
SUGGESTED DRAFTINGS

1. Complaint/FIR regarding transport of animals for the purpose of slaughter

To

The Police Station Officer,
_____ Police Station.

Respected Sir,

Sub: Commission of offence of attempting to slaughter the animals by transporting them in a cruel manner.

1. Date & Time of information :
as to commission of the
offence
2. Place of Offence and its :
distance and direction from
the police Station.
3. Name and Address of the :
Informant.
4. Name and Address of the :
accused
 - (1) Name and address of the :
Owner of the Vehicle -
Truck.
 - (2) Name and address of the :
Driver of the Vehicle.
 - (3) Name and address of the :
Cleaner of the Vehicle
 - (4) Name and address of the :
Labourer - Attendants

- (5) Name and address of the :
Owner of the animals.
- (6) Name and address of the :
wanted accused persons
sending and receiving
such animals.
5. Short description of the :
offences committed including
Sections and also short
description as to any
movable or immovable properties
being taken.

SECTIONS :

- (1) Sections 5, 8, 9 and 10 of the Bombay Animals Preservation Act, 1954.
- (2) Sections 3, 11 (d), (e), (a), (h), (d) and also sections 29(1),(3), (5) and section 38(3) of the Prevention of Cruelty to Animals Act, 1960.
- (3) Sections 4 & 5 of Gujarat Essential Commodities Cattle (Control) Act, 1958 & 2005.
- (4) Section 119 of the Bombay Police Act.
- (5) Rule 123 of Gujarat Motor Vehicle Rules, 1989.
- (6) Breach of Gujarat Cattle Movement Control Order, 1975.
- (7) Breach of Gujarat Diseases of Animal Control Act, 1963.

Short details :

Truck/Tempo Number

Type of Animal and total numbers thereof

From which place animals are loaded

At which place animals are to be transported

Name & address

of the Complainant :

It is respectfully stated that the I/we undersigned believe in the protection of the animals and are engaged in such activities. Further, in view of the provisions of Article 51-A(g) and 48-A of the Constitution of India, it is the fundamental duty of each and every citizen to protect living creature of any kind.

Today, one truck/vehicle was passing through _____ area and there was a prior information that one truck/vehicle is going to pass through the said area fully loaded by the animals side by side for being transported illegally to a slaughter house with forged documents created for the said purpose, in breach of the provisions of all the Animal Laws. On the basis of the said information, when one truck was noticed coming, the police / we gave signal by hand to stop the said truck. However, said truck did not stop and on the contrary escaped. When we chased the said truck, all of a sudden said truck stopped at _____ and truck driver and cleaner stepped down from the truck and started running away, but they were immediately caught.

On inquiry from the truck driver and cleaner, they told that the grass is loaded in the said truck which is having covered body and thus he had made aforesaid false statement by not disclosing that they were transporting animals loaded in the truck in an illegal manner to the slaughter house. Further, on inquiry from the accused persons, they stated they were to deliver animals to Surat /Valsad / Bharuch / Banaskanth.

Thereafter, two panchas were called from near distance and when cover over the truck was removed, it was found that total _____ buffaloes, _____ cows and sheep and goats were loaded in the truck in the fullest capacity side by side and one over the other. All the animals were hungry and thirsty and there was no arrangement for their fodder and grass. Some of them were injured and were bleeding. Some of the animals were in such a position that they would die soon there and then. The urine and excreta of those animals were found on the body of each other and there was severe bad smell all over there. There was no arrangement for First Aid also.

On complete search of the accused persons and truck, no certificate or any permit of any kind for transportation of those animals was found.

On inquiry from the accused persons, they told that the said animals have been purchased by them for the purpose of taking them to the slaughter house and that other accused persons namely _____ have ordered to bring these animals to the slaughter house for the purpose of slaughtering them. (However, they refused to give name and address of those persons/accused). Further, they also refused to give name and address of the person/accused and his associates who have sent these animals to the slaughter house. (if they have given names, mention here the names _____). Though they are not having any pass or permit of any kind whatsoever, they are not disclosing the true facts.

As per the provisions of section 3 of the Prevention of Cruelty to Animals Act, 1960, it is the duty of the person to take adequate care and caution of the animals in

whose custody the animals are kept. It is also his duty to see that no cruelty or unnecessary pain is caused to those animals. Further, in view of the provision of sub-section (a) of Section 11(1) of this very Act, to beat any animal, to put unwarranted load on the animal, to inflict torture/ harassment on the animal and to put the animal into unnecessary trouble (discomfort) or to inflict cruelty on the animal, amounts to an offence. Further, as per the provisions of section 11(1)(d) of the said Act, no person can transport any animal in any vehicle in the manner which would cause harassment/torture to the said animal. As per the provisions of sub-section (f) of this very section of the Act, no animal can be chained with the chain or in any other manner for a long period of time. As per the provisions of sub-section (h) of this very section of the Act, no animal can be kept thirsty, hungry or without any protection. As per the provisions of sub-section (k) of this very section of the Act, no animal can be handed over /given for sale by keeping such animal thirsty, hungry, loaded with burden or by treating badly. Since the aforesaid accused persons have committed offences under the aforesaid provisions of the Act, it is requested to register separate offence for commission of the offence under each sub-sections of the Act. Since an attempt to send the animals to a slaughter house is also made, the same also amounts to commission of an offence punishable for 6 Months Imprisonment under sections 5, 8, 10 of the Bombay Animal Preservation Act, which is also cognizable offence.

As per the provisions of the Gujarat Animal (Regulations of Transportation) Order, 1975, there is a ban/prohibition to transport the animals to Valsad, Bharuch, Surat and Banaskantha districts from any of the districts of the State without the permission of the Collector concerned.

The person transporting the animals without obtaining such permission, is liable to punishment of imprisonment for a period of 3 Years under section 9(1)(b) of the Gujarat Essential Commodities & Cattle Control Act, 2005. This is also a cognizable offence. Further, the Court concerned while imposing punishment, is having powers to confiscate the vehicle and animals to the Government. A person giving false statement in this regard is also liable to punished for imprisonment for a period of 3 years under section 11. Further, the burden of proof to prove the offence is not on the government, but the same is on the accused persons.

As per Rule 123 of the Gujarat Motor Vehicle Rules, 1989, a space admeasuring about 2 meters x 1 meter for each animal is required to be kept in the vehicle. Further, other facilities/ arrangements which were required to be provided, were also not there. Hence, offence under the Motor Vehicles Act is also committed for which penalty can be imposed and vehicle can be seized.

As per the Rules 47 to 56 of the Transport of Animals Rules, 1978 framed by the Central Government, while transporting buffaloes, certificate from Veterinary Doctor,

First Aid Kits are required to be obtained. Further, minimum 2 sq.mts. of space for each animal is required to be kept. However, instead of keeping that much space, in 1/4th space thereof, ____ animals have been loaded. Over and above, by committing breach of certain rules which stipulate to provide certain facilities to the animals, the accused persons have committed breach of section 38 of the Prevention of Cruelty to Animals Act, 1960 and, therefore, while imposing punishment under section 29 of the very said Act, the Court has powers to order confiscation of the animals to the government especially when it appears to the Court that if custody of the animal is handed over to the owner, animals will be treated with more cruelty.

It is prayed to forfeit the animals at the time of conviction. "In the complaint as well as in the chargesheet, by mentioning all these aspects, a prayer is required to be made before the Hon'ble Court to confiscate the animals to the State, which prayer has not been made".

In this case, the accused have made solid attempt to commit offence under section 429 of the Indian Penal Code.

As per Rule 96 of the Transport of Animals Rules (Amended Rules) 2001 framed under the Prevention of Cruelty to Animals Act, while transporting the animals, it is obligatory (must) on the part of the operator of the vehicle to obtain without fail the Satisfactory Certificate to be issued by the Representative approved- recognized by the Animal Welfare Board of India to the effect that all the provisions made under the Rules for transportation of the animals have been complied with. If such a certificate is not obtained, the vehicle can not be permitted for transportation. In the instant case, no such certificate was kept by the accused with them and, therefore, the accused have also committed a distinct and separate offence under the provisions of the Prevention of Cruelty to Animals Act.

That we are Hindu by Religion and are having deep faith in Hindu Religion. As per the belief in Hindu Religion, cow is a mother wherein 33 Crores of gods are there. Further, the cow is treated as a symbol of complete faith of entire Hindu Society and cruelty, torture, harassment to the cow or an attempt to slaughter the cow is an attempt to very much hurting the religious feelings of the Hindu Society and also of the complainant herein. These accused persons, by their aforesaid acts, have caused deep hurt to the religious feelings of the applicants and other neighbouring Hindu people and, therefore, they have committed an offence punishable under section 295(A) of the Indian Penal Code which is a non-bailable offence.

By carrying out proper and adequate investigation qua the documents seized from the accused persons and qua their statements recorded, investigation should be made to find out whether the papers and documents seized from them are genuine or bogus one and if those documents are found bogus/forged, the offences punishable under sections

465, 467, 468, 471, 472 etc. of Indian Penal Code should also be registered against them.

You are requested to take out photographs of the vehicle along with the animals loaded therein and to produce the same before the Hon'ble Court. Further, as per the provisions of Rule-3 of the Prevention of Cruelty to Animal (Slaughter House) Rules, 2001, there is prohibition/ban of slaughtering of animals of any progeny all over in India in any other slaughter houses except in the registered and recognized/approved Slaughter Houses. Accused are found not to transporting the animals to a registered or approved Slaughter House and, therefore, a distinct and separate offence is committed under the provisions of the said rules.

Further, you are also requested to name as an accused, the owners of these animals who have sent these animals to the slaughter house and also name those persons who are running illegal slaughter house and at whose instance (demand) these animals were being transported to a slaughter house, and show them as "WANTED ACCUSED" and to take action against them in accordance with law. That all the accused persons of the present offence, as a part of pre-planned conspiracy and in collusion with each other and in full abetment with each other, have made a full attempt to commit the offence. Further, had the accused persons not been caught on the spot, these animals might have been slaughtered. It is therefore requested to add the offence punishable under sections 114, 34, 120-B of the Indian Penal Code.

Except in the area falling under the Police Commissioner, to beat animals, to make them excited (to make they angry), to cause injury to them, to behave in bad manner or to beat them, to obtain animals for treating them badly, amounts to an offence and the same also amounts to an offence punishable under section 119 of the Bombay Police Act.

If the illegal transportation of the pigs is made, the same amounts to commission of the offence punishable under Rules 85 to 95 of Chapter:VIII of the Rules namely Transport of Animals (Amended)) Rules, 2001 framed under the Prevention of Cruelty to Animals Act.

As per the provisions of the Bombay Provincial Municipal Corporations Act, without the permission of the Commissioner, no animal can be imported without prior permission for the purpose of slaughtering nor any animal can be slaughtered without the prior permission. Further, as per the provisions of section 335 of the Act, without the prior permission of the Commissioner, no animal can be imported/ brought for the use of said animal as food and also if meat of any animal which has been slaughtered at the place having no permission, in such event, any police officer or officer of the Corporation or Railway Officer can arrest the accused without any warrant and also seize the muddamal. Hence, it is also requested to add offence under the aforesaid sections.

As per the different decisions of the Hon'ble High Courts as well as Hon'ble Supreme Court, Panjarapole is having locus standi at different stages and, therefore, it is requested that if an application for getting custody of the animals or vehicle is filed by any accused or other persons, the present applicant may be informed before passing any order on such application.

At the conclusion of the trial and in the event of conviction and sentence of the accused persons, the complainant will submit an application under section ____ of the Prevention of Cruelty to Animals Act before the Hon'ble Court praying to confiscate the vehicle as well as animals to the State. We will also pray to the Hon'ble Court to pass appropriate orders preventing the accused persons in indulging in such business of animals.

It is requested to make proper investigation qua these aspects, to add appropriate sections of the Act committed breach of and to submit the report before the Hon'ble Court.

N.B.:

It is also requested to arrange for independent and educated Panchas having good character and who have not stood as Panchas earlier in any case.

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