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

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 23rd May, 2017

G.S.R. 494(E).—Whereas the draft Prevention of Cruelty to Animals (Regulation of Livestock Markets) 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. 34(E), dated the 16th January, 2017 in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), dated 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 (Regulation of Livestock Markets) Rules, 2017.

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

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

- (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
- (b) "animal market" means a market place or sale-yard or any other premises or place to which animals are brought from other places and exposed for sale or auction and includes any lairage adjoining a market or a slaughterhouse and used in connection with it and any place adjoining a market used as a parking area by visitors to the market for parking vehicles and includes animal fair and cattle pound where animals are offered or displayed for sale or auction;
- (c) "Animal Market Committee" means the committee constituted under these rules which shall be responsible for the upkeep of a market or for the provision of fixed facilities there and for ensuring the welfare of the animals being traded;
- (d) "calf" means a bovine animal under the age of six months;
- (e) "cattle" means a bovine animal including bulls, bullocks, cows, buffalos, steers, heifers and calves and includes camels;
- (f) "fractions animal" means an animal that is likely to cause injury to other animals;
- (g) "Inspector" means a person authorised as an inspector by the State Board or by a local authority or when used in relation to a person appointed by the Animal Husbandry Department, includes a veterinary inspector;
- (h) "Poultry" means live birds of domestic fowls, turkeys, geese, ducks and guinea-fowls;
- (i) "prohibited practices" means practices that are harmful to animals and that cause unnecessary pain or suffering;
- (j) "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;
- (k) "State Board" means the State Animal Welfare Board constituted, in a State, by the State Government;
- (l) "unfit" includes animals who are young, in advanced pregnancy, infirm, diseased, ill, injured or fatigued;

- (m) “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, and duly registered to carry animals in compliance with the law in force;
- (n) “veterinary inspector” means a registered veterinarian authorised by the local authority;
- (o) “young animal” means any animal below the age of six months;
- (p) 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. Constitution of District Animal Market Monitoring Committee.— (1) The District Collector or District Magistrate, as the case may be shall, in consultation with the State Board, constitute Animal Market Monitoring Committee for regulation of animal markets in the district.

(2) The Committee referred to in sub-rule (1) shall consist of the following members, namely:-

- (a) District Collector or District Magistrate – Chairman;
- (b) Chief Veterinary Officer – Member Secretary;
- (c) Jurisdictional Divisional Forest Officer;
- (d) Jurisdictional Superintendent of Police;
- (e) a representative of the SPCA;
- (f) two representatives from Animal Welfare Organisation recognised by the Board and as approved by the State Government.

(3) Four members shall form the quorum for the meeting of the Committee.

(4) A person who has been convicted under the Act or any cattle preservation law made by a State Government shall be prohibited from being the member of the Committee and shall not be involved in the regulation of the animal market.

4. Constitution of Animal Market Committee.— The local authority shall, in consultation with the District Magistrate and the State Board, constitute Animal Market Committee for the management of animal markets in the district.

(2) The Committee referred to in sub-rule (1) shall consist of the following members, namely:-

- (a) Chairman of local authority - Chairman;
- (b) Chief Municipal Officer or Chief Officer of local authority - Member Secretary;
- (c) Jurisdictional Tahasildar-Member;
- (d) Jurisdictional Forest Range Officer-Member;
- (e) Jurisdictional Veterinary Officer-Member;
- (f) Jurisdictional Police Inspector-Member;
- (g) a representative of the SPCA-Member;
- (h) two representatives from Animal Welfare Organisation recognised by the Board and as approved by the State Government-Members.

(3) Five members shall form the quorum for the meeting of the Committee.

(4) A person who has been convicted under the Act or any cattle preservation law made by a State Government shall be prohibited from being a member of the Committee and shall not be involved in the management of the animal market.

(5) The Member Secretary shall ensure the compliance of these rules.

5. Registration of existing animal markets.—(1) The local authority shall make a list of animal markets functional prior to the commencement of these rules.

(2) Every animal market functional prior to the commencement of these rules shall within three months from the date of such commencement register themselves with the District Animal Market Monitoring Committee by making an application to the Committee.

6. **Establishment of new animal markets.**—(1) When the local authority considers fit and necessary to establish an animal market within its jurisdiction, it shall identify a suitable location and develop a blueprint of the animal market.

(2) The District Animal Market Monitoring Committee may approve the blueprint of the animal market or seek further modification or reject the proposal for reasons to be recorded in writing.

(3) Every new animal market shall apply for registration to the District Animal Market Monitoring Committee.

7. **Functions of District Animal Market Monitoring Committee.**—

(1) The District Animal Market Monitoring Committee before granting registration shall ensure that all requirements as stipulated in these rules are fulfilled in the animal market.

(2) The District Animal Market Monitoring Committee shall ensure that the animal market has adequate-

(i) housing;

(ii) shade;

(iii) feeding troughs, water tanks with multiple taps and buckets;

(iv) lighting;

(v) ramps at the appropriate height of vehicles;

(vi) separate enclosures for sick and infirm animals;

(vii) separate enclosures for young and pregnant animals;

(viii) veterinary facility;

(ix) feed storage area and feed supply;

(x) water supply;

(xi) toilets;

(xii) non-slippery flooring;

(xiii) provisions for proper disposal of dead animals from the animal market site;

(xiv) provisions to ensure hygiene, proper disposal of manure and bio-waste from animal market site;

(xv) sand pits for rolling of equines;

(xvi) separate enclosures for different species of animals.

(3) The District Animal Market Monitoring Committee shall determine the maximum holding capacity of the animal market and that shall be displayed in a prominent place in the said market.

(4) The District Animal Market Monitoring Committee, while granting registration, may impose such conditions as it deems fit to ensure compliance of these rules.

(5) The District Animal Market Monitoring Committee may, for reasons to be recorded in writing, reject an application for registration, and in that case the animal market shall cease to exist from the date of such rejection.

(6) The District Animal Market Monitoring shall dispose of the application for registration within one month from the date of filing the application.

(7) The District Animal Market Monitoring Committee shall ensure that the traders and purchasers abide by the rules relating to transport of animals made under the Act or any other law for the time being in force.

8. **Additional precaution to be taken regarding animal markets in border area.**— The District Animal Market Monitoring Committee shall take steps to ensure that no animal market is organised in a place which is situated within twenty-five kilometers from any State border or which is situated within fifty kilometers from any international border.

9. Cancellation of registration of animal market.— If the District Animal Market Monitoring Committee, suo moto or on receipt of a complaint, comes to the conclusion that an animal market is functioning in contravention of these rules, it may direct the cancellation of registration of such market after giving reasonable opportunity of being heard.

10. Powers of State Board to issue directions, etc.—(1) The State Board may from time to time give such directions to the local authority and the District Animal Market Monitoring Committee as it may deem fit to facilitate compliance with these rules.

(2) The District Animal Market Monitoring Committee and Animal Market Committee shall provide all records and information pertaining to the functioning of animal market to the State Board as and when it is required and the State Board may call for additional records and information as it deems fit.

11. Powers of State Board, etc. to authorise inspection and seizure.— For the purpose of ensuring compliance with these rules, the State Board, local authority, District Animal Market Monitoring Committee or State Animal Husbandry Department may authorise any of its officers in writing to inspect any animal market, and report to the State Board, local authority, District Animal Market Monitoring Committee or State Animal Husbandry Department, as the case may be, the result of such inspection, and any officer so authorised may –

- (a) enter at reasonable time to inspect the animal market;
- (b) require any person to produce any record kept by him with respect to the said market;
- (c) seize any animal if he has reason to believe that the animals are being treated cruelly and the animals so seized shall be kept in the custody of the local SPCA or an animal welfare organization recognised by the Board;
- (d) take photographic and video proof of cruelty to animals.

12. Veterinary inspectors, etc. at animal markets.—(1) Every animal market shall have adequate number of veterinary inspectors and para-veterinary staff to assist the veterinary inspectors authorised by the District Animal Market Monitoring Committee.

(2) The veterinary inspector shall screen the animals before entering the animal market, for suspected contagious and infectious diseases such as Foot and Mouth Disease, Glanders, Strangles, Peste des petits, Rinder Pest, etc. by looking for the cardinal symptoms and the suspected animals shall not be allowed to enter the market area and shall be treated at the nearest veterinary hospital or sent back for necessary treatment and care.

(3) The veterinary inspector shall supervise the unloading and arrival of animals at the animal market and inspect all animals as soon as practical after their arrival and deal appropriately with any animals that are ill, sick or injured.

(4) The veterinary inspector shall make the required checks of the load against the transport documentation produced before him.

(5) The veterinary inspector shall treat or supervise the treatment of any animals that are ill, sick or injured in the isolation facilities in the animal market.

(6) The veterinary inspector shall monitor the handling of all animals in the animal market and ensure that animals are handled humanely at all times.

(7) The veterinary inspector shall supervise the loading of animals from the animal market and ensure that all animals are fit for the intended journey and provide the necessary veterinary certification and the camels may not be loaded in vehicles unless there is a written permission from the District Magistrate or District Collector, as the case may be.

(8) The veterinary inspector shall maintain records of all animals inspected, treated, number of veterinary clarifications issued, number of animals found unfit for transport and what actions was initiated when an animal was found unfit for transport.

(9) The veterinary inspector shall ensure that the provision for emergency euthanasia of animals that have irreparable severe injury or are terminally ill and cannot be uploaded on vehicles because to do so would cause

unnecessary pain or suffering, are available in a market and that all carcasses including those of naturally died animals shall be incinerated, and shall not be sold or flayed for leather.

(10) Veterinary inspectors authorised by the District Animal Market Monitoring Committee shall mark the animals that are unfit for sale to prevent trading.

(11) The veterinary inspectors shall ensure that the animals are transported only in vehicles that are authorised in law for the time being in force to carry animals and that they are not overloaded or tied by their noses in the vehicles or loaded in any other way that may cause injury.

13. Unfit animals and animals likely to give birth.—(1) No person shall permit an unfit animal to be sold in an animal market.

(2) No person shall permit an animal to be offered or displayed for sale in an animal market if it is likely to give birth while it is there or during its transportation.

14. Prohibited practices that are cruel and harmful.— The following cruel and harmful practices shall be prohibited, namely:-

- (a) animal identification methods such as hot branding and cold branding;
- (b) shearing and painting of horns, bishoping in horses and ear cutting in buffaloes;
- (c) casting animals on hard ground without adequate bedding (during farriery);
- (d) use of any chemicals or colors on body parts of animals;
- (e) sealing teats of the udder using any material such as adhesive tapes to prevent the calf from suckling;
- (f) any person forcefully drenching any fluids or liquids or using steroids or diuretics or anti-biotics, other than by a veterinarian for the purpose of treatment;
- (g) forcing animals to perform any unnatural acts, such as dancing;
- (h) putting any ornaments or decorative materials on animals;
- (i) use of any type of muzzle to prevent animals from suckling or eating food;
- (j) injecting Oxytocin into milch animals;
- (k) castration of animals by quacks or traditional healers;
- (l) nose-cutting or ear slitting or cutting by knife or hot iron marking for identification purposes other than by veterinarian;
- (m) castration of equines by quacks;
- (n) tying rope around penis;
- (o) tying nose bags as feeding troughs.

15. Protection of animals from injury or unnecessary pain or suffering.—(1) No person shall cause or permit any injury or unnecessary pain or suffering to an animal in an animal market.

(2) It shall be the duty of the person in charge of an animal in an animal market to ensure that the animal is not, or is not likely to be, caused injury or unnecessary pain or suffering by reason of—

- (a) the animal being exposed to the weather;
- (b) inadequate ventilation being available for the animal;
- (c) the animal being hit or prodded by any instrument or other thing; nose ropes or nose pegs or bits are pulled, yanked and jerked, causing immeasurable pain and suffering or any other cause;
- (d) being tethered on a short rope for an unreasonable period;
- (e) thirst or starvation.

16. Handling and tying of animals.—(1) No person shall handle an animal in an animal market by—

- (a) lifting it off the ground, other than poultry for weighing propose;
- (b) dragging it along the ground;
- (c) suspending it clear of the ground;
- (d) head, neck, ears, horns, legs, feet, tail, fleece or wing.
- (2) No person shall—
 - (a) tie up or muzzle any calf;
 - (b) tether an animal by both forelegs and hindlegs in such a way that it will prevent the animal from taking a step forward or backward to ease the discomfort of standing at one place for long hours;
 - (c) tie an animal by head or neck from both the sides which will prevent the animal from moving its head and neck in any direction or attending the self needs such as driving away flies or licking body parts;
 - (d) tie more than one animal using one single rope;
 - (e) use abrasive or sharp materials to tether or tie the animals that may cause injuries;
 - (f) tie any poultry by neck, leg or wing or carry poultry upside down.

17. Control of animals.—(1) No person shall use excessive force to control any animal in an animal market, including but not limited to twisting or breaking of tail, twisting the ear or muzzle hitting with stick, goad or other instrument, rubbing chilly or any other substance in the eyes, nose rings.

(2) No person shall drive or lead any animal over any ground or floor, the nature or condition of which is likely to cause the animal to slip or fall.

18. Penning and caging of animals.—(1) It shall be the duty of Member Secretary of the Animal Market Committee to ensure that no animal is kept in a pen, cage or other enclosures, which is unsuitable for the size and species of that animal.

- (2) It shall be the duty of Member Secretary of the Animal Market Committee to ensure that—
 - (a) any pen in which any calves or pigs are kept is of sufficient size to enable all the calves or pigs kept in it to lie down, stand up, and turn around and make normal postural adjustments at the same time;
 - (b) any cage or enclosure in which any poultry are kept—
 - (i) is of such a design as to enable the poultry to stand, lie down, spread wings and turn around and make normal postural adjustment in their natural position;
 - (ii) has a door which is of sufficient size to enable the poultry to be placed in, and removed from, the cage or enclosure without being caused any discomfort, injury or unnecessary pain or suffering.

(3) It shall be the duty of Member Secretary of the Animal Market Committee to ensure that, within the animal market,—

- (a) when animals are penned,—
 - (i) those of one species are kept in separate pens from animals of another species;
 - (ii) they are distributed within the pens, having regard to differences in age and size, so as to avoid unnecessary pain or suffering to them;
 - (iii) any fractious animal is kept in a separate pen, cage or enclosure from other animals;
 - (iv) they are not kept in pens, cages or enclosures which are overcrowded;
- (b) adequate provision is made to prevent animals from—
 - (i) escaping from the market;

- (ii) coming into contact with any aggressive or fractious animals in the market;
- (c) a bull is not kept in the same undivided pen as any other animal except that the —
 - (i) bulls may be kept together in the same undivided pen if they are all secured by the head or neck; or
 - (ii) bulls which have been reared together may be kept together in the same undivided pen (without being secured by the head or neck);
- (d) a boar over the age of six months is not kept in the same undivided pen as any other animal; and
- (e) animals and young animals are not kept in the same undivided pen as any other animals, except where they originate from the same group of animals and are of a mutually acceptable disposition.

19. Feeding and watering of animals.—(1) It shall be the duty of the person in charge of an animal to ensure that the animal in an animal market is provided with an adequate quantity of wholesome water as often as is necessary to prevent it suffering from thirst.

(2) The Animal Market Committee shall ensure that animal feed is sold at an animal market at a specified price.

(3) It shall be the duty of the owner (or his duly authorised agent) of an animal which is kept in an animal market from one day to the next to ensure that the animal is provided with an adequate quantity of wholesome food and wholesome water—

- (a) before 9 p.m. on the day on which the animal arrives at the market or, if it arrives at the market after 9 p.m., immediately on its arrival there; and
- (b) thereafter at least once in each complete period of six hours (calculated from 9 p.m. on the day of its arrival at the market) during which the animal is kept in the market.

20. Provision of lighting and bedding.—(1) It shall be the duty of Member Secretary of the Animal Market Committee and other person for the time being in charge of an animal in an animal market to ensure that adequate lighting is available to enable animals kept in the market to be inspected and to be fed and watered.

(2) It shall be the duty of Member Secretary of the Animal Market Committee and other person for the time being in charge of an animal in an animal market to ensure that an adequate supply of suitable bedding is provided for animals.

21. Covered accommodation.— It shall be the duty of Member Secretary of the Animal Market Committee to provide covered accommodation in the animal market for animals.

22. Restrictions on sale of cattle.— The Member Secretary of the Animal Market Committee shall ensure that—

- (a) no person shall bring to an animal market a young animal;
- (b) no person shall bring a cattle to an animal market unless upon arrival he has furnished a written declaration signed by the owner of the cattle or his duly authorised agent—
 - (i) stating the name and address of the owner of the cattle, with a copy of the photo identification proof ;
 - (ii) giving details of the identification of the cattle;
 - (iii) stating that the cattle has not been brought to market for sale for slaughter;
- (c) every declaration furnished to the Animal Market Committee shall be retained by it for a period of six months from the date on which it is furnished to them and the Animal Market Committee shall, on demand made by an Inspector at any reasonable time during that period, produce such declaration and allow a copy of it or an extract from it to be taken;
- (d) where an animal has been sold and before its removal from the animal market, the Animal Market Committee shall—

- (i) obtain the expenses incurred for each animal, as approved by the District Animal Market Monitoring Committee, so as to provide the basic facilities for animals and people;
 - (ii) take an undertaking that the animals are bought for agriculture purposes and not for slaughter;
 - (iii) keep a record of name and address of the purchaser and procure his identity proof;
 - (iv) verify that the purchaser is an agriculturist by seeing the relevant revenue document;
 - (v) ensure that the purchaser of the animal gives a declaration that he shall not sell the animal up to six months from the date of purchase and shall abide by the rules relating to transport of animals made under the Act or any other law for the time being in force;
 - (vi) retain such record for a period of six months from the date of sale;
 - (vii) produce such record before an Inspector on demand being made by him at any reasonable time during that period and allow a copy of it or an extract from it to be taken;
- (e) the purchaser of the cattle shall –
- (i) not sell the animal for purpose of slaughter;
 - (ii) follow the State cattle protection or preservation laws;
 - (iii) not sacrifice the animal for any religious purpose;
 - (iv) not sell the cattle to a person outside the State without the permission as per the State cattle protection or preservation laws;
- (f) where a cattle has been sold and before its removal from the animal market, the proof of sale shall be issued in five copies, out of which first copy shall be handed over to purchaser, second copy to seller, third copy to tehsil office of the residence of purchaser, fourth copy to the Chief Veterinary Officer in the district of purchaser and last copy to be kept intact in the record by the Animal Market Committee.

23. Additional duties of Animal Market Committee.—It shall be the duty of the Animal Market Committee to ensure that—

- (a) all passageways in the animal market and all pens in which animals are kept—
 - (i) are constructed and maintained in a manner which is not likely to cause injury or unnecessary pain or suffering to animals;
 - (ii) are free from any sharp edges or projections with which animals may come into contact;
- (b) an animal market has an adequate supply of wholesome water available for animals;
- (c) an animal market has adequate facilities in the form of troughs, buckets, drinking bowls or other drinking devices available for watering animals; and
- (d) the covered accommodation in the animal market in which animals are kept shall be adequately ventilated;
- (e) proper record of the number of animals of each species separately brought for trading at the animal market are kept.

24. Accommodation for unfit animals.— It shall be the duty of the Animal Market Committee to ensure that—

- (a) suitable pens are available in which any unfit animals may be separated from other animals; and
- (b) any such pen in which an unfit animal is being kept is clearly marked so as to show that it is being used for this purpose and that entry into the pen is prohibited unless under the authority of a veterinary inspector.

25. Detention and treatment of unfit animals.—(1) Where a veterinary inspector has reasonable grounds for believing that any animal in an animal market is unfit, he may move it, or cause it to be moved, to a pen provided in the market for the accommodation of unfit animals or to any other suitable place in the market and require the Animal Market Committee to detain the animal there pending its examination by a veterinary inspector.

(2) Where a veterinary inspector is of the opinion that any animal in an animal market is unfit, he may treat it, or cause it to be treated, and take, or cause to be taken, any other steps that he considers necessary to protect it from unnecessary pain or suffering, and he may for any such purpose require the Animal Market Committee to detain the animal in a pen for as long as he considers necessary for the purpose of further treatment or otherwise protecting it from unnecessary pain or suffering.

(3) Where an animal is being detained under this rule, no person shall move it from its place of detention except with the approval of a veterinary inspector and in accordance with any conditions subject to which the approval is given.

(4) The Animal Market Committee shall—

- (i) render such assistance to a veterinary inspector as he may require for the purpose of facilitating the exercise of his powers under these rules;
- (ii) give to a veterinary inspector such information as it possesses as to the ownership of any animal in respect of which any such power is exercised.

(5) Expenses incurred by a veterinary inspector in treating, or causing to be treated, an unfit animal in exercise of the powers conferred on him by these rules shall be borne by the owner of the animal.

26. Marking of animals.— The veterinary inspector may mark, or cause to be marked, any animal including by ear tags but hot branding, cold branding and other injurious marking shall be prohibited.

27. Ramps.—Where, at any time after the coming into force of these rules, any premises are constructed for use as an animal market, it shall be the duty of the Animal Market Committee for that market to ensure that facilities are provided in the market for the purpose of loading and unloading cattle, sheep, goats, horses, ponies, donkeys, mules, camels and pigs into and out of vehicles and that those facilities consist of fixed ramps or other facilities which are of a height and design suitable and as specified for that purpose; and it shall be the duty of the Animal Market Committee to ensure that any fixed ramp or other facilities which are so provided are fitted with side railings (or some other means of protection) designed and constructed so as to prevent such animals from falling off them.

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

RAVI S. PRASAD, Jt. Secy.