provision shall be made by the sender for a sufficient supply of food and water for the journey.
- (2) In case the journey is over six hours an attendant shall accompany the monkeys to supply them food, water, and such other things, on route and he shall have access to the monkeys for feeding, giving water and attention at all stations *en route*.
- (3) The food and water containers shall be checked at least every six hours and refilled, if necessary.
- (4) Monkeys shall not be disturbed during the night hours.
28. Not more than one cage shall be placed over the other and gunny packing shall be placed between two cages, when one is placed over the other.
29. Monkeys shall be brought to the airport sufficiently early.
30. Monkeys shall be provided with food and water immediately before loading on the aircraft.
31. (a) The cages shall be clearly labelled showing the name, address and telephone number (if any) of the consignor and the consignee in bold red letters.
- (b) The consignee shall be informed about the train in which the consignment of monkeys is being sent and its arrival time in advance.
- (c) The consignment of monkeys to be transported shall be booked by the next passenger or mail train and should not be detained after the consignment is accepted for booking.
32. (a) A valid health certificate by a qualified Veterinary Surgeon to the effect that the monkeys are in a fit condition to travel from the nearest rail-head to another rail-head or from a rail-head to the nearest airport and are not showing any signs of infectious or contagious disease shall accompany each consignment.
- (b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.
- (c) The certificate shall be in a form specified in Schedule D.
33. Rules 34 to 45 shall apply in relation to the transport of monkeys by air.
34. The time in transit shall be as short as possible and factors causing stress to monkeys shall be reduced to the minimum.
35. Monkeys that are not completely weaned, that is, under 1.8 kilograms in weight, shall not be transported except when specifically permitted by the Central Government.
36. Pregnant and nursing monkeys shall not be transported except when specifically permitted by the Central Government. Pregnant and nursing monkeys and monkeys weighing over 5 kilograms shall be transported in specially designed individual cages.
37. All monkeys in the same cage shall be of the same species and of approximately the same weight and size.

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

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

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

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

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

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

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

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

(a) 460 x 460 X 460 mm-to contain not more than ten monkeys weighing from 1.8 to 3,0 kilograms each or four monkeys weighing from 3.1 to 5.0 kilograms each; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER IV

TRANSPORT OF CATTLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Adequate ventilation shall be ensured.

55. When cattle is to be transported by rail:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) specially fitted goods vehicles with a special type of tail board on padding around the sides should be used;

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

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

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

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

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

CHAPTER V

TRANSPORT OF EQUINES

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

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

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

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

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

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

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

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

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

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

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

(e) Adequate ventilation shall be ensured.

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

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

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

(b) ordinary goods wagon when used for transportation shall carry no! more then eight to ten horses or ten mules or ten donkeys on broad gauge and not more than six horses or eight donkeys on metre-gauge;

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

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

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

(f) material for padding, such as paddy straw, shall be placed on the floor to avoid injury if an

animal lies down and this shall not be less than 6 cm thick;

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

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

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

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

(b) ordinary goods vehicles shall be provided with anti slipping material on the floor and the superstructure, if low, should be raised;

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER VI

TRANSPORT OF SHEEP AND GOATS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approximate weight of animal in kilogram

	<i>Space required in Woolled</i>	<i>square metres Shorn</i>
Not more than 20	0.18	3.16
More than 20 but not more than 25	0.20	0.18
More than 25 but not more than 30	0.23	0.22
More than 30	0.28	0.26

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

<i>Broad guage</i> (1)	<i>Metre</i> (2)	(3)	<i>guage</i> (4)	<i>Narrow guage</i> (5)
<i>Area of Wagon</i>	<i>Area of Wagon</i>		<i>Area of Wagon</i>	<i>Area of Wagon</i>
Less than 21.1 Square Metres	21.11 Square Metres and above		Less than 12.5 Square Metres	12.5 Square Metres and above
70	100		50	60
				25

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

75. (1) Goods vehicles of capacity of 5 or 4.5 tons, which are generally used for transporting animals, shall carry not more than forty sheep or goats.

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

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

SCHEDULE—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 or 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 :

Date :

Signed

Address

Qualifications

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 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 waterway/sea, by air

Length (L)	A x 1½	A + C+10
Width (W)	A	D + 2+10
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 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 the dogs 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 3 mm, with a spacing 12x12 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.

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 Transport of Animals Rules, 1978 shall be as per the design as printed on page 8 of IS : 4746-1968 published by the Indian Standards Institution.

All dimensions in Centimetres

By rail/road/inland water way/sea by air

Length (L)	Ax2	Ax2
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 3 mm, 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.

SCHEDULE—D

(See Rules 16 and 32)

Proforma for certificate of fitness to Travel Monkeys

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

Date and time of examination

Species of Monkeys

Number of Cages

Number of Monkeys

Sex Age

Breed and identification marks, if any

Transported from To 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 examined the above mentioned monkeys in their travelling cages not more than 12 hours before their departure.
2. That each 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 diseases.
3. That no 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

Date : Address

Qualifications

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 detail 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-I)—1966 published by Indian Standard Institution.

SCHEDULE-F

[See Rule 40(4)]

Size and Type of Crate for Transport of Monkeys by Air

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

SCHEDULE-G

[See Rule 40(5)]

**Size and Types of Crate for Transport by Air of Pregnant and Nursing
Monkeys and Monkeys weighing over 5 Kg**

The construction details of the two type of cages mentioned in Rule 40(5) in Chapter III of 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.

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 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 : (b) Date of vaccination :

Signed

Date :

Address

Qualifications

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 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 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 :

Date : Signed
Address
Qualifications

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 V of the Transport of Animals Rules, 1978.

1. That, at the request of (consignor) I examined the above mentioned animals not more than 12 hours before their departure.
2. That each appeared to be in a fit condition to travel by rail/road/sea 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 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 :

Date : Signed
Address
Qualifications

6 The Prevention of Cruelty to Animal (Application of Fines) Rules, 1978¹

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

1. **Short title**-These rules may be called the Prevention of Cruelty I Animals (Application of Fines) Rules, 1978.
2. **Definitions**- In these rules, unless the context otherwise requires,

¹ (Notified in the Gazette of India, Part I, Section 2(ii), vide Government of India, Ministry! Agriculture & Irrigation (Department of Agriculture), Notification No. 14-21/76 LDI date 15th February, 1978.)

- (a) 'Act' means the Prevention of Cruelty to Animals Act, 1960 (591 1960);
- (b) "Board' means the Animal Welfare Board of India established under the Act;
- (c) 'fines' means fines levied under the Act.

3. Fines, after deducting cost of collection, to be made over to Board

(a) fines levied; and realised under the Act shall, subject to any deductions relating to the cost of collection, be made over by the State Government to the Board as soon as may be after due appropriation by law (by State Legislature) in this behalf.

4. Application of fines made over to Board-(1) Fines made over by any State Government to the Board shall be applied exclusively for the following purposes, namely—

(i) the grant of financial assistance to societies dealing with the Prevention of Cruelty to Animals or organisations actively interested in animal welfare work which are for the time being recognised by the Board;

(ii) the maintenance of infirmaries, pinjrapoles and veterinary hospitals.

(2) Fines realised in one State and made over to the Board shall be utilised only for the benefit of such societies or other organisations within the jurisdiction of that State and not otherwise.

5. Principles to govern application of fines-In applying the fines for the benefit of societies or other organisations in any State, the Board shall have due regard to the following principles, namely:—

(i) Financial assistance shall first be given to societies dealing with the prevention of cruelty to animals within the jurisdiction of the State which are for the time being recognised by the Board;

(ii) in granting financial assistance to such societies, due regard shall be had to the amounts they had been receiving from the State Government prior to the coming into force of these rules, and consistently with the amount of fines at its disposal and having regard to the revenues of the Societies concerned, the objects for which assistance is to be given and other relevant matters, the Board shall make every endeavour to ensure that there is no diminution in the amounts such societies had been receiving earlier;

(iii) if after the grant of financial assistance to the societies earlier referred to in this rule, there is any unspent balance, it may be applied by the Board at its discretion for the benefit of any other organisation actively interested in animal welfare work including infirmaries, pinjrapoles and veterinary hospitals.

7 ■

The Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978¹

In exercise of the powers conferred by clause (i) of sub-section (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960, the Central Government hereby makes the following rules, namely:—

1. **Short title and application** - (1) These rules may be called the Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978.

(2) These rules shall apply only to cities or towns which have a population exceeding one lakh.

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

2. **Definitions** - In these rules, unless the context otherwise requires,—

(a) 'cattle' means oxen, buffaloes, cows, bullocks and horses, including their young ones;

(b) 'certificate' means the certificate of Registration;

(c) 'registering authority' means such officers of the veterinary department of the State Government or of a local authority as the State Government may, by general or special order, specify in this behalf.

3. **Registration of Premises** - Every person owning or in charge of premises in which not less than five heads of cattle are kept for the purpose of profit shall, in any case, where the premises are already in existence, within three months from the commencement of these rules and, in any case where, after the commencement of these rules any such premises, apply to the registering authority for the registration of such premises.

4. **Application for registration**-Every application for registration shall contain full information regarding the number and types of animals kept or to be kept, the purpose for which they are being kept or are to be kept, the provision made or to be made as respects floor space, flooring ventilation, supply of food and water, disinfection, drainage, disposal of dung or unwanted matter, boundary walls and shall also contain such other information relevant to the matter as may be specifically called for by the registering authority.

5. **Certificate of registration-**

(i) If the registering authority is satisfied that, having regard to the information supplied, the welfare of the cattle is adequately secured and that they are not likely to undergo any unnecessary suffering, he shall register the premises and issue to the applicant a certificate in respect thereof.

(ii) Every certificate shall be valid for a period of three years from the date of issue thereof, but it may be renewed from time to time for a period of three years at a time on application made by the person owning or in charge of the premises, within three months from the date of expiry of the existing certificate.

¹ (Notified in the Gazette of India, Part II Section 3 sub-section (ii) vide Government of India Ministry of Agriculture & Irrigation (Department of Agriculture), Notification No. 14-20/76 LD.I. dated 30th November, 1978.)

6. Inspection of premises - Every premises registered under these rules shall be open for inspection at all reasonable times by any veterinary or public health officer of the local authority or of the State Government who may be authorised by the State Government in this behalf by general or special order.

7. Cancellation of registration - If any premises are not maintained in the manner required under these rules, the registering authority may, by notice in writing stating the grounds on which the notice proceeds and after giving an opportunity to the person concerned to show cause, cancel the certificate.

8. Appeal - An appeal shall lie from any order refusing or cancelling the registration of any premises under these rules to such officer or other authority as the State Government may specify in this behalf.

9. Display of section 12 of the Act - If in any premises milch cattle are kept, there shall be displayed by the owner of cattle prominently in or near the premises, a copy of section 12 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) in a language commonly understood in the locality.

If any person performs upon any cow or other milch animal the operation called phooka or doom dev or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may be extended to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to the Government.

10. Saving - If in any area to which these rules apply, any Rule, regulation or bye-law made under any law for the time being in force, by any local authority which contains the provisions for the registration or licensing of premises in which cattle or any type thereof are kept then such rule, regulation or bye-laws to the extent to which it contains provisions relating to cattle or any type thereof, as the case may be, shall to that extent be of no avail.

8 ■ **Prevention of Cruelty (Capture of Animals) Rules, 1972¹**

S.O. No. 1056 dated the 13th March, 1979—Whereas a draft of the Prevention of Cruelty to Animals (Capture of animals) Rules, 1978 was published as required by clause (i) of sub-section (2) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), at pages 139-140 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 13th January, 1979 under the notification of the Government of India in the Ministry of Agriculture & Irrigation (Department of Agriculture) No. 14-19/76 LDI dated the 30th December, 1978 inviting objections and suggestions from all persons likely to be affected thereby within a period of forty-five days from the date of publication of the said notification in the Official Gazette.

And whereas the said Gazette was made available to the public on the 13th January, 1979.
And whereas no objections and suggestions from the public on the said draft have been received.

¹ (Ministry of Agriculture and Irrigation No. 14-19/76 LDI) (Gazette of India 1979, Pt. II Sec. 3(ii), p. 835).

Now, therefore, in exercise of the powers conferred by clause (i) of subsection (2) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement-(1) These rules may be called the Prevention of Cruelty (Capture of Animals) Rules, 1979.

2. Capture of birds-No bird shall be captured for the purpose of sale, export or for any other purpose except by net method.

Explanation : A bird is said to be captured by the net method if in its capture the following contrivance is used, namely, a contrivance made of spun thread which is soft, pliable and sufficiently strong, like cotton, jute or any synthetic fibre, woven in such a way as to form a mesh of suitable size so that the bird is captured without any injury being caused to it.

3. Capture of other animals-(1) No animal shall be captured for the purpose of sale, export or for any other purpose except by sack and loop method :

Provided that an animal which cannot be captured by reason of its size, nature of other condition or circumstance by the sack and loop method, may be captured with the help of tranquiliser guns or by any other method which renders the animal insensible to pain before capture.

(2) Nothing in this rule shall apply to the capture of birds.

Explanation : An animal is said to be captured by the sack and loop method if in its capture the following contrivance is used, namely, a strong canvass in the form of sack, not less than 92cms. in length and 138cms in diameter, which has a smooth rope, not less than 5.5 meter in length passing through ten or more rings of not less than 4cms. in diameter each attached at the open end, thus forming a loop, the sack having small holes at convenient places to enable the animal to breathe during captivity, and the animal is captured by the sack being thrown on it and secured by having the loop pulled.