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NEW DELHI, TUESDAY, MAY 23, 2017/ JYAISTHA 2, 1939

NOTIFICATION

New Delhi, the 23rd May, 2017

G.S.R.495(E).—Whereas the draft Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2016 were published, as required under sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), vide the Ministry of Environment, Forest and Climate Change notification number G.S.R. 35(E), dated the 16th January, 2017 in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), the 16th January, 2017 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas the copies of the said Gazette were made available to the public on the 16th January, 2017;

And whereas objections and suggestions received from the public have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, namely: —

1. **Short title and commencement.**— (1) These rules may be called the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**— In these rules, unless the context otherwise requires, —
 - (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
 - (b) "Animal Welfare Organisation" means an organisation recognised by the Animal Welfare Board of India and includes a Society for Prevention of Cruelty to Animals established in any district under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 made under the Act;
 - (c) "cattle" means a bovine animal including bulls, cows, buffalos, steers, heifers and calves and includes camels;
 - (d) "Society for Prevention of Cruelty to Animals (SPCA)" means a SPCA established under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 made under the Act;
 - (e) "State Board" means the State Animal Welfare Board constituted, in a State, by the State Government;
 - (f) "vehicle" means any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road;

- (g) words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. **Custody of animals pending litigation.**— When an animal has been seized under the provision of the Act or the rules made thereunder—

(a) the authority seizing the animal shall ensure health inspection, identification and marking such animal, through the jurisdictional veterinary officer deployed at Government Veterinary Hospital of the area and marking may be done by ear tagging or by chipping or by any less irksome advance technology but marking by hot branding, cold branding and other injurious marking shall be prohibited;

(b) the magistrate may direct the animal to be housed at an infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala during the pendency of the litigation.

4. **Cost of care and keeping of animal pending litigation.**— (1) The State Board shall within three months from the date of commencement of these rules and thereafter on the 1st day of April every year, specify the cost of transport, maintenance and treatment per day for every species of animal that is commonly seized in the State.

(2) The magistrate shall use the rates specified by the State Board as the minimum specified rates for transport, maintenance and treatment of the seized animals under sub-section (4) of section 35 of the Act.

(3) In case the animal under consideration is not on the rate sheet specified by the State Board, the magistrate shall fix the cost of transport, treatment and maintenance of the animal based on the input provided by the jurisdictional veterinary officer.

5. **Execution of bond.**— (1) The magistrate when handing over the custody of animal to an infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala shall determine an amount which is sufficient to cover all reasonable cost incurred and anticipated to be incurred for transport, maintenance and treatment of the animal based on the input provided by the jurisdictional veterinary officer and shall direct the accused and the owner to execute a bond of the determined value with sureties within three days and if the accused and owner do not execute the bond, the animal shall be forfeited to infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala.

(2) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala having the custody of the animal may draw on from the bond on a fortnightly basis the actual reasonable cost incurred in caring for the animal from the date it received custody till the date of final disposal of the animal.

(3) The magistrate shall call for the accused and the owner to execute additional bond with sureties once eighty per cent. of the initial bond amount has been exhausted as cost for caring for the animal.

(4) Where a vehicle has been involved in an offence, the magistrate shall direct that the vehicle be held as a security.

(5) In case of offence relating to transport of animals, the vehicle owner, consignor, consignee, transporter, agents and any other parties involved shall be jointly and severally liable for the cost of transport, treatment and care of animals.

(6) In cases where a body corporate owns the animal, the Chief Executive Officer, President or highest-ranking employee of the body corporate, the body corporate and the accused shall be jointly and severally liable for the cost of transport, treatment and care of the animal.

(7) In cases where the Government owns the animal, the Head of the Department and the accused shall be jointly and severally liable for the cost of transport, treatment and care of the animal.

(8) If the owner and the accused do not have the means to furnish the bond, the magistrate shall direct the local authority to undertake the costs involved and recover the same as arrears of land revenue.

6. **Abandoned animal.**— (1) In case where the investigating officer files a report that prima facie offence under the Act has been made out but he is unable to determine the accused or the owner of the animal, then the magistrate shall direct the local authority to undertake the costs involved and it shall be deemed that the owner has relinquished the ownership of the animal.

(2) The relinquishment of ownership shall have no effect on any criminal charges against the unknown offender or the owner.

7. **Voluntary relinquishment.**— Nothing in these rules shall be construed to prevent the voluntary and permanent relinquishment of any animal by the owner who is the accused, to infirmary, pinjarapole, SPCA, Animal Welfare Organisation or Gaushala in lieu of executing a bond but the voluntary and permanent relinquishment shall have no effect on any criminal charges against the accused or owner.

8. **Status of animal upon disposal of litigation.**— (1) If the accused is convicted, or pleads guilty, the magistrate shall deprive him of the ownership of animal and forfeit the seized animal to the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala already having custody for proper adoption or other disposition.

(2) If the accused is found not guilty of all charges, the seized animal shall be returned to the accused or owner of the animal and the unused portion of any bond amount executed shall be returned to the person who executed the bond.

(9) **Process of adoption or other disposition.**— (1) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala having custody of the animal during the litigation or post litigation may euthanize the animal in its custody as per section 13 of the Act.

(2) Where the animal has been forfeited to the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala after conviction, abandonment or voluntary relinquishment, as the case may be, the animal shall be put up for adoption.

(3) A person who has been charged under the Act or any cattle preservation law made by the State Government shall be prohibited from adopting animals from the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala.

(4) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala prior to giving the animal for adoption shall,—

- (a) in case of cattle, take an undertaking in form of an affidavit that the animals are adopted for agriculture purposes and not for slaughter, and verify that the person adopting the animal is an agriculturist by seeing the relevant revenue document;
- (b) in case of draught and pack animals, take an undertaking in the form of an affidavit that the animals are adopted for draught and pack purposes and not for slaughter;
- (c) in case of dogs and cats, ensure that the animal is spayed or neutered before adoption;
- (d) keep a record of name and address of the person adopting the animal and procure an identity proof and address proof of the person adopting the animal;
- (e) obtain from the person adopting the animal a declaration in the form of an affidavit that he shall not alienate the animal up to six months from the date of adoption and shall abide by the rules for transport framed under the Act or any other law for the time being in force and shall get regular veterinary checkup done for the animal.

(5) The person adopting the animal shall—

- (a) not sell the animal;
- (b) not abandon the animal;
- (c) follow the State cattle protection and preservation law;
- (d) not sacrifice the animal for any religious purpose;
- (e) not sell the cattle to a person outside the State without permission as per the State cattle protection and preservation law.

(6) Where a cattle or a draught and pack animal has been adopted, before its removal from the premises of the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, the proof of adoption shall be issued in five copies, out of which first copy shall be handed over to person adopting the animal, second copy to infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, third copy to tehsil office of the residence of person adopting the animal, fourth copy to the Chief Veterinary Officer, Office of District of person adopting the animal and last copy shall be sent to the court to be filed in the case file.

(7) The adoption of animal shall not create an irrevocable right to the person adopting the animal, and the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, may from time to time inspect the animal and in case it finds that the person who has adopted the animal is not providing sufficient care or it has reasons to believe that an offence under the Act or any cattle preservation law is anticipated, then the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, shall take possession of the animal.

(8) The person adopting the animal shall only be the lawful guardian of the animal and shall not have any rights bestowed generally to an owner of the animal, but shall have the duty to take all responsible measures to ensure the well being of such animal and to prevent infliction upon such animal of unnecessary pain or suffering.

[F. No. 1/1/2016-AWD]

RAVI S. PRASAD, Jt. Secy.