

New Delhi, the 22nd March, 2018

G.S.R. 89.—The following draft of certain rules, which the Central Government proposes to make 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), and in supersession of the Prevention of Cruelty to Animals (Regulation of Livestock markets) Rules, 2017, is hereby published, as required by sub-section (1) of section 38 of the said Act, for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft rules will be taken into consideration on or after the expiry of a period of thirty days from the date on which the copies of the Gazette of India containing this notification are made available to the public:

Any objections or suggestions which may be received from any person with respect to the said draft rules before the period specified above will be considered by the Central Government;

Objections or suggestions, if any, may be addressed to the Deputy Secretary (Animal Welfare) to the Government of India in the Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi.

DRAFT RULES

CHAPTER I: PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Prevention of Cruelty to Animals in Animal Markets Rules, 2018.

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

2. Definitions.—(1) In these 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 marketplace 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 animal fairs and cattle pounds where animals are offered or displayed for sale or auction, as duly licensed or recognised under a State Act or any other law for the time being in force or any rules or regulations made thereunder;
- (c) "Committee" means the Prevention of Cruelty to Animals Committee constituted or designated under rule 3, for each district;
- (d) "Form" means form appended to these rules;
- (e) "prohibited practices" means practices that are harmful to animals and cause unnecessary pain and suffering;
- (f) "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;
- (g) "State Board" means the State Animal Welfare Board constituted in a State by the State Government;
- (h) "unfit animal" includes animals which are young, in advanced pregnancy, infirm, diseased, ill, injured or fatigued;
- (i) "veterinary inspector" means a registered veterinarian authorised by the local authority;
- (j) "young animal" means any animal below the age of six months.

(2) 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.

CHAPTER II: PREVENTION OF CRUELTY TO ANIMALS COMMITTEE

3. Constitution of Prevention of Cruelty to Animals Committee.—(1) There shall be a Prevention of Cruelty to Animals Committee in each district for the purpose of exercising the powers under these rules, to be constituted or designated by the concerned State Government.

(2) The Committee shall comprise of the following members: —

- (a) the District Magistrate;
- (b) one representative of the State Animal Welfare Board;
- (c) the Superintendent of Police of the district;

- (d) one representative of a local Non Governmental Organisation dealing with animal welfare;
- (e) one representative of the SPCA;
- (f) district veterinary officer, who shall be the Member Secretary;
- (g) chairperson of the Zilla Parishad or Autonomous Council, as the case may be;
- (h) chairman of the Municipality; or Panchayat at the district level;
- (i) the Committee may co-opt such other persons, not exceeding three, with expertise in animal welfare, veterinary sciences, governance, and law enforcement.

Provided that the State Government may designate any Committee set up by it or a district administration under it or a State Act or the rules or regulations made thereunder for the upkeep of animal markets, as the Prevention of Cruelty to Animals Committee for the enforcement of these rules.

Provided further that the provisions of clauses (a) to (i) shall not apply in the case a Committee referred to in the first proviso.

(3) A person who has been convicted under the Act shall be prohibited from being a member of the Committee.

4. Functions of Committee.— (1) Every Committee shall take all necessary steps to ensure that no unnecessary pain and suffering is caused to animals in animal markets in its jurisdiction through such directions to such persons as may be necessary.

(2) Without prejudice to the generality of its power under sub-rule (1), every Committee shall-

- (a) certify every existing animal market in its jurisdiction as fully or provisionally compliant with these rules subject to any conditions as it may deem fit, under rule 5;
- (b) certify every new animal market proposed to be established in its jurisdiction as fully or provisionally compliant with these rules subject to any conditions as it may deem fit, under rule 6;
- (c) determine specifications regarding facilities at all animal markets in its jurisdiction including maximum holding capacity under rule 7;
- (d) take all necessary steps to ensure that no animal market in its jurisdiction, if such jurisdiction includes an international border, is the source of transport of animals across any international border, except as provided under rule 8;
- (e) take all necessary steps to maintain a register of animal sales at animal markets in its jurisdiction under rule 12;
- (f) make necessary arrangements to provide a certificate of compliance for purchaser of an animal at an animal market in its jurisdiction under rule 13;
- (g) engage or utilise the services of veterinary inspector on such terms and conditions as it may determine to assist it in inspecting animal markets in its jurisdiction under rule 15;
- (h) recommend appropriate action for non-compliance with these rules under rule 16.

5. Enforcement of rules in existing animal markets.— (1) The District Magistrate shall make a list of animal markets functional prior to the commencement of these rules and intimate the same to the Committee within two weeks of such commencement.

(2) Every animal market functional prior to the commencement of these rules, shall within a time period fixed by the Committee, seek certification of full compliance, as per Form I, with these rules from the Committee.

(3) The Committee may grant provisional certification subject to such conditions as it may deem fit, including ensuring full compliance with these rules in such period as the Committee may, for reasons to be recorded in writing, decide.

6. Enforcement of rules in new animal markets.— (1) Any new animal market sought to be established in a State or Union territory shall require prior certification from the Committee, as per Form I, regarding compliance with these rules.

(2) The Committee may grant provisional certification subject to such conditions as it may deem fit, including ensuring full compliance with these rules in such period as the Committee may decide.

CHAPTER III: FACILITIES AND PROVISIONS AT ANIMAL MARKETS TO PREVENT CRUELTY TO ANIMALS

7. Facilities at animal markets to prevent cruelty to animals.— (1) Every animal market shall ensure that the following facilities are available:—

- (i) water supply;
- (ii) lighting in areas where the markets function after sunset;
- (iii) feed storage area and feed supply;
- (iv) provisions for proper disposal of dead animals from the site;
- (v) provisions to ensure hygiene, proper disposal of manure and bio-waste.

(2) The Committee shall, for reasons to be recorded in writing, determine the maximum holding capacity of every animal market.

(3) Specifications regarding the facilities mentioned in sub-rule (1) and the maximum holding capacity determined as per sub-rule (2), shall be intimated to each animal market by the Committee and prominently displayed at the animal market in such manner as the Committee may direct.

8. Animal markets near international borders.—Any Committee which has an international border in its jurisdictional area shall ensure that no animal market in its jurisdiction is the source of transport of animals across any international border except in accordance with the Transport of Animals Rules, 1978 and the Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001.

9. Prohibited practices.—The following cruel and harmful practices shall be prohibited at animal markets, namely:—

- (a) animal identification methods such as hot branding and cold branding;
- (b) shearing of horns, blushing in horses and ear cutting in buffaloes;
- (c) casting animals on hard ground without adequate bedding during farriery;
- (d) use of any hazardous chemicals on body parts of animals;
- (e) sealing teats of the udder using any material such as adhesive tapes to prevent suckling;
- (f) forcefully drenching any fluids or liquids or using steroids or diuretics or antibiotics, other than prescribed by a veterinarian for the purpose of treatment;
- (g) use of any type of muzzle, that hurts, to prevent young animals from suckling or eating food;
- (h) injecting oxytocin into milch animals;
- (i) castration of animals by quacks or traditional healers;
- (j) nose-cutting or ear-slitting or cutting by knife or hot iron marking for identification purposes other than by a veterinarian;
- (k) tying rope around the penis of animals; or
- (l) any other prohibited practice as determined by the Committee, for reasons to be recorded in writing;

Provided that the Committee may, for reasons to be recorded in writing, relax any of the above practices as per local conditions.

10. Feeding and watering of animals.— It shall be the duty of the person in charge of an animal to ensure that the animal in an animal market is provided—

- (a) with an adequate quantity of wholesome water as often as is necessary to prevent it suffering from thirst;
- (b) with adequate quantity of wholesome food as is necessary to prevent it suffering from starvation.

CHAPTER IV: PREVENTING CRUELTY IN ANIMAL SALES

11. Prohibition relating to unfit animals.— (1) No unfit animal or young animal shall 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 to or from such animal market.

12. Register of animal sales.— (1) The Committee shall cause the maintenance of a register containing—

- (a) name and address of the purchaser and seller of an animal at an animal market;
- (b) details of the animal sold at the animal market.

(2) The register shall be retained by the Committee for such period as the Committee may, for reasons to be recorded in writing, determine.

13. Certificate of compliance for purchaser.— The Committee shall, in Form II, provide to the purchaser of any animal at an animal market a certificate upon demand as proof of purchase of an animal in accordance with these rules after taking a declaration that the purchaser shall abide by the rules relating to transport of animals made under the Act or any other law for the time being in force.

CHAPTER V: INSPECTION OF ANIMAL MARKET

14. Powers of State Board to authorise inspection.—For the purpose of ensuring compliance with these rules, the State Board, may authorise any of its officers in writing to inspect any animal market and submit a report to the State Board and the Committee for further action and any officer so authorised may—

- (a) enter at reasonable times to inspect the animal market;
- (b) require any person to produce any record kept by him with respect to the said market;
- (c) take photographic and video proof of cruelty to animals.

15. Inspection of animal markets.— (1) The Committee shall cause regular inspections of animal markets in its jurisdiction to be made by authorised officials, as may be required.

(2) Every such inspection shall be followed by an inspection report, to be scrutinised by the Committee to recommend future action.

(3) The Committee may remove from the animal market, any animal, if it has reason to believe that the animal is being treated cruelly at an animal market, and the animal so seized shall be kept in the custody of the local SPCA or an animal welfare organisation recognised by the Board.

16. Action for non-compliance.-- If any animal market fails to comply with these rules, the Committee may recommend to the authority invested by law to licence or register an animal market in a State or Union territory--

- (a) for cancellation of licence or registration of such animal market;
- (b) for imposition of a bar on any person from entering an animal market, if non-compliance is owing to any act or omission by him for such time period as may, for reasons to be recorded in writing, be determined by the Committee.

Provided that no such recommendation shall be made without giving the animal market, in respect of which, or person, in respect of whom, such recommendation is being made, an opportunity of being heard.

FORM I

[See rules 5 and 6]

Certificate of Compliance

This is to certify that _____ animal market has met all the requirements under the Prevention of Cruelty to Animal in Animal Market Rules, 2017 as required under rules 5(2) /6 (1) of the said rules.

Signature _____
(Authorised Official
Prevention of Cruelty to
Animal Committee)

FORM II

[See rule 13]

CERTIFICATE OF PURCHASE OF ANIMALS

Date and time of purchase of animal:

Species and Breed:

Number:

Sex and Age:

Identification Marks (if any):

Any specific characteristic:

Health Status –

I hereby certify that I have read the Prevention of Cruelty to Animals in Animal Market Rules, 2017, and hereby state that –

1. I will abide by the said rules pertaining to treatment of animals in the animal market.
2. I will abide by the said rules pertaining to the Transport of Animals Rules, 1978 and Transport of Animals on Foot Rules, 2001.

Signature of the Purchaser

Counter Signed _____

Authorised Signatory

Address _____

Date _____

Qualification _____

This Certificate should be counter signed by the Authorised Representative of the Prevention of Cruelty to Animals Committee.

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

MANJU PANDEY, Jr. Secy.