

LAWS OF LIVING CREATURES

Animals | Birds | Insects

Nimish M. Kapadia
Advocate

Pankaj Buch
Dy. Secretary, Gujarat Vidhansabha



Sajiv Sanrakshan Parivar

Nimish Mahendra Kapadia

B.Com, L.L.B. (Advocate)

"Indralay", 5, Balgayatri Society -2, Satellite, Nr. Shyamal Cross Road, Ahmedabad.
(O) 079 - 26751545 (R) 079 - 26762762 E-mail: kapadianimish@gmail.com

Activities

Practising in Gujarat High Court for last 20 years and conducted about 3000 cases including the cases regarding Revenue Laws, Criminal, Civil, Environment, Customs, PASA, FEMA, Negotiable Instruments Act, Prohibition Act, Externment, Essential Commodities, Hindu Law, Money Laundering, Service Matters, COFEPOSA, Import Export Cases, Animal Laws. Also practicing before the Revenue Secretary, FEMA Tribunal, SAFEMA Tribunal, PML Tribunal.

Advocate for Animal Welfare Board of India, Go Seva Ayog, other NGOs of Gujarat and Maharashtra.

Pankaj Ansukhral Buch

B.Com., M.A., L.L.B., D.T.L.P. P. G. in Human Rights Law and Practice.

- Deputy Secretary, (Gujarat Vidhansabha, Sector-10, Gandhinagar - 382 010.)
- Vice President (Smt. Sheni Memorial Jivdaya Trust - Rajkot,)
- Secretary (Ahinsha Mahasangh, Ahmedabad.)

Sector-4/D, Plot No. 1356/2, Gandhinagar - 382 010.

(M) 99097 18245 (O) (079) 23253117 (R) (079) 23244318

E-mail: pankajbuch99@yahoo.co.in

Member :

- Institutional Animal Ethics Committee, Cadila Pharmaceuticals Limited.
 - K. B. Institute of Pharmaceuticals and Research, Gandhidanagar.
 - People for Animals (P.F.A.)
- International Campaigner (Level-1) World Wide Life Fund (W.W.F.)

Active for all activities of Animal Protection in all over the world.



LAWS OF LIVING CREATURES



(Animals, Birds, Insects)

Nimish M. Kapadia
Advocate

Pankaj Buch
*Secretary Gujarat
Vidhansabha*

: PUBLISHER :

SAJIV SANRAKSHAN PARIVAR

5, Bal Gayatri Soc.-2, Nr. Shyamal Cross Road,
Satellite, Ahmedabad.

Ph. : 26762762, 26751545
kapadianimish@gmail.com

First Edition : 01-01-2012

AHINSA MAHASANGH

403, Aakashganga Complex, B/h. Gujarat College,
Ellisbridge, Ahmedabad.
Phone : 079-30021364



KARUNA FOUNDATION

Pratik Sanghani - Mittal Khetani
C/o. Neminath Enterprise,
9, Panchnath Plot, Rajkot
Phone : 0281-2234610 • M. : 9898499954
9824221999, 9998030393



KARUNA

Jayesh Sadhani - Dharnendra Shah
Venktesh Appartment
Gopipura, Nr. Annie Beasant Hall, Surat.
Phone : 9510010102, 9376533377



VINIYOG PARIVAR

B-2, 104, 'Vaibhav', Jamli Gali, Borawali (West)
Mumbai - 400092.
Phone : 022-28991781, 28980749

: All Right Reserved :

*No part of this publication can be reproduced or transmitted in any form or
by any means, without prior premission of the Publisher.*

: Printer :

SABAR PRINTERS

17, Simandhar Estate, Opp. Rustam Mill Compund,
Dudheshwar, Ahmedabad.
Ph. : 25622596

*Book Dedicated to my
beloved parents*

Smt. Lilaben M. Kapadia
Advocate

&

The late Shri Mahendra C. Kapadia
Advocate

*who always inspired me to think
& work for the betterment of
all living creatures.*

- Nimish M. Kapadia

Justice Anil R. Dave

**Supreme Court of India
New Delhi,
December 31, 2011**

FOREWARD

It is heartening to note that Shri Kapadia and Shri Buch have made sincere efforts to bring all the legal provisions pertaining to Environment and animals at one place in this compendium.

I am sure that one who is a lawyer or loves nature and wants to know legal provisions about environment or animals would find all relevant material in this compendium.

This compilation not only incorporates relevant extracts of Central laws but also incorporates all laws enacted in the State of Gujarat pertaining to the subject so that one may not have to look for any other book in Gujarat, either for his professional work pertaining to environment as a lawyer or as a person connected with environment or animals.

I congratulate Shri Kapadia and Shri Buch for their commendable efforts made for compiling all these provisions at one particular place and I am sure that this compilation will be like *Geeta* for those who deal with provisions pertaining not only to environmental laws but also with regard to criminal provisions which might have to be invoked against those who do not respect nature or are averse to animals and commit offences pertaining thereto.

ANIL R. DAVE



December 29, 2011

Foreword

Every Animal, Bird, Tree etc. has a right to live in their own way. They have a right to live freely as per the Rule of Nature. The word "free Bird" is suggestive of the fact that they are made by nature to live freely. No human being is having any right to infringe upon their rights. It is we who have taken away their shelter and rights by destroying the Forests, Trees, Rivers, Ponds, etc.

It has been observed and held by the Hon'ble Supreme Court in case of Sansar Chand Vs. State of Rajasthan, reported in (2010) 10 SCC 604 that Preservation of Wildlife is important for maintaining the ecological balance in the environment and sustaining the ecological chain.

It is the duty of every citizen to protect the nature. For that, everybody is supposed to know their Rights and Duties and relevant laws on the subject.

I have gone through with great interest, the pages of the work by Shri Nimish Kapadia and Shri Pankaj Buch. The compilation conveys all the relevant statutes on the subject. The authors have arranged the topics and subtopics, notices, etc. which can be helpful to one and all inclusive of commonman, NGOs and likeminded people.

I am sure that the compilation and the book will be a useful addition to any library and will be of immense help to all concerned. I congratulate the authors for the hard work put in by them for writing this book and wish them all success. May God Bless them and all for protecting the interest of Animals, Birds, Trees, Forests who cannot speak for their rights and express their feelings like human being.

M.R. SHAH

Residence : 12, Shailraj Bunglows, Behind Rajsurya Bunglows, Ramdevnagar
Char Rasta, Satellite, Ahmedabad-380 015.
Phone : (R) 26926395 26926682 (O) 27664601 to 27664605

Message

Shri Prabhav Hem Kamdhenu Girivihar Trust Palitana

Lord Mahavir used to say 'Live and let live'. Compassion for all living creatures (popularly known as Jivdaya), Cow Protection, Environment Protection are most essential elements of existence and strengthening of human beings.

The use of non vegetarian items has disturbed the life of all living creatures including the human being.

The release of this book by the authors is timely, it's a need of present situation and will be definitely useful to save all living creatures and ultimately to human beings.

***Acharya Shri Vijay
Hemprabhsurishvarji Maharaj***

: PREFACE :

Law teaches the lifestyle. It also teaches the rights and duties of a citizen. Most of the time people talk of the rights and duties of human beings, forgetting the ground realities that on this earth the percentage of the human beings in terms of population is less than 1% in comparison to the population of other living creatures. When I came to read Article 48 and 51A(g), of the Constitution of India, I was surprised to learn that our constitution makers have deliberated on the rights of other living creatures also. That inspired me to read Prevention of Cruelty to Animals Act, Wild Life (Protection) Act, Bombay Animal Preservation Act etc. When I met Dr. Arvindkumar Sheth (Anand) I was astonished to know his legal acumen. He could speak on Animal Laws more effectively and informatively than any legal practitioner could. Another distinguished personality - a living encyclopedia of Laws relating to all living creatures is Mr. Pankaj Buch at Gandhinagar. From him I could get a list of Acts, Rules of all the States of India and of the Central Government which gave me a detailed insight on the subject. When I compiled a book “Sajiv Sanrakshan Ej Manavdharmā” [Tandurast Jivan Jivvani Jadibutti] (Now third edition) which was read by NGO people, environmentalists, Animal Rights Activists, panjrapole administrators. Several cases and questions (queries) started pouring in. I could file / fight certain cases in the High Court, could issue the legal notices to different Government Departments and Municipal Bodies on behalf of different NGOS fighting for the rights of animals, on various subjects like exparte orders of giving custody of animals to butchers, lethargic police investigation in a cow beef case, illegal slaughtering of pigs, attempted export of cow beef, stopping of illegal meat shops, illegal sacrifice of animals by a witch doctor, use of wild animals in Hindi movie, illegal export of animals to Pakistan for slaughtering etc. These efforts could save some lives and it gave such satisfaction which other activities could not have given. Workshops on common questions of law & facts on saving living creatures were organized at Gujarat Vidyapith twice which were attended by Animal Rights Activists like Shri Keshrichandji Mehta, Shri Rajendra Joshi Advocate Viniyog Parivar, respected Brahmchariji, Dr. Arvindkumar Sheth, Shri Rasiklal Hansraj Shah and advocates. Several activists in this field narrated various legal problems at different levels viz. police stations, criminal courts etc. This gave birth to an idea (rather, decision) to come out with a compilation of all relevant laws, rules, notifications, circulars, instructions, assembly questions answers – both in Gujarati and in English. The difficulties faced in drafting FIRs etc by Animals Rights Activists & Advocates in the field also prompted me to prepare suggested draftings on various subjects like

FIR, Application for further investigation or proper investigation by police etc., which are read and approved by experts on the subject. These draftings will serve two purposes (1) it will enlighten the activists on their legal rights / remedies, and (2) There will be ready made materials which can be utilized by the activists in emergency.

My only aim is to strive for the subsistence of the rights of all living creatures and I do not believe in superiority of human beings over other living creatures. I do not believe in discriminating other living creatures from human beings. All have similar rights to life and liberty. I suggest the ARA & police to obtain the photographs of position of animals transported illegally & of the vehicle, and also to obtain the certificate of inspection of animals from veterinary doctor forth with.

But for the active assistance of Mr. Pankaj Buch, this compilation would not have been possible. I am grateful to him.

The task of translation from English to Gujarati and vice verse was very difficult; but could become successful with the help of Advocates – Cum – Translators. To err is human. When every care is taken to see that no mistake is committed in typing, proof reading, printing, translation, I'd be obliged if any mistake is brought to my notice by letter / e – mail / sms. Similarly any suggestion to modify / update the contents of the book is welcomed. A list of person who helped me in preparing / compiling / translating / typing / providing important material, but for whom it would not have been possible for me to come out with such compilation, is printed separately. My wife Vasvi N. Kapadia & children Jahnvi & Rushabh were always my fuel providers. I am very thankful to them.

- (1) Though, every care is taken for getting the matters translated from Gujarati to English or vice verse but it is suggested to refer to the original matter duly published by the Government. It is also requested to point out the discrepancy in the translation.
- (2) The import and export policy is changed repeatedly. As the work regarding the present book was started before three years, it is suggested to refer to the latest policy issued by the Government.
- (3) Regarding certain Acts / Rules, only few sections are relevant to the subject of the present book and, therefore, only those sections are mentioned in the present book.
- (4) If the reader would send his email ID to the authors, the authors would try to send the copies of change in the law, new Act / Rules / Circulars regarding the subject matter of the present book, through email.

- (5) There were two amendments to the Wildlife (Protection) Act. However, looking the website of Ministry of Environment and Forest, no print of the whole Act incorporating both the amendments is available and, therefore, we have provided the main Act, and the Amendment of 2006 separately.
- (6) The Prevention of Food Adulteration Act and Rules, Meat Food Control Order, stand repealed because of the coming into the effect of the Food Safety and Standards Act, 2006.
- (7) On 1.7.1975, Convention on International Trade in Endangered Species of Wild Fauna and Flora was signed by several countries which is known as CITES. The Government of India adopted the said treaty from 18.10.1976. The unit of CITES looks after the trade in the wildlife. Wildlife Trade Monitoring Unit (WTMU) / TRAFFIC – Trade Record of Flora and Fauna in Commerce. The Director, Traffic India, World Wide Fund, Indian Secreteriate, 172-B, Lodi Estate, New Delhi – 110 003. Looking to the list of the animals prepared by this Organization and looking to six schedules to the Wildlife (Protection) Act, it is difficult to conceive the exact living creatures from the technical name used therein. It is suggested to the Government to prepare the details as per the following table so as to enable the activists to use the law more effectively.

Animals in Schedule I to VI of the Wildlife Protection Act.

Name Mentioned in Schedule	English Name	Zoological Name	Common Name	Hindi Name	Gujarati Name
1	2	3	4	5	6
Photo or description	Whether in the list of CITES	Whether in Red list of IUCN	RDB Status		
7	8	9	10		

NIMISH M. KAPADIA
ADVOCATE

Special Thanks for Special Persons

We are thankful to some special persons, but for whose help, this work would not have been possible.

- **Bharat Raval**
- **Tanujaben Kutchhi**
Advocate
- **Sanjay Kothari**
- **Prakash Pandya**
Advocate
- **Manish Prajapati**
- **Parulben Doshi**
Advocate
- **Vasavada**
Advocate
- **Shri Jayubhai Shah**
- **Vajay Panchal**
- **Atul Vyas**
- **Sucheta Vasanwala**
- **Jagdish Jani**
- **Premal Pandya**
- **Devram Aahir**
- **Surjit Hira**
- **Payalben Shah**

INDEX

Sr. No.	Particulars	Page No.
1	Constitution of India	01
	CENTRAL ACTS	
2	Prevention of Cruelty to Animals Act, 1960	02
3	The Wildlife (Protection) Act, 1972 alongwith Amendment of 2002	25
4	The Wildlife (Protection) Amendment Act, 2006	104
5	The Environment (Protection) Act, 1986	116
6	Indian Penal Code	128
7	Code of Criminal Procedure, 1973	129
8	The Biological Diversity Act, 2002	135
9	The Indian Forest Act No.16 of 1927	157
10.	The Cattle Trespass Act, 1871	193
11	The Carriage By Road Act, 2007	200
12	The Coastal Aquaculture Authority Act, 2005	212
13	Customs Act, 1962	224
14	Foreign Trade (Development & Regulation) Act, 1992	246
15	Import Export Policy 2004-2009	255
16	The Food Safety and Standards Act, 2006	304
	CENTRAL RULES	
17	The Prevention of Cruelty to Draught and Pack Animals Rules, 1965	308
18	The Prevention of Cruelty to Animals (Licensing of Ferries) Rules, 1965)	313
19	Performing Animals Rules, 1973	317
20	The Performing Animals (Registration) Rules, 2001	323
21	Performing Animals (Registration) Amendment Rules, 2011	336
22	The Prevention of Cruelty to Animals (Application of Fines) Rules, 1978	338
23	The Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978	340
24	Transport of Animals Rules, 1978	342
25	The Transport of Animals (Amendment) Rules, 2001	360
26	The Transport of Animals (Amendment)Rules, 2009	368
27	Prevention of Cruelty (Capture of Animals) Rules, 1979	371
28	The Breeding of and Experiments on Animals (Control and Supervision) Rules 1998	373
29	The Breeding of and Experiments on Animals (Control and Supervision) Amendment Rules – 2001	380

30	The Breeding of and Experiments on Animals (Control and Supervision) Amendment Rules – 2006	383
31	The Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001	387
32	The Prevention of Cruelty to Animals (Slaughter House) Rules, 2001	395
33	The Prevention of Cruelty to Animals (Slaughter House) Amendment Rules, 2010	403
34	The Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001	404
35	The Animal Birth Control (Dogs) Rules, 2001	407
36	Animal Birth Control (Dogs) Amendment Rules, 2010	413
37	Foreign Trade (Regulation) Rules, 1993	414
38	Meat Food Products Order, 1973 (Now Repealed)	424
39	The Prevention of Food Adulteration Rules, 1955 (Now Repealed)	432
40	Indian Railway Rules	435
41	Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011	448
42	Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011	453
	GUJARAT ACTS	
43	The Bombay Animal Preservation Act, 1954	482
44	The Gujarat Animal Preservation (Amendment) Act, 2011	490
45	The Gujarat Animals Birds Sacrifices (Prohibition) Act, 1972	493
46	The Gujarat Essential Commodities and Cattle (Control) Act, 2005	496
47	Bombay Police Act, 1951	505
48	The Gujarat Prevention of Anti-Social Activities Act, 1985	506
49	Bombay Provincial Municipal Corporations Act, 1949	508
50	The Gujarat Municipalities Act, 1963	515
51	The Gujarat Fisheries Act, 2003	518
	GUJARAT RULES	
52	The Bombay Animal Preservation (Gujarat) Rules, 1967	535
53	Gujarat Animal Preservation (Amendment) Rules, 2011	539
54	The Gujarat Fisheries Rules, 2003	544
55	The Gujarat Motor Vehicles Rules 1989	586
56	Orders Under the Bombay Essential Commodities and Cattle (Control) Act	587
57	Gujarat Biological Diversity Rules, 2010	600

	CIRCULARS	
1.	The circular dated 22.04.1998 by Home Department for registering complaint (FIR)	614
2.	The Helpline created by the Home Department for registering the complaint	617
3.	The circular dated 11.07.2007 by the Director General of Police, Gujarat State for registering complaint.	618
4.	The circular dated 06.301.2007 by the Director General of Police, Gujarat State for registering complaint.	619
5.	The circular dated 19.06.1997 by the Director General of Police Gujarat State for registering the complaint.	620
6.	The letter dated 21.11.2005 by the Director General of Police, reminding the prohibition to use animals / birds for Tantrik use.	621
7.	The letter dated 18.08.2008 by the Animal Welfare Board of India to prevent to sacrifice in Khurda District, Orissa.	623
8.	The circular dated 17.11.2005 for cancelling the quota of slaughter of bullocks etc. under the Gujarat Essential Commodities and Cattle Control Act.	625
9.	The circular dated 26.11.1997 by the Director of Animal Husbandry, Gandhinagar instructing the Cattle Licensing Inspector and District Directors of Animal Husbandry not to permit the slaughter of animals in excess of fixed quota and to inform the police in case of illegal slaughter.	629
10.	The circular dated 14.07.2010 by the Director of Animal Husbandry, instructing the Cattle Licensing Inspectors and District Directors of Animal Husbandry not to permit the slaughter of animals in excess of fixed quota and to inform the police in case of illegal slaughter.	631
11.	The Vidhan Sabha question dated 12.12.2006 and the letter 28.07.2006 and 29.06.2007 regarding the labeling of non-vegetarian food item in the menu card of the restaurants.	632
12.	The Vidhan Sabha question dated 21.03.03 regarding the actions against vehicles involved in criminal case.	636
13.	The Vidhan Sabha question dated 21.08.01 regarding the actions against vehicles involved in criminal case.	637
14.	The Vidhan Sabha questions dated 23.03.1999 and 17.11.2006 regarding the actions against vehicles involved in criminal case.	638
15.	The circular dated 14.07.2004 regarding transport of animals, by Railways.	639
16.	Statewise List of Persons authorised to issue permission under the Transport of Animals Rules, 2001	641
17.	The circular dated 27.02.2002 issued by Animal Welfare Board of India for obtaining the certificate before the transport of animals.	645
18.	The letter dated 08.01.2002 notifying the names of the Authorized Persons empowered to issue the certificate under Rule 96 of the PCA (Transport of Animals) Rules, 2001.	647

19.	The letter dated 28.08.2007 by the Animal Welfare Board of India regarding transportation of animals through truck	650
20.	The resolution dated 14.03.2011 by the under Secretary, Department of Agriculture and Cooperation, State of Gujarat for obtaining certificate under Rule 96 of PCA (Transport of Animals) Rules before transport of animals.	651
21.	The circular dated 17.03.2011 by the Director of Animal Husbandry, Gujarat State appointing the officers of the department to issue the certificate under Rule 96 of the PCA (Transport of Animals) Rules 2001.	652
22.	The instructions dated 04.01.2002 by the Commissioner of Transport for cancelling the driving licence and for suspension / cancellation of the vehicle permit in case of transport of animals for slaughter.	654
23.	The Yadi dated 19.01.2006 by the Director General of Police to keep in mind eleven Acts / Rules, seven circulars while registering the case for illegal transport of animals.	656
24.	The letter dated 19.12.2000 by the Home Minister, State of Gujarat to hold proper, indepth investigation regarding the offences relating to cow progeny.	659
25.	The order dated 03.03.1999 by the Home Department, to register the offence under the Bombay Animal Preservation Act and under the Bombay Provincial Municipal Corporation Act.	661
26.	The Notification dated 07.08.2000 issued by the Ministry of Commerce prohibiting import of beef (cow meat) or its items.	663
27.	The resolution dated 22.02.1983 by the Home Department directing the police to register the offence under the Bombay Animal Preservation Act in case of slaughter of cow, bullock, calf etc.	664
28.	The notification dated 10.07.1973, permitting the Panchayat / Municipality to notify / fix the approved place of slaughter within their areas under the Bombay Animal Preservation Act.	665
29.	The circular dated 18.06.2003 by the Director of Municipalities to his subordinate officers for implementation of the PCA (Slaughterhouses) Rules and to inform the police in case of illegal slaughter.	667
30.	The I.S. standards for the slaughterhouses.	669
31.	The circular dated 31.04.2007 by the Directors of Municipalities for the implementation of the PCA (Slaughterhouses) Rules, 2001 and the letter dated 26.06.2006 by the Regional Director, Rajkot on the same subject.	670
32.	The order dated 19.12.2007 issued under Section 144 of the Code of Criminal Procedure by the Commissioner of Police, Vadodara prohibiting the slaughter of animals except in the recognized slaughterhouse, on BAKRI ID.	673
33.	The circular dated 27.09.1999 by the Deputy Secretary, Department of Urban Development and Urban Housing to close down illegal slaughterhouses operating in the different cities of Gujarat State.	676

34.	The Yadi dated 22/23.08.2010 by the Superintendent of Police, Anand insisting to have the slaughter only from the recognized slaughter house and the slaughter of animals and selling of meat only after obtaining the required opinion of veterinary doctor.	678
35.	The letter dated 25/26.02.2002 and 15.03.2002 for the Constitution of the Societies for Prevention of Cruelty to Animals in each District.	680
36.	The letter dated 15.10.2008 by the Animal Welfare Board of India for the constitution of State Animal Welfare Board in each State and for the constitution of society in each district.	683
37.	The notification dated 14.10.1998 & 11.07.2011 naming the animals prohibited for performance under the PCA (Performing Animals) Rules.	685
38.	The proposed education of Animal Laws by the Bar Council of India.	686
39.	The notification dated 10.01.2003 constituting the committee for the experiment on the animals.	687
40.	The resolution dated 10.08.2007 by the Department of Forest and Environment, Gujarat Government constituting the Wildlife Crime Control Bureau under Section 38 of the Wildlife (Protection) Act, 1972	689
41.	The Vidhan Sabha question and answer dated 09.03.2005 regarding constitution and work of Wildlife Protection Board.	693
42.	The circular dated 24.05.2005 for preventing misuse of oxytocin injection.	694
43.	The orders dated 26.05.2006 by the Department of Personnel, Public Grievance and Pension for initiating disciplinary proceedings against Government employees causing cruelty to animals.	697
44.	The circular dated 20.02.2007 by Gujarat University prohibiting dissection on live animals.	699
45.	The notification dated 07.01.2010 by the Commissioner of Police Ahmedbad prohibiting use of Chinese thread during Uttarayan.	700
46.	The notification dated 06.01.2010 by the District Magistrate, Ahmedbad prohibiting use of Chinese thread and glass coated thread during Uttarayan.	702
47.	The Yadi dated 25.08.2006 by the Director General of Police informing the provisions of the Animal Birth Control (Dogs) Rules, 2001 and for effective implementation thereof	704
48.	The Yadi dated 13.12.2010 by the S.P. Anand Regarding the approval of slaughterhouse and distribution of meat without obtaining opinion of competent doctor.	705
49.	Directive dated 15.09.90 by Railway Board for prevention of cruelty to animals transported in rail.	706
50.	Competent Officers under the Gujarat Animal Preservation (Amendment) Act, 2011	707
51.	Instructions dated. 21.03.2005 by AWBI & dated 16.09.2006 by Director of Animal Husbandary, Gujarat for implementation of Slaughter House Rules.	708

	MISCELLANEOUS	
1.	List of Registered Panjarapoles Recognized as Infirmarys by the State of Gujarat	711
2.	Universal Declaration of the Rights of Animals	720
3.	Proper / Adequate use of Right to Information Act for Preventing Slaughter of the Animals and for Preventing Cruelty to the Animals.	725
4.	Rights, Duties and Powers of the Institution or an Individual working for protection of the Animals	726
5.	List of Some Important Different Judgments of Hon'ble Supreme Court as well as of Hon'ble Gujarat High Court	728
6.	Animal Welfare Board of India	733
7.	Syllabus of Animal Protection Laws & Career in the Said Field	734
8.	Questionnaire	735
	SUGGESTED DRAFTINGS	
1.	Complaint/FIR regarding transport of animals for the purpose of slaughter	737
2.	Objections against the Application for bail of the accused	744
3.	Objections against the Application for return of the custody of the muddamal vehicle.	745
4.	Objections against grant of custody of animals to butcher/accused	747
5.	Application for proper police investigation	751
6.	Application for stay of execution of the Order against panjarapole/AWO	755
7.	Application for further investigation under section 173(8) of Criminal Procedure Code, 1973 in respect of the above-referred case.	756
8.	Receipt by Panjarapole (Infirmary) Receiving Animals	758
9.	Inquest Panchanama	760
10.	Intimation of death of animals, to Police	763
	ADDENDUM	
	The Carriage by Road Rules, 2011	765

Contitution of India

Article 48. Organisation of agriculture and animal husbandry.

The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

Article 48A. Protection and improvement of environment and safeguarding of forests and wild life.

The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

Article 51A. Fundamental Duties.

It shall be the duty of every citizens of India-

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

(59 of 1960)

As amended by Central Act 26 of 1982.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

(59 OF 1960)

As amended by Central Act 26 of 1982.

ARRANGEMENT OF SECTIONS

Section No.

CHAPTER I - PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.
3. Duties of persons having charge of animals.

CHAPTER II - ANIMAL WELFARE BOARD OF INDIA

4. Establishment of Animal Welfare Board of India.
5. Constitution of the Board.
- 5A. Reconstitution of the Board.
6. Term of office and conditions of service of Members of the Board,
7. Secretary and other employees of the Board.
8. Funds of the Board.
9. Functions of the 'Board.
10. Power of Board to make regulations.

CHAPTER III-CRUELTY TO ANIMALS GENERALLY

11. Treating animals cruelly.
12. Penalty for practising phooka or doom dev.
13. 'Destruction of suffering animals'.

CHAPTER IV-EXPERIMENTATION OF ANIMALS

14. Experiments on animals.
15. Committee for control and supervision of experiments on animals.
- 15A. Sub-Committee.
16. Staff of the Committee.

17. Duties of the Committee and power of the Committee to make rules relating to experiments on animals.
18. Power of entry and inspection.
19. Power to prohibit experiments on animals.
20. Penalties.

CHAPTER V-PERFORMING ANIMALS

21. “Exhibit” and “train” defined.
22. Restriction on exhibition and training of performing animals.
23. Procedure for registration.
24. Power of court to prohibit or restrict exhibition and training of performing animals.
25. Power to enter premises.
26. Offences.
27. Exemptions.

CHAPTER VI-MISCELLANEOUS

28. Saving as respects manner of killing prescribed by religion.
29. Power of court to deprive person convicted of ownership of animal.
30. Presumptions as to guilt in certain cases.
31. Cognizability of offences.
32. Powers of search and seizure.
33. Search warrants.
34. General Power of seizure for examination.
35. Treatment and care of animals.
36. Limitation of prosecutions.
37. Delegation of powers.
38. Power to make rules.
- 38A. Rules and regulations to be laid before Parliament.
39. Persons authorised under section 34 to be public servants.
40. Indemnity.
41. Repeal of Act 11 of 1890.

LIST OF ABBREVIATIONS USED

Ins. Inserted

S. Section

Subs. Substituted.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

(59 OF 1960)

(26th December, 1960)

AN ACT

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.
2. **Definitions :** In this Act, unless the context otherwise requires,
 - (a) “animal” means any living creature other than a human being,
 - ¹[(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, whether permanent or temporary, or which is subjected to any appliance of contrivance for the purpose 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;
 - (i) “street” includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare 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

(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 3(Animal 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;
 - ⁴(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;
 - ⁵(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 of the said organisations in the prescribed manner;
- (g) one person to represent each of such three societies dealing with prevention of cruelty to animal 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,
- (i) 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 9a) or 6[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.
- ⁷[(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.)

⁸5A. 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 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).

⁹6. Term 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 (g), clause (h) or clause (i) of section 5 to represent anybody 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 allowance, if any, as the Board may, subject to the previous approval of the Central Government, provided 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 function of the Board.)

7. Secretary and other employees of the Board :

- (1) The Central Government shall appoint 10xxxxx 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 number 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, 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;
- (d) to take all such steps as the Board may think fit for 11(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, 12(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 hospital, 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. Treating animals cruelly : (1) If any person

- (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 causes, or being the owner permits, any animal to be so treated; or
- (b) ¹³(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 employed; or
- (c) wilfully and unreasonably administers any injurious drug or injurious substance to ¹⁴(any animal) or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by ¹⁵(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 any dog habitually chained up or kept in close confinement; or
- (h) being the owner of (any animal) fails to provide such animal with sufficient food, drink or shelter; or
- (i) without reasonable cause, abandons any animal in circumstances which tender it likely that it will suffer pain by reason of starvation thirst; or
- (j) wilfully 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 illtreatment; or
- ¹⁶{(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;)
- ¹⁷{(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 or prey for any other animal; or
- (ii) in cites any animal to fight or bait any other animal, or
- (n) ¹⁸[xxxx] organises, keeps uses or acts in the management or, 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 to 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 19(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 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 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 noseroping of any animal in the prescribed manner, or
- (b) the destruction of stray dogs in lethal chambers 20[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 persons upon any cow or other milch animal the operation called practising phooka or 21[doom dev or any other operation (including injection of any or doom dev. 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 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, 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 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:
Provided 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 condition 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, forth with 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; (in such manner as may be prescribed)²²
- (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 supervising experiments on animals it may be 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.
- (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.
- ²³[**15A. Sub-Committee :** (1) The Committee may constitute as many sub-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 the Committee.)
- 16. Staff of the Committee :** Subject to the control of the Central Government, the Committee may committee appoint such number of officers and other employees as may be necessary to enable it to exercise ills powers and perform its duties and may determine the remuneration and other terms and conditions of service of such officers and other employees.
- 17. Duties of the Committee and power of the Committee to make rules relating to experiments on animals :** (1) It shall be the duty of the Committee to 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 the 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 animals relation to the conduct of such experiments.
- ²⁴[(1A) In particular, and without prejudice to the generality to the foregoing power, such rules may provide for the following matters namely:

- (a) the registration of persons or institutions carrying on experiments on animals;
- (b) the reports and other information which shall be forwarded to the Committee by persons and institutions carrying on experiments or, 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, the 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 performed outside an institution by individuals, the individuals, are qualified in that behalf and the experiments are performed on their full responsibility;
 - (b) that experiments are performed with due care and humanity and that as 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 of anaesthetics, are so injured that their recovery would involve serious suffering, are ordinarily destroyed while still insensible;
 - (d) that experiments on animals are avoided wherever it is possible to do so; as for example; in medical schools, hospitals, colleges and the like, if other teaching devices such as books, models, films and the. 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 animals 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 objects for which the Committee is set up) may give to it, and the Central Government is hereby authorised to give such direction.
- (4) All rules made by the Committee shall be binding on all individuals performing experiments outside institutions and on persons incharge 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 and 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 animals the Committee may, after giving an opportunity to the 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
 - (b) 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 incharge 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 performances 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 therefrom.
- (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 an officer authorised in writing by the prescribed authority referred to in section 23, that the training or exhibition of any performing animals 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 field by the person, and that person shall produce his certificate on being so required by the court for the purposes of endorsement, and the prescribed

authority to which a copy of an order is sent under “his 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 the 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) conceals any animal with a view to avoiding such inspection: or
- (f) being a person registered under ‘the 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 bonafide military or police purpose or the exhibition of any animals 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 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 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 provision 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 complaint 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. Presumptions as to guilt in certain cases :

If any person is charged with the offences of killing a goat, cow or its to guilt in progeny contrary to the provisions of clause (1) of sub section (1) or 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 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 (1) 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. Powers of search and seizure :

- (1) 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 (1) of section 11 in respect of any such animal as is referred to in section 30 is being, or that any person has in his possession the skin of any such animal with any part of the skin of the head attached thereto, he, may 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 or intended 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 to believe that phooka or 25(doom dev or any other operation of the nature referred to in section 12) 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 to be, and may seize the animal and produce it for examination by the veterinary officer incharge of the area in which the animal is seized.

33. Search warrants :

- (1) If a magistrate of the first or second class or a presidency 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 himself enter and search or by his warrant authorise any police officer not below the rank of sub-inspector to enter and search the place.

- (2) The provisions of the Code of Criminal Procedure, 1898, relating to searches shall so far as those provision 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 seizure for by the State Government in this behalf, who has reason to believe that examination an offence against this Act has been or is 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 by 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 a 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 in charge of the area in which the animal is found or such a veterinary officer as may be authorised in this behalf by rules made under this Act certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.
- (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 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 same 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 the generality of the foregoing power, the Central Government may make rules providing for all or any of the following matters, namely:
 - (a) the 26(xxxx) 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.
 - ²⁷[(aa) the manner in which the persons to represent municipal corporation are to be elected under clause (e) of sub-section (1) of section
 - (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; the period during which, and the hours between which, any class of animals shall not be used for draught purposes:
 - (a) prohibiting the use of any bit or harness involving cruelty to animals;
 - ²⁸[(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 person owning or in charge of premises in which animals are kept or milked to register such permits, 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;
- ²⁹(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 purposes to which fines realised under the Act may be applied, including such purposes as the maintenance of infirmaries, pinjrapole and veterinary hospitals;
- (1) any other matter which has 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.

30[XXXX]

³¹[**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 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 Penal 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 Penal 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 subsection (3) of section 1 of 1890 any provision of this Act comes into force in any State, any provision of the Prevention of Cruelty to Animals Act, 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, Chennai (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, Kerala, Chennai (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 15 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 IV came into force in the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Chennai (Tamil Nadu), Maharashtra, Madhya Pradesh, Mysore (Karnataka), Orissa, Uttar Pradesh and West Bengal and the Union Territories of Delhi, Himachal Pradesh, Manipur and Tripura on the 20th November, 1963, vide Notification No. 9-24/62-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.
- (f) Chapters I and II came into force in the then Union Territory of Himachal Pradesh on the 2nd October, 1961, vide Notification No. 9-2/61 LP 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.
- (h) Chapter V came into force in all the States and Union Territories (except Jammu & Kashmir) on 24th May 1977 Vide Notification No. 14-22/76-LDI dated 24th May 1977 of Government of India, Ministry of Agriculture and Irrigation (Department of Agriculture).

¹ See Annexure for notifications under Section 1 (3)

¹Subs. by Act. 26 of 1982 which came into force on 30th July 1982.

²Subs. by Act 26 of 1982; S.3, for the words “Animal Welfare Board”.

³Sub-ibid, SA for the words “Animal Welfare Board”.

⁴Inserted by Act 26 of 1982; S. 5 (a) (i)

⁵Subs. - ibid S. 5 (a) (ii) for the original clause.

⁶Subs. by Act 26 of 1982: S.5 (b), for the word, brackets and letter clause (b)

⁷Subs, ibid, S.5 (c) for the original clause.

⁸ ins. ibid, S.6.

⁹Subs., by Act 26 of 1982, S.7, for the original Section.

¹⁰The words “one of its officers to be” omitted by Act 26 of 1982,

¹¹ Subs, by Act 26 of 1982, S.9 (a) for the word “ameliorating the condition of beasts of burden

¹²Subs, ibid, S, 9 (b) for the words “the formation of pinjrapoles, sanctuaries and the like”

¹³Subs. 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”;

¹⁴Subs, ibid S.10 (a) (ii) for the words “any domestic or captive animal”.

¹⁵Subs, ibid S. 10 (a) (ii) for the words “any captive animal”.

¹⁶Subs. by Act 26 of 1982, S. 10 (a) (iv) for the original clause.

¹⁷Subs. ibid. S. 10 (a) (v) for the original clause.

¹⁸The words “for the purposes of his business” omitted by Act 26 of 1982, S. 10 (a) (vi)

¹⁹Subs. 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”.

²⁰Subs. by Act 26 of 1982, S. 10 (b), for the words “by the other methods with a minimum of suffering”.

²¹ Subs, ibid S. 11, for the words, “doom dev”

²²Ins.byAct26of1982,S. 12

²³Ins.byAct26of1982,S. 13.

²⁴Ins.byAct26of1982,S. 14.

²⁵Subs. by Act 26 of 1982 S. 15 for the words “doom dev”.

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

²⁷InsibidS. 16 (a) (H).

²⁸Ins by Act 26 of 1982 S. 16 (a) (iii)

²⁹Ins. by Act 26 of 1982. S. 16 (a) (iv)

³⁰Sub-section (4) of the Principal Act omitted by Act 26 of 1982. S. 16(b)

³¹Ins. ibid S, 17.

• • •

THE WILDLIFE (PROTECTION) ACT, 1972

(53 OF 1972)

[9th September, 1972]

1[An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country].

Whereas it is expedient to provide for the protection of 1[wild animals and birds and plants] and for matters connected therewith or ancillary or incidental thereto: 2[xxx]

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement

- (1) This Act may be called the Wild Life (Protection) Act, 1972.
- (2) It extends to the whole of India except the State of Jammu and Kashmir]
- (3) It shall come into force in a State or Union Territory to which it extends, 2 [***] on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act or for different States or Union territories.

2. Definitions

In this Act, unless the context otherwise requires,-

- (1) “Animal” includes amphibians, birds, mammals and reptiles and their young, and also includes, in the cases of birds and reptiles, their eggs;]
- (2) “Animal article” means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal 5[has been used, and ivory imported into India and an article made there from];
- (3) ***]
- (4) “Board” means the Wild Life Advisory Board constituted under sub-section (1) of section 6;
- (5) “Captive animal” means any animal, specified in Schedule I, Schedule II, Schedule II or Schedule IV, which is captured or kept or bred in captivity;
- (6) ***]
- (7) “Chief Wild Life Warden” means the person appointed as such under clause (a) of sub-section (1) of section 4;
- (7A) “Circus” means an establishment, whether stationary or mobile, where animals are kept or used wholly or mainly for the purpose of performing tricks

or manocuyres;]

(8) ***]

(9) “Collector” means the chief officer in charge of the revenue administration of a district; or any other officer not below the rank of a Deputy Collector as may be appointed by the State Government under Section 18B in this behalf;]

(10) “Commencement of this Act”, in relation to,-

- (a) a State, means commencement of this Act in that State,
- (b) any provision of this Act, means the commencement of that provision in the concerned State;

(11) “Dealer” in relation to any captive animal, animal article, trophy, uncured trophy meat or specified plant means a person, who carries on the business of buying or selling any such animal or article, and includes a person who undertakes business in any single transaction;]

(12) “Director” means the person appointed as Director of Wild Life Preservation under clause (a) of sub-section (1) of section 3;

(12A) “Forest Officer” means the Forest Officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927 (16 of 1927) or under any other Act for the being in force in a state];

(12B) “Forest produce” shall have the same meaning as it sub-clause (b) of clause (4) of section 2 of the Indian Forest Act 1927 (16 of 1927)]

(13) ***]

(14) “Government property” means any ‘property referred to in section 39 for section 17H;

(15) “Habitat” includes land, water or vegetation which is the natural home of any wild animal;

(16) “Hunting”, with its grammatical variations and cognate expressions, includes;

- (a) killing or poisoning of any wild animal or captive animal and every attempt to do so,
- (b) capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and every attempt to do so;].
- (c) injuring or destroying or taking any part of the body of any such animal or, in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles or disturbing the eggs or nests of such birds or reptiles;

(17) “Land” includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, 8[marshes and wetlands and

also includes boulders and rocks];

- (18) “licence” means a licence granted under this Act;
- (18A) “Livestock” means farm animals and includes buffaloes, bulls, bullock, camels, cows, donkeys, goats, sheep, horses, mulles, yokes, pigs, ducks, geese, poultry and their young but does not include any animal specified in schedules I to V.
- (19) “Manufacturer” means a person who manufactures articles from any animal or plant specified in schedules I to V & VI as the case may be;]
- (20) “Meat” includes blood, bones, sinew, eggs, fat and flesh, whether raw or cooked, of any wild animal, other than vermin;
- (21) “National Park” means an area declared, whether under section 35 or section 38, or deemed, under sub-section (3) of section 66, to be declared, as a National Park;
- (22) “Notification” means a notification published in the Official Gazette;
- (23) “Permit” means a permit granted under this Act or any rule made thereunder;
- (24) “Person” includes a firm;
- (24A) “Protected area” means a national park, a sanctuary, a conservation reserve of a community reserve notified under section 18, 35, 36A and 36C of the Act
- (25) “Prescribed” means prescribed by rules made under this Act;
- (25A) “Recognised Zoo” means a zoo recognised under section 38H
- (25B) “Reserve forest” means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927 (16 of 1927); or declared as such under any other state Act;
- (26) “Sanctuary” means an area declared, whether under section 1[26A] or section 38, deemed, under sub-section (3) of section 66, to be declared, as a wild life sanctuary;
- (27) “Specified plant” means any plant specified in Schedule VI;
- (28) 4[***]
- (29) “State Government”, in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;
- (30) “Taxidermy”, with its grammatical variations and cognate expressions, means the preparation or preservation of trophies;
- (30A) “Territorial waters” shall have the same meaning as in section 3 of the Territorial waters, Continental Shelf, Exclusive Economic Zone and other

Maritime Zones Act, 1976 (80 of 1976)

- (31) “Trophy” means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural, and includes -
 - (a) rugs, skins and specimens of such animal mounted in whole or in part through a process of taxidermy, and
 - (b) antler, horn, rhinoceros, horn, hair, feather, nail, tooth, musk, eggs, nests, tusk and honey comb;
- (32) “Uncured trophy” means the whole or any part of any captive animal or wild animal, other than vermin, which has not undergone a process of taxidermy, and includes a 2[freshly killed wild animal, ambergris, musk and other animal products];
- (33) “Vehicle” means any conveyance used for movement on land, water or air and includes buffalo, bull, bullock, camel, donkey, elephant, horse and mule;
- (34) “Vermin” means any wild animal specified in Schedule V;
- (35) “Weapon” includes ammunition, bows and arrows, explosives, firearms, hooks, knives, nets, poison, snares and traps and any instrument or apparatus capable of anaesthetizing, decoying, destroying, injuring or killing an animal;
- (36) “Wild animal” means any animal specified in Schedule I, Schedule IV and found in wild in nature;
- (37) “Wild life” includes any animal, aquatic or land vegetation which forms part of any habitat;]
- (38) “Wild Life Warden” means the person appointed as such under clause (b) of sub-section (1) of section 4;
- (39) “ZOO” means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public but does not include a circus and an establishment of a licensed dealer in captive animals.

CHAPTER II

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT

3. Appointment of Director and other officers

- (1) The Central Government may, for the purpose of this Act, appoint-
 - (a) A Director of Wild Life Preservation;
 - (b) ***
 - (c) such other officers and employees as may be necessary.
- (2) In the performance of his duties and exercise of his powers by or under this

Act, the Director shall be subject to such general or special directions, as the Central Government may, from time to time, give.

- (3) The officers and employees appointed under this section shall be required to assist the Director.

4. Appointment of Life Warden and other officers

- (1) The State Government may, for the purposes of this Act, appoint
 - (a) a Chief Wild Life Warden-
 - (b) Wild Life Wardens,
 - (bb) Honorary Wild Warden]
 - (c) such other officers and employees as may be necessary.
- (2) In the performance of his duties and exercise of his powers by or under this Act, the Chief Wild Life Warden shall be subject to such general or special directions, as the State Government may, from time to time, give.
- (3) The Wild Life Warden, the Honorary Wild Life Warden] and other officers and employees appointed under this section shall be subordinate to the Chief Wild Life Warden.

5. Power to delegate -

- (1) The Director may, with the previous approval of the Central Government, by order in writing, delegate all or any of his powers and duties under this Act to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.
- (2) The Chief Wild Life Warden may, with the previous approval of the State Government by order in writing, delegate all or any of his powers and duties under this Act, except those under clause (a) of sub-section (1) of section 11, to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.
- (3) Subject to any general or special direction given or condition imposed by the Director or the Chief Wild Life Warden, any person, authorised by the Director or the Chief Wild Life Warden to exercise any powers, may exercise those powers in the same manner and to the same effect as if they had conferred on that person directly by this Act and not by way of delegation.

5-A. Constitution of the National Board for Wild Life

- (1) The Central Government shall, within three months from the date of commencement of the wild Life (Protection) Amendment Act, 2002, constitute the National Board for Wild Life consisting of the following members, namely:

- (a) the Prime Minister as Chairperson;
 - (b) the Minister in-charge of Forests and Wild life as Vice Chairperson;
 - (c) three Ministers of Parliament of whom two shall be from the House of the People and one from the Council of States;
 - (d) Member, Planning Commission in-charge of Forests and Wild Life.
 - (e) Five persons to represent non-governmental organizations to be nominated by the Central Government;
 - (f) ten persons to be nominated by the Central Government from amongst eminent conservationists, ecologists and environmentalists;
 - (g) the Secretary to the Government of India in-charge of the Ministry of Department of the Central Government dealing with Forests and Wild Life;
 - (h) the Chief of the Army Staff;
 - (i) the Secretary to the Government of India in-charge of the Ministry of Defence;
 - (j) the Secretary to the Government of India in-charge of the Ministry of the Information and Broadcasting;
 - (k) the Secretary to the Government of India in-charge of the Department of Expenditure, Ministry of Finance;
 - (l) the Secretary to the Government of India, Ministry of Tribal welfare;
 - (m) the Director-General of Forests in the Ministry or Department of the Central Government dealing with Forests and Wild Life;
 - (n) the Director-General of Tourism, Government of India;
 - (o) the Director-General, Indian Council for Forestry Research and Education, Dehradun;
 - (p) the Director, Wild Life Institute of India, Dehradun;
 - (q) the Director, Zoological Survey of India;
 - (r) the Director, Botanical Survey of India;
 - (s) the Director, Indian Veterinary Research Institute;
 - (t) the Member-Secretary, Central Zoo Authority;
 - (u) the Director, National Institute of Oceanography
 - (v) one representative each from ten States and Union territories by rotation, to be nominated by the Central Government;
 - (w) the Director of Wild Life Preservation who shall be the Member Secretary of the National Board.
- (2) The term of office of the members other than those who are members of ex officio, the manner of filling vacancies referred to in clauses (e), (f) and (v)

of sub-section (1), and the procedure to be followed in the discharge of their functions by the members of the National board shall be such as may be prescribed.

- (3) The members (except members ex officio) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.
- (4) Notwithstanding anything contained in any other law for the time being in force, the office of a member of the National Board shall not be deemed to be an office of profit.

5-B. Standing Committee of the National Board

- (1) The National Board may in its discretion, constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the committee by the National Board.
- (2) The Standing Committee shall consist of the Vice-Chairperson, the Member Secretary, and not more than ten members to be nominated by the Vice-Chairperson from amongst the members of the national Board.
- (3) The National Board may constitute committees, sub-committees or study groups, as may be necessary, from time to time in proper discharge of the functions assigned to it.

5-C. Functions of the National Board

- (1) It shall be the duty of the National Board to promote the conservation and development of wild life and forests by such measures as it thinks fit.
- (2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for-
 - (a) farming policies and advising the Central Government and the State Government on the ways and means of promoting wild life conservation and effectively controlling poaching and illegal trade of wild life and its products;
 - (b) making recommendations on the setting up of and management of national parks, sanctuaries, and other protected areas and on matters relating to restriction of activities in those areas;
 - (c) carrying out or causing to be carried out impact assessment of various projects and activities on wild life or its habitat;
 - (d) reviewing from time to time, and progress in the field of wild life conservation in the country and suggesting measures for improvement thereto; and
 - (e) preparing and publishing a status report at least once in two years on wild life in the country;]

6. Constitution of State Board for Wild Life

- (1) The State Government shall, within a period of six months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 constitutes a State Board for Wild life consisting of the following members, namely:
 - (a) the Chief Minister of the State and in case of Union Territory either Chief Minister or Administrator, as the case may be - Chairperson;
 - (b) the Minister in-charge of Forests and Wild Life – Vice-chairperson;
 - (c) three members of the State Legislature or in the case of a Union Territory with Legislature, two members of the Legislature Assembly of that Union territory;
 - (d) three persons represent non-governmental organizations dealing with wild life to be nominated by the State Government;
 - (e) ten persons to be nominated by the State Government from amongst eminent conservationists, ecologists and environmentalists including atleast two representatives of the Scheduled Tribes;
 - (f) the Secretary to the State Government or the Government of the Union territory, as the case may be, in-charge of Forests and Wild Life;
 - (g) the Officer in-charge of the State Forest Department;
 - (h) the Secretary to the State Government, Department of Trial Welfare;
 - (i) the Managing director, State Tourism Development Corporation;
 - (j) an officer of the State Police Department not below the rank of Inspector-General;
 - (k) a representative of the Armed forces not below the rank of Brigadier to be nominated by the Central Government;
 - (l) the Director, Department of Animal Husbandry of the State;
 - (m) the Director, Department of Fisheries of the State;
 - (n) an officer to be nominated by the Director, Wild Life Preservation;
 - (o) a representative of the Wild Life Institute of India Dehradun;
 - (p) a representative of the Botanical survey of India;
 - (q) a representative of the Zoological Survey of India;
 - (r) the Chief Wild Life Warden, who shall be Member-Secretary.
- (2) The term of office of the members other than those who are members ex officio and the manner of filling vacancies referred to in clauses (d) and (e) of sub-section (1) and procedure to be followed shall be such, as may be prescribed.

- (3) The members (except members ex officio) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.]

7. Procedure to be followed by the Board

- (1) The Board shall meet at least twice a year at such place as the State Government may direct.
- (2) The Board shall regulate its own procedure (including the quorum).
- (3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board not affecting the merits of the case.

8. Duties of 2[State Board for Wild Life]

It shall be the duty of the State Board for Wild Life to advise the State Government,-

- (a) in the selection and management of areas to be declared as protected areas;
- (b) in formulation of the policy for protection and conservation of the wild life and specified plants;
- (c) in any matter relating to the amendment of any Schedule;
- (cc) in relation to the measures to be taken for harmonising the needs of the tribals and other dwellers of the forest with the protection and conservation of wild life; and
- (d) in any other matter connected with the protection of wild life which may be referred to it by the State Government.

CHAPTER III

HUNTING OF WILD ANIMALS

9. Prohibition of hunting

No person shall hunt any wild animal specified in Schedules I, II, III and IV except as provided under section 11 and section 12

10. *]**

11. Hunting of wild animals to be permitted in certain cases.-

- (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV,
 - (a) the Chief Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefore, permit any person to hunt such animal or cause such animal to be hunted;

Provided that no wild animal shall be ordered to be killed unless the chief wild life warden is satisfied that such animal cannot be captured, tranquilised or translated:

Provided further that no such captured animal shall be kept in captivity unless the Chief Wild Life Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing.

Explanation: For the purpose of clause (a) the process of capture or translation, as the case may be of such animal shall be made in such manner as to cause minimum trauma to the said animal;

- (b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, Schedule III, or Schedule IV, has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt 1[such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted.]

- (2) The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence;

Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

- (3) Any wild animal killed or wounded in defence of any person shall be Government property.

12. Grant of permit for special purposes,

Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant 2[***] a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purposes of,

- (a) education;
- (b) scientific research;
- (bb) scientific Management.

Explanation:- For the purposes of clause (bb), the expression, “Scientific Management” means,

- (i) translocation of any wild animal to an alternative suitable habitat; or
 - (ii) Population management of wildlife without killing or poisoning or destroying any wild animals;
 - (c) Collection of specimens,-
 - (i) for recognised zoos subject to the permission under section 38-I; or
 - (ii) for museums and similar institutions;
 - (d) derivation, collection or preparation of snake - venom for the manufacture of life-saving drugs.
- (Provided that no such permit shall be granted,- (a) in respect of any wild animal specified in Schedule I, except with the prior permission of the Central Government, and (b) in respect of any other wild animal, except with the previous permission of the State Government.]

13 to 17 xxxx]

CHAPTER III A

PROTECTION OF SPECIFIED PLANTS

17A. Prohibition of picking, uprooting, etc. of specified plant -

Save as otherwise provided in this Chapter, no person shall

- (a) willfully pick, uproot, damage, destroy, acquire or collect any specified plant from any forest land and any area specified, by notification, by the Central Government.
- (b) possess, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof:

Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his bona fide personal use.

17B. Grants of permit for special purposes

The Chief Wild Life Warden may, with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17 A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of -

- (a) education;
- (b) scientific research;
- (c) collection, preservation and display in a herbarium of any scientific institution; or
- (d) propagation by a person or an institution approved by the Central

Government in this regard.

17C. Cultivation of specified plants without licence prohibited.

- (1) No person shall cultivate a specified plant except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf;

Provided that nothing in this section shall prevent a person, who immediately before the commencement of the Wild Life (Protection) (Amendment) Act, 1991, was cultivating a specified plant from carrying on such cultivation for a period of six months from such commencement or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

- (2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

17D. Dealing in specified plants without licence prohibited

- (1) No person shall, except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivative thereof:

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) (Amendment) Act, 1991, was carrying on such business or occupation, from carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

- (2) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

17E. Declaration of stock

- (1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days from the date of commencement of the Wild Life (Protection) (Amendment) Act, 1991 declare to the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part or derivative thereof, as the case may be, on the date of such commencement.
- (2) The provisions of sub-sections (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation

to an application and a licence referred to in section 17C and section 17D as they apply in relation to the licence or business in animals or animal articles.

17F. Possession, etc., of plants by licensee -

No licensee under this Chapter shall,-

- (a) keep in his control, custody or possession
 - (i) any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made but has not been made;
 - (ii) any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder;
- (b)
 - (i) pick, uproot, collect or acquire any specified plant, or
 - (ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport any specified plant or part or derivative thereof, except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

17G. Purchase, etc., of specified plants -

No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licensed dealer:

Provided that nothing in this section shall apply to any person referred to in section 17B.

17H. Plants to be Government property

- (1) Every specified plant or part or derivative thereof, in respect of which any offence against this Act or any rule or order made thereunder has been committed, shall be the property of the State Government, and, where such plant or part or derivative thereof has been collected or acquired from a sanctuary or National Park declared by the Central Government, such plant or part or derivative thereof shall be the property of the Central Government.
- (2) The provisions of sub-sections (2) and (3) of section 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof or they apply in relation to wild animals and articles referred to in sub-section (1) of that section.]

CHAPTER IV
[Protected Areas]
Sanctuaries

18. Declaration of sanctuary -

- (1) The State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment.
- (2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

Explanation:- For the purposes of this section it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries. –

18A Protection of Sanctuaries:

- (1) when the State Government declares its intention under sub-section (1) of section 18 to constitute any area, not comprised within any reserve forest or territorial waters under that sub-section as a sanctuary, the provisions of Section 27 to 33A (both inclusive), the State Government shall make alternative arrangements required for making available fuel; fodder and other forest produce to the persons affected, in terms of their rights as per Government records.

18B. Appointment of collectors:

The State Government shall appoint, an officer to act as collector under the Act, within ninety days of coming into force of the Wild Life (Preservation) Amendment Act 2002, or within thirty days of the issue of notification under Section 18, inquire into the determine the existence nature and extent of rights of any person in or over the land comprised within the limits of sanctuary which may be notified under sub-section (1) of Section 18]

19. Collector to determine rights

When a notification has been issued under section 18, the collector shall inquire into, and determine, the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.

20. Bar of accrual of rights -

After the issue of a notification under section 18, no right shall be acquired in, on or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

21. Proclamation by Collector -

When a notification has been issued under section 18, the Collector shall publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation.

- (a) specifying, as nearly as possible, the situation and the limits of the sanctuary; and
- (b) requiring any person, claiming any right mentioned in section 19, to prepare before the Collector, within two months from the date of such proclamation, a written claim in the prescribed form, specifying the nature and extent of such right with necessary details and the amount and particulars of compensation, if any, claimed in respect thereof.

22. Inquiry by Collector -

The Collector shall, after service of the prescribed notice upon the claimant, expeditiously inquire into:

- (a) the claim preferred before him under clause (b) of section 21, and
- (b) the existence of any right mentioned in section 19 and not claimed under clause (b) of section 21, so far as the same may be ascertainable from the records of the State Government and the evidence of any person acquainted with the same.

23. Powers of Collector -

For the purpose of such inquiry, the Collector may exercise the following powers, namely:-

- (a) the power to enter in or upon any land and to survey, demarcate and make a map of the same or to authorise any other officer to do so;
- (b) the same powers as are vested in a civil court for the trial of suits.

24. Acquisition of rights -

- (1) In the case of a claim to a right in or over any land referred to in section 19, the Collector shall pass an order admitting or rejecting the same in whole or in part.
- (2) If such claim is admitted in whole or in part, the Collector may either-
 - (a) exclude such land from the limits of the proposed sanctuary, or
 - (b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land, and on payment of such compensation, as is provided in the Land Acquisition Act, 1894.
 - (c) allow, in consultation with the Chief Wild Life Warden the continuance

of any right of any person in or over any land within the limits of the sanctuary.

25. Acquisition proceedings

- (1) For the purpose of acquiring such land, or rights in or over such land,-
 - (a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894;
 - (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;
 - (c) the provisions of the sections, preceding section 9 of that Act, shall be deemed to have been complied with;
 - (d) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of section 18 of the Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief against the award under the provisions of Part III of that Act;
 - (e) the Collector, with the consent of the claimant, or the court, with the consent of both the parties, may award compensation in land or money or partly in land and partly in money; and
 - (f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for an alternative public way or common pasture, as far as may be practicable or convenient.
- (2) The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose.

25A. Time limit for completion of acquisition proceedings :

- (1) The collector shall as far as possible, complete the proceedings under Sections 19 to 25 (both inclusive) within a period of two years from the date of notification of declaration of Sanctuary under Section 18

26. Delegation of Collector's powers -

The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 19 to 25 (both inclusive) may be exercised and performed by such other officer as may be specified in the order.

26A. Declaration of area as sanctuary

- (1) When,
 - (a) a notification has been issued under section 18 and the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been

disposed of by the State Government; or

(b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological, faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment, is to be included in a sanctuary, the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be sanctuary on and from such date as may be specified in the notification;

Provided that where any part of the territorial waters is to be so included, prior concurrence of the Central Government shall be obtained by the State Government:

Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen.

- (2) Notwithstanding anything contained in sub-section(1), the right of innocent passage of any vessel or boat through the territorial waters shall not be affected by the notification issued under sub-section(1).
- (3) No alteration of the boundaries of a sanctuary shall be made except on a recommendation of a national board by the State Government.

27. Restriction on entry in sanctuary,

- (1) No person other than,-
 - (a) a public servant on duty,
 - (b) a person who has been permitted by the Chief Wild Life Warden or the authorised officer to reside within the limits of the sanctuary,
 - (c) a person who has any right over immovable property within the limits of the sanctuary,
 - (d) a person passing through the sanctuary along a public highway, and
 - (e) the dependants of the person referred to in clause (a), clause (b) or clause (c). shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28.
- (2) Every person shall, so long as he resides in the sanctuary, be bound -
 - (a) to prevent the commission, in the sanctuary, of an offence against this Act;
 - (b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender;

- (c) to report the death of any wild animal and to safeguard its remains until the Chief Wild Life Warden or the authorised officer takes charge thereof;
 - (d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading, by any lawful means in his power, any fire within the vicinity of such sanctuary of which he has knowledge or information; and
 - (e) to assist any Forest Officer, Chief Wild Life Warden, Wild Life Warden or Police Officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.
- (3) No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause wrongful gain as defined in the Indian Penal Code, 1860 (45 of 1860), alter, destroy, move or deface such boundary-mark.
- (4) No person shall tease or molest any wild animal or litter the grounds of sanctuary.

28. Grant of Permit

- (1) The Chief Wild Life Warden may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely:-
- (a) investigation or study of wild life and purposes ancillary or incidental thereto;
 - (b) photography;
 - (c) scientific research;
 - (d) tourism;
 - (e) transaction of lawful business with any person residing in the sanctuary.
- (2) A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.

29. Destruction, etc., in a sanctuary prohibited without a permit

No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the board that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit;

Provided that where the forest produce is removed from a sanctuary the same may be fused for meeting the personal bonafide needs of the people living in and around the sanctuary and shall not be used for any commercial purpose.

Explanation - For the purposes of this section, grazing or movement of live-stock permitted under clause (d) of section 33 shall not be deemed to be an act prohibited under this section.

30. Causing fire prohibited,

No person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary.

31. Prohibition of entry into sanctuary with weapon

No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

32. Ban on use of injurious substances

No person shall use, in a sanctuary, chemicals, explosives or any other substances which may cause injury to or endanger, any wild life in such sanctuary.

33. Control of sanctuaries

The Chief Wild Life Warden shall be the authority who shall control, manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary,

- (a) may construct such roads, bridges, buildings, fences or barrier gates, and carry-out such other works as he may consider necessary for the purposes of such sanctuary;

Provided that no construction of commercial tourist lodges, hotels, zoos and safari parks shall be undertaken inside a sanctuary except with the prior approval of the National Board

- (b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild life, as he may consider necessary for the improvement of any habitat;
- (c) may take such measures, in the interests of wild life, as he may consider necessary for the improvement of any habitat;
- (d) may regulate, control or prohibit, in keeping with the interests of wild life, the grazing or movement of 1[live-stock;]

[(e) XXX]

33A. Immunisation of live-stock

- (1) The Chief Wild Life Warden shall take such measures in such manner, as may be prescribed, for immunisation against communicable diseases of the live-stock kept in or within five kilometres of a sanctuary.
- (2) No person shall take, or cause, to be taken or grazed, any livestock in a

sanctuary without getting it immunised.

33B. Advisory Committee:

- (1) The State Government shall constitute an advisory committee consisting of the Chief Wild Life Warden or his nominee not below the rank of Conservator of Forests as its head and shall include a member of the State Legislature within whose constituency the sanctuary is situated, the representative of Panchayat Raj Institutions, two representatives of non governmental organizations and three individuals active in the field of Wild Life conservation, one representative each from departments dealing with Home and Veterinary matters, Honorary Wild Life Warden, if any, and the officer-in-charge of the Sanctuary as Member Secretary.
- (2) The committee shall render advice on measures to be taken for better conservation and management of the sanctuary including participation of the people living within and around the sanctuary.
- (3) The committee shall regulate its own procedure including quorum.

34. Registration of certain persons in possession of arms

- (1) Within three months from the declaration of any area as a sanctuary, every person residing in or within ten kilometres of any such sanctuary and holding a licence granted under the Arms Act, 1959 (54 of 1959), for the possession of arms or exempted from the provisions of that Act and possessing arms, shall apply in such form, on payment of such fee and within such time as may be prescribed, to the Chief Wild Life Warden or the authorised officer, for the registration of his name.
- (2) On receipt of an application under sub-section (1), the Chief Wild Life Warden or the authorised officer shall register the name of the applicant in such manner as may be prescribed.
- (3) No new licences under the Arms Act, 1959 (54 of 1959) shall be granted within a radius of ten kilometres of a sanctuary without the prior concurrence of the Chief Wild Life Warden.

34A. Power to remove encroachment:

- (1) Notwithstanding anything contained in any other law for the time being in force, an officer not below the rank of an Assistant Conservator of Forests may,-
 - (a) evict any person from a sanctuary or national park, who unauthorisedly occupies government land in contravention of the provisions of this Act;
 - (b) remove any unauthorised structures, buildings or constructions erected on any Government land within any sanctuary or national

park and all the things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of Forests:

Provided that no such order shall be passed unless the affected person is given an opportunity of being heard.

- (2) The provisions of this section shall apply notwithstanding any other penalty which may be inflicted for violation of any other provision of this Act]

NATIONAL PARKS

35. Declaration of National Parks

- (1) Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphological or zoological association or importance, needed to be constituted as a National Park for the purpose of protecting, propagating or developing wild life therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park

Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of section 26A shall, as far as may be, apply in relation to the declaration of a National Park as they apply in relation to the declaration of a sanctuary.

- (2) The notification referred to in sub-section (1) shall define the limits of the area which is intended to be declared as a National Park.
- (3) Where any area is intended to be declared as a National Park, the provisions of sections 1[(19 to 26 A (both inclusive except clause (c) of sub-section (2) of section 24)] shall, as far as may be, apply to the investigation and determination of claims, and extinguishment of rights, in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.
- (4) When the following events have occurred, namely:-
- (a) the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government, and
 - (b) all rights in respect of lands proposed to be included in the National Park have become vested in the State Government. the State Government shall publish a notification specifying the limits of the area which are to be comprised within the National Park and declare that the said area shall be a National Park on and from such date as may be specified in the notification.
- (5) No alteration of the boundaries of a National Park by the State Government

shall be made except on a recommendation of the National Board]

- (6) No person shall destroy, exploit or remove any wild life from a National Park or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within such National Park except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation or removal of wild life from the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit.
- (7) No grazing of any live-stock shall be permitted in a National Park and no livestock shall be allowed to enter therein except where such 1[live-stock] is used as a vehicle by a person authorised to enter such National Park.
- (8) The provisions of sections 27 and 28, sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of 1[section 33, section 33A] and section 34 shall, as far as may be apply in relation to a National Park as they apply in relation to a sanctuary.

Explanation: for the purpose of this section in case of an area whether within a sanctuary or not where the rights have been extinguished and the land has become vested in the State Government under any Act or other wise, such area may be notified by it, by a notification, as a National Park and the provisions of sub-sections (3) and (4) of this section shall not apply]

36. xxx]

36A Declaration and management of conservation reserve:

- (1) The State Government many after having consultations with the local communities, declare any area owned by the Government, particularly the areas adjacent to the National Parks and sanctuaries and those areas which link one protected area with another, as a Conservation Reserve for protecting landscapes, seascapes, flora and fauna and their habitat;

Provided that where the Conservation Reserve includes any land owned by the Central Government, its prior concurrence shall be obtained before marking such declaration.

- (2) The provisions of sub-section (2) of Section 18, sub-sections (2) (3) and (4) of Section 27, Sections 30, 32 and clauses (b) and (c) of Section 33 shall as far as be, apply in relation to a conservation reserve as they apply in relation to a sanctuary.

36B. Conservation Reserve management Committee

- (1) The State Government shall constitute a Conservation Reserve Management Committee to advise the Chief wild Life Warden to conserve, mange, and maintain the Conservation Reserve.

- (2) The committee shall consist of a representative of the forest or Wild Life Department, who shall be the Member-Secretary of the committee on representative of each Village Panchayat in whose jurisdiction the reserve is located, three representatives of non-governmental organisations working in the field of wild life conservation and one representative each from the Department of Agriculture and Animal Husbandry.
- (3) the committee shall regulate its own procedure including the quorum

36C Declaration and management of Community Reserve

- (1) The State Government may, where the community or an individual has volunteered to conserve wild life and its habitat, declare any private or community land not comprised within a National Park, sanctuary or a Conservation Reserve, as a Community Reserve, for protecting fauna flora and traditional or cultural conservation values and practices.
- (2) The provisions of sub-sections (2) of Section 18, sub-sections (2) (3) and (4) of Section 27, Section 30, 32 and clauses (b) and (c) of Section 33 shall as far as may be, apply in relation to a Community Reserve as they apply in relation to a sanctuary.
- (3) After the issue of notification under sub-section (1) no change except in accordance with a resolution passed by the Management Committee and approval of the same by the State Government.

36D. Community Reserve management Committee

- (1) The State Government shall constitute a Community Reserve Management Committee which shall be the authority responsible for conserving maintaining and managing the Community Reserve.
- (2) The Committee shall consist of five representatives nominated by the Village Panchayat or where such panchayat does not exist by the members of the Gram Sabha and one representative of the State Forests or Wild Life Department under whose jurisdiction the Community Reserve is located.
- (3) The committee shall be the competent authority to prepare and implement the management plan for the Community Reserve and to take steps to ensure the protection of wild life and its habitat in the reserve.
- (4) The committees shall elect a chairman who shall also be the Honorary Wild Life Warden on the Community Reserve.
- (5) The Committee shall regulate its own procedure including quorum].

CLOSED AREA

37. ***

SANCTUARIES OR NATIONAL PARKS DECLARED BY CENTRAL GOVERNMENT

38. Power of Central Government to declare areas as sanctuaries or National Parks -

- (1) Where the State Government leases or otherwise transfers any area under its control, not being an area within a sanctuary, to the Central Government, the Central Government may, if it is satisfied that the conditions specified in section 18 are fulfilled in relation to the area so transferred to it, declare such area, by notification, to be a sanctuary and the provisions of Sections 2[18 to 35] (both inclusive), 54 and 55 shall apply in relation to such sanctuary as they apply in relation to a sanctuary declared by the State Government.
- (2) The Central Government may, if it is satisfied that the conditions specified in section 35 are fulfilled in relation to any area referred to in sub-section (1), whether or not such area has been declared, to be a sanctuary by the Central Government or the State Government, declare such area, by notification, to be a National Park and the provisions of sections 35, 54 and 55 shall apply in relation to such National Park as they apply in relation to a National Park declared by the State Government.
- (3) In relation to a sanctuary or National Park declared by the Central Government, the powers and duties of the Chief Wild Life Warden under the sections referred to in sub-sections (1) and (2), shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references, in the sections aforesaid, in the State Government shall be construed as references to the Central Government and reference therein to the Legislature of the State shall be construed as a reference to Parliament.

CHAPTER IV A

CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

38A. Constitution of Central Zoo Authority -

- (1) The Central Government shall constitute a body to be known as the Central Zoo Authority (hereinafter in this Chapter referred to as the Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.
- (2) The Authority shall consist of:
 - (a) chairperson;
 - (b) such number of members not exceeding ten; and
 - (c) member-secretary, to be appointed by the Central Government.

38B. Term of office and conditions of service of Chairperson and members, etc

- (1) The chairperson and every member 2[other than the member-secretary] shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.
- (2) The chairperson or a member may by writing under his hand addressed to the Central Government, resign from the office of chairperson, or, as the case may be, of the member.
- (3) The Central Government shall remove a person from the office of chairperson or member referred to in sub-section (2) if that person -
 - (a) becomes an undischarged insolvent;
 - (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
 - (c) becomes of unsound mind and stands so declared by a competent court;
 - (d) refuses to act or becomes incapable of acting;
 - (e) is, without obtaining leave of absence from the authority, absent from three consecutive meetings of the Authority; or
 - (f) in the opinion of the Central Government has so abused the position of chairperson or member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause unless that person has been given a reasonable opportunity of being heard in the matter.
- (4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.
- (5) The salaries and allowances and other conditions of appointment of chairperson, members and member-secretary of the Authority shall be such as may be prescribed.
- (6) The Authority shall, with the previous sanction of the Central Government, employ such officers and other employees as it deems necessary to carry out the purposes of the Authority.
- (7) The terms and conditions of service of the officers and other employees of the Authority shall be such as may be prescribed.
- (8) No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancies or defect in the constitution of the Authority.

38C. Functions of the Authority

The Authority shall perform the following functions, namely:

- (a) specify the minimum standards for housing, upkeep and veterinary care of the animals kept in a zoo.
- (b) evaluate and assess the functioning of zoos with respect to the standards or the norms as may be prescribed;
- (c) recognise or derecognise zoos;
- (d) identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo;
- (e) co-ordinate the acquisition, exchange and loaning of animals for breeding purposes;
- (f) ensure maintenance of study books of endangered species of wild animals bred in captivity;
- (g) identify priorities and themes with regard to display of captive animals in a zoo;
- (h) co-ordinate training of zoo personnel in India and outside India.
- (i) co-ordinate research in captive breeding and educational programmes for the purposes of zoos;
- (j) provide technical and other assistance to zoos for their proper management and development on scientific lines;
- (k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos.

38D. Procedure to be regulated by the Authority

- (1) The Authority shall meet as and when necessary and shall meet at such time and place as the chairperson may think fit.
- (2) The Authority shall regulate its own procedure.
- (3) All orders and decisions of the Authority shall be authenticated by the Member-Secretary or any other officer of the Authority duly authorised by the Member-Secretary in this behalf.

38E. Grants and loans to Authority and Constitution of Fund -

- (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.
- (2) There shall be constituted a Fund to be called the Central Zoo Authority Fund and there shall be credited thereto any grants and loans made to the Authority by the Central Government, all fees and charges received by the

Authority under this Act and all sums received by the Authority from such other sources as may be decided upon by the Central Government.

- (3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act.
- (4) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor- General of India.
- (5) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.
- (6) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.
- (7) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority.

38F. Annual report -

The Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

38G. Annual Report and audit report to be laid before Parliament

The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, or any of such recommendations and the audit report to be laid as soon as may be after the reports are received before each House of Parliament.

38H. Recognition of zoos

- (1) No zoo shall be operated without being recognised by the Authority:

Provided that a zoo being operated immediately before the date of commencement of the Wild Life (Protection) (Amendment) Act, 1991 may continue to operate without being recognised for a period of 46[eighteen months from the date of such commencement] and if the application seeking recognition is made within that period, the zoo may continue to be operated until the said application is finally decided or withdrawn and in case of refusal for a further period of six months from the date of such refusal.

- (2) Every application for recognition of a zoo shall be made to the Authority in such form and on payment of such fee as may be prescribed.
- (3) Every recognition shall specify the conditions, if any, subject to which the applicant shall operate the zoo.
- (4) No recognition to a zoo shall be granted unless the Authority, having due regard to the interests of protection and conservation of wild life, and such standards, norms and other matters as may be prescribed, is satisfied that recognition should be granted.
- (5) No application for recognition of a zoo shall be rejected unless the applicant has been given a reasonable opportunity of being heard.
- (6) The Authority may, for reasons to be recorded by it, suspend or cancel any recognition granted under sub-section (4):

Provided that no such suspension or cancellation shall be made except after giving the person operating the zoo a reasonable opportunity of being heard.

- (7) An appeal from an order refusing to recognise a zoo under sub-section (5) or an order suspending or canceling a recognition under sub-section (6) shall lie to the Central Government.
- (8) An appeal under sub-section (7) shall be preferred within thirty days from the date of communication to the applicant of the order appealed against:

Provided that the Central Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

38I. Acquisition of animals by a zoo

- (1) Subject to the other provisions of this Act, no zoo shall acquire sell or transfer any wild animal or captive animal specified in Schedule I and Schedule II except with the previous permission of the Authority.
- (2) No Zoo shall acquire or transfer any wild or captive animal except form or to a recognized Zoo]

38J. Prohibition of teasing, etc., in a zoo

No person shall tease, molest, injure or feed any animal or cause disturbance to the animals by noise or otherwise or litter the grounds in a zoo.

CHAPTER V
TRADE OR COMMERCE IN WILD ANIMALS,
ANIMAL ARTICLES AND TROPHIES

39. Wild animals, etc., to be Government property -

- (1) Every -
 - (a) wild animal, other than vermin, which is hunted under section 11 or sub-section (1) of section 29 or sub-section (6) of section 35 or kept or 1[bred in captivity or hunted] in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed 2 [XXX] mistake; and
 - (b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been committed; shall be the property of the State Government, and, where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any animal article, trophy uncured trophy or meat derived from such animal, shall be the property of the Central Government.
 - (c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed;
 - (d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act;
 - (e) in the long paragraph, for the words “derived form such animal,” the words “derived from such animal or any vehicle, vessel, weapon, trap or tool used in such hunting,” shall be substituted,
- (2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours from obtaining such possession, make a report as to the obtaining of such possession to the nearest police station or the authorised officer and shall, if so required, hand over such property to the officer-in-charge of such police station or such authorised officer, as the case may be.
- (3) No person shall, without the previous permission in writing of the Chief Wild Life Warden or the authorised officer
 - (a) acquire or keep in his possession, custody or control, or
 - (b) transfer to any person, whether by way of gift, sale or otherwise, or
 - (c) destroy or damage, such Government property.

40. Declarations

- (1) Every person having at the commencement of this Act the control, custody or possession of any captive animal specified in Schedule I or Part II of Schedule II, 1[or animal article, trophy or uncured trophy] derived from such animal or salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wild Life Warden or the authorised officer the number and description of the animal, or article of the foregoing description under his control, custody or possession and the place where such animal or article is kept.
- (2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I or Part II of Schedule II or any uncured trophy or meat derived from such animal, or the salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.
- (2A) No person other than a person having a certificate of ownership, shall after the commencement of Wild Life (Protection) Amendment, act 2002 acquire, receive, keep in his control, custody or possession any captive animal, animal article, trophy or uncured trophy specified in Schedule I or Part II of Schedule II, except by way of inheritance.
- (2B) Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section (2A) shall, within ninety days of such inheritance make a declaration to the Chief Wild Life Warden or the authorised officer and the provisions of Section 41 and 42 shall apply as if the declaration had been made under sub-section (1) of Section 40;
Provided that nothing in sub-section (2A) and (2B) shall apply to the live elephant
- (3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 38-I or to a public museum.
- (4) The State Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer any animal article or trophy (other than a musk of a musk deer or horn of a rhinoceros) or salted or dried skins derived from an animal specified in Schedule I or Part II of Schedule II in his control, custody or possession in such form, in such manner, and within such time, as may be prescribed.

40A. Immunity in certain cases

- (1) Notwithstanding anything contained in sub-section (2) and (4) of Section 40

of this Act, the Central Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer, any captive animal, animal article, trophy or uncured trophy derived from animals specified in Schedule I or part II of Schedule II in his control, custody or possession, in respect of which no declaration had been made under sub-section (1) or (4) of Section 40 in such form, in such manner and within such time as may be prescribed.

- (2) Any action taken or purported to be taken for violation of Section 40 of this Act at any time before commencement of Wild Life (Protection) Amendment Act, 2002 shall not be proceeded with and all pending proceedings shall stand abated.
- (3) any captive animal, animal article, trophy or uncured trophy declared under sub-section (1) shall be dealt with in such manner and subject to such conditions as may be prescribed

41. Inquiry and preparation of inventories -

- (1) On receipt of a declaration made under section 40, the Chief Wild Life Warden or the authorised officer may, after such notice, in such manner and at such time, as may be prescribed,-
 - (a) enter upon the premises of a person referred to in section 40;
 - (b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins and captive animals specified in Schedule I and Part II of Schedule II and found thereon; and
 - (c) affix upon the animals, animal articles, trophies or uncured trophies identification marks in such manner as may be prescribed.
- (4) No person shall obliterate or counterfeit any identification mark referred to in this Chapter.

42. Certificate of ownership -

The Chief Wild Life Warden may, for the purposes of section 40, issue a certificate of ownership in such form, as may be prescribed, to any person who, in his opinion, is in lawful possession of any wild animal or any animal article, trophy uncured trophy and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for purposes of identification.

Provided that before issuing the certificate of ownership in respect of any captive animal, the chief wild life warden shall ensure that the applicant has adequate facilities for housing, maintenance and up keep of the animal.

43. Regulation of transfer of animal, etc -

- (1) No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consider-

ation of commercial nature, such animal or article or trophy or uncured trophy.

- (2) Where a person transfers or transports from the state in which he resides to another state or acquire by transfer from outside the state, any such animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership, he shall within thirty days of the transfer of transport, report the transfer or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer of transport is effected.
- (3) Nothing in this section shall apply,-
 - (a) to tail feather of peacock and the animal article or trophies made therefrom;
 - (b) to transfer of captive animals between recognized Zoos subject to the provisions of Section 38-I and transfer amongst zoos and public museums

44. Dealings in trophy and animal articles without licence prohibited

- (1) Subject to the provisions of Chapter VA, no person shall, except under and in accordance with, licence granted under sub-section (4)].
 - (a) commence or carry on the business as -
 - (i) a manufacturer of or dealer in, any animal article; or
2[(ia) xxx]
 - (ii) a taxidermist; or
 - (iii) a dealer in trophy or uncured trophy; or
 - (iv) a dealer in captive animals; or
 - (v) a dealer in meat; or
 - (b) cook or serve meat in any eating-house:
 - (c) derive, collect or prepare, or deal in, snake venom.]:

Provided that nothing in this sub-section shall prevent a person, who immediately before the commencement of this Act was carrying on the business or occupation specified in this sub-section, from carrying on such business or occupation for a period of thirty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him:

Provided further that nothing in this sub-section shall apply to the dealers in tail feathers of peacock and articles made therefrom and the manufacturers of such articles.

Explanation - For the purposes of this section, “eating-house” includes a hotel, restaurant or any other place where any eatable is served on payment, whether or not such payment is separately made for such eatable or is included in the amount charged for board and lodging.

- (2) Every manufacturer of, or dealer in, animal article, or every dealer in captive animals, trophies or uncured trophies, or every taxidermist shall, within fifteen days from the commencement of this Act, declare to the Chief Wild Life Warden his stocks of animals articles captive animals, trophies and uncured trophies as the case may be as on the date of such declaration and the Chief Wild Life Warden or the authorised officer may place an identification mark on every animal article, captive animal trophy or uncured trophy as the case may be.
- (3) Every person referred to in sub-section (1) who intends to obtain a licence, shall 1[xxxx] make an application to the Chief Wild Life Warden or the authorised officer for the grant of a licence.
- (4)
 - (a) Every application referred to in sub-section (3) shall be made in such form and on payment of such fee as may be prescribed to the Chief Wild Life Warden or the authorised officer.
 - (b) No licence referred to in sub-section (1) shall be granted unless the Chief Wild Life Warden, or the authorised officer having regard to antecedents and previous experience of the applicant, the implication which the grant of such licence would have in the status of wildlife to such other matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted.
- (5) Every licence granted under this section shall specify the premises in which and the conditions, if any subject to which the licensee shall carry on his business.
- (6) Every licence granted under this section shall -
 - (a) be valid for one year from the date of its grant;
 - (b) not be transferable; and
 - (c) be renewable for a period not exceeding one year at a time.
- (7) No application for the renewal of a licence shall be rejected unless the holder of such licence has been given a reasonable opportunity of presenting his case and unless the Chief Wild Life Warden or the authorised officer is satisfied that
 - (i) the application for such renewal has been made after the expiry of the period specified therefore, or

- (ii) any statement made by the applicant at the time of the grant or renewal of the licence was incorrect or false in material particulars, or
 - (iii) the applicant has contravened any term or condition of the licence or any provision of this Act or any rule made thereunder, or
 - (iv) the applicant does not fulfil the prescribed conditions.
- (8) Every order granting or rejecting an application for the grant or renewal of a licence shall be made in writing.
- (9) Nothing in the foregoing sub-sections shall apply in relation to vermin.

45. Suspension or cancellation of licences -

Subject to any general or special order of the State Government, the Chief Wild Life Warden or the authorised officer may, for reasons to be recorded by him in writing, suspend or cancel any licence granted or renewed under section 44:

Provided that no such suspension or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

46. Appeal

- (1) An appeal from an order refusing to grant or renew a licence under section 44 or an order suspending or canceling a licence under section 45 shall lie:
 - (a) if the order is made by the authorised officer, to the Chief Wild Life Warden; or
 - (b) if the order is made by the Chief Wild Life Warden, to the State Government.
- (2) In the case of an order passed in appeal by the Chief Wild Life Warden under clause (a) of sub-section (1), a second appeal shall lie to the State Government.
- (3) Subject as aforesaid, every order passed in appeal under this section shall be final.
- (4) An appeal under this section shall be preferred within thirty days from the date of communication, to the applicant, of the order appealed against:

Provided that the appellate authority may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

47. Maintenance of records -

A licensee under this Chapter shall -

- (a) keep records, and submit such returns of his dealings, as may be prescribed:-
 - (i) to the Director or any other officer authorised by him in this behalf, and

- (ii) to the Chief Wild Life Warden or the authorised officer; and
- (b) make such records available on demand for inspection by such officers.

48. Purchase of animal, etc., by licensee

No licensee under this Chapter shall-

- (a) keep in his control, custody or possession, -
 - (i) any animal, animal articles, trophy or uncured trophy in respect of which a declaration under the provisions of sub-section (2) of section 44 has to be made but has not been made;
 - (ii) any animal or animal article, trophy, uncured trophy or meat which has not been lawfully acquired under the provisions of this Act or any rule or order made there under.
- (b)
 - (i) capture any wild animal, or
 - (ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any captive animal specified in Schedule I or Part II of Schedule II or any animal article, trophy, uncured trophy or meat derived therefrom or serve such meat, or put under a process of taxidermy or make animal article containing part or whole of such animal, except in accordance with such rules as may be made under this Act:

Provided that where the acquisition or possession, control or custody of such animal or animal article, trophy or uncured trophy entails the transfer or transport from one State to another, no such transfer or transport shall be effected except with the previous permission in writing of the Director or any other officer authorised by him in this behalf:

Provided further that no such permission under the foregoing proviso shall be granted unless the Director or the officer authorised by him is satisfied that the animal or article aforesaid has been lawfully acquired.

48A. Restriction on transportation of wild life -

No person shall accept any wild animal (other than vermin), or any animal article, or any specified plant or part or derivative thereof, for transportation except after exercising due care to ascertain that permission from the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf has been obtained for such transportation.

49. Purchase of captive animal, etc, by a person other than a licensee -

No person shall purchase, receive or acquire any captive animal, wild animal, other than vermin, or any animal article, trophy, uncured trophy or meat derived

therefrom otherwise than from a dealer or from a person authorised to sell or otherwise transfer the same under this Act;

Provided that nothing in this section shall apply to a recognised zoo subject to the provisions of section 38-I or to public museum.

CHAPTER VA

PROHIBITION OF TRADE OR COMMERCE IN TROPHIES, ANIMAL ARTICLES, ETC. DERIVED FROM CERTAIN ANIMALS

49A. Definitions -

In this Chapter, -

- (a) “scheduled animal” means an animal specified for the time being in Schedule I or Part II of Schedule II;
- (b) “scheduled animal article” means an article made from any scheduled animal and includes an article or object in which the whole or any part of such animal 2[has been used but does not include tail feather of peacock, an article or trophy made therefrom and snake venom or its derivative;]
- (c) “specified date” means -
 - (i) in relation to a scheduled animal on the commencement of the Wild Life (Protection) Amendment Act, 1986, the date of expiry of two months from such commencement;
1[xxx]
 - (ii) in relation to any animal added or transferred to Schedule I or Part II of Schedule II at any time after such commencement, the date of expiry of two months from such addition or transfer;
 - 2[(iii) in relation to ivory imported into India or an article made from such ivory, the date of expiry of six months from the commencement of the Wild Life (Protection) Amendment Act, 1991.]

49B. Prohibition of dealings in trophies, animal articles, etc., derived from scheduled animals –

- (1) Subject to the other provisions of this section, on and after the specified date, no person shall, -
 - (a) commence or carry on the business as -
 - (i) a manufacturer of, or dealer in scheduled animal articles; or
- (2)(a)(i) a dealer in ivory imported into India or articles made therefrom or a manufacturer of such articles; or]
- (ii) a taxidermist with respect to any scheduled animals or any parts of such animals; or

- (iii) a dealer in trophy or uncured trophy derived from any scheduled animal; or
- (iv) a dealer in any captive animals being scheduled animals; or
- (v) a dealer in meat derived from any scheduled animal; or
- (b) cook or serve meat derived from any scheduled animal in eatinghouse.

Explanation - For the purposes of this sub-section, “eating-house” has the same meaning as the Explanation below sub-section (1) of section 44. (2) Subject to the other provisions of this section, no licence granted or renewed under section 44 before the specified date shall entitle the holder thereof or any other person to commence or carry on the business referred to in clause (a) of sub-section (1) of this section or the occupation referred to in clause (b) of that sub-section after such date.

- (3) Notwithstanding anything contained in sub-section (1) or sub-section (2) where the Central Government is satisfied that it is necessary or expedient so to do in the public interest, it may, by general or special order published in the Official Gazette, exempt, for purposes of export, any corporation owned or controlled by the Central Government (including a Government company within the meaning of section 617 of the Companies Act, 1956 (1 of 1956) or any society registered under the Societies Registration Act, 1860 (21 of 1860) or any other law for the time being in force, wholly or substantially financed by the Central Government from the provisions of sub-sections (1) and (2).
- (4) Notwithstanding anything contained in sub-section (1) or sub-section (2), but subject to any rules which may be made in this behalf, a person holding a licence under section 44 to carry on the business as a taxidermist may put under a process of taxidermy any scheduled animal or any part thereof, -
 - (a) for or on behalf of the Government or any corporation or society exempted under sub-section (3), or
 - (b) with the previous authorisation in writing of the Chief Wild Life Warden, for and on behalf of any person for educational or scientific purposes.

49C. Declaration by dealers -

- (1) Every person carrying on the business or occupation referred to in sub-section (1) of section 49B shall, within thirty days from the specified date, declare to the Chief Wild Life Warden or the authorised officer, -
 - (a) his stocks, if any, as at the end of the specified date of -
 - (i) scheduled animal articles;
 - (ii) scheduled animals and parts thereof;

- (iii) trophies and uncured trophies derived from scheduled animals;
 - (iv) captive animals, being scheduled animals;
 - (v) ivory imported into India or articles made therefrom;]
 - (b) the place or places at which the stocks mentioned in the declaration are kept; and
 - (c) the description of such items, if any, of the stocks mentioned in the declaration which he desires to retain with himself for his bona fide personal use.
- (2) On receipt of a declaration under sub-section (1), the Chief Wild Life Warden or the authorised officer may take all or any of the measures specified in section 41 and for this purpose the provisions of section 41 shall so far as may be, apply.
- (3) Where, in a declaration made under sub-section (1), the person making the declaration expresses his desire to retain with himself any of the items of the stocks specified in the declaration for his bona fide use, the Chief Wild Life Warden, with the prior approval of the Director, may, if he is satisfied that the person is in lawful possession of such items, issue certificates of ownership in favour of such person with respect to all, or as the case may be, such of the items as in the opinion of the Chief Wild Life Warden, are required for the bona fide personal use of such person and affix upon such items identification marks in such manner as may be prescribed;
Provided that no such item shall be kept in any commercial premises.
- (4) No person shall obliterate or counterfeit any identification mark referred to in sub-section (3).
- (5) An appeal shall lie against any refusal to grant certificate or ownership under sub-section (3) and the provisions of sub-sections (2), (3) and (4) of section 46 shall, so far as may be, apply in relation to appeals under this sub-section.
- (6) Where a person who has been issued a certificate of ownership under subsection (3) in respect of any item, _
- (a) transfers such item of any person, whether by way of gift, sale or otherwise, or
 - (b) transfers or transports from the State in which he resides to another State any such item, he shall, within thirty days of such transfer or transport, report the transfer or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.
- (7) No person, other than a person who has been issued a certificate of ownership under sub-section (3) shall, on and after the specified date, keep

under his control, sell or offer for sale or transfer to any person 1[any scheduled animal or a scheduled animal article or ivory imported into India or any article made therefrom.

CHAPTER VI

PREVENTION AND DETECTION OF OFFENCES

50. Power of entry, search, arrest and detention -

- (1) Notwithstanding anything contained in any other law for the time being in force, the Director or any other officer authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer or any forest officer or any police officer not below the rank of a sub-inspector, may, if he has reasonable grounds for believing that any person has committed an offence against this Act.-
 - (a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, 68[trophy, uncured trophy specified plant or part or derivative thereof] in his control, custody or possession, or any licence, permit or other document granted to him or required to be kept by him under the provisions of this Act;
 - (b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle or vessel, in the occupation of such person, and open and search any baggage or other things in his possession;
 - (c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof, in respect of which an offence against this Act appears to have been committed, in the possession of any person together with any trap, tool vehicle, vessel or weapon used for committing any such offence and, unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest him without warrant, and detain him:

Provided that where a fisherman residing within ten kilometres of a sanctuary or National Park, inadvertently enters on a boat, not used for commercial fishing, in the territorial water in that sanctuary or National Park, a fishing tackle or net on such boat shall not be seized.

2[(2) (xxx)]

- (2) Omitted by Ntfn. No. LAW 44 LCA 91 Dt 19-12-1991 KGD 5-3-1992
- (3) It shall be lawful for any of the officers referred to in sub-section (1) to stop and detain any person, whom he sees doing any act for which a licence or permit is required under the provisions of this Act, for the purposes of requiring such person to produce the licence or permit and if such person fails

to produce the licence or permit, as the case may be, he may be arrested without warrant, unless he furnishes his name and address, and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

- (3A) Any officer of a rank not inferior to that of an Assistant Director of Wild Life Preservation or Wild Life Warden, who, or whose subordinate, has seized any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bond for the production of such animal if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.
- (4) Any person detained, or things seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law.
- (5) Any person who, without reasonable cause, fails to produce anything, which he is required to produce under this section, shall be guilty of an offence against this Act.
- (6) Where any meat, uncured trophy-specified plant, or part or derivative thereof is seized under the provisions of this section, the Assistant Director of Wild Life Preservation or any other officer of a gazetted rank authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer may arrange for the sale of the same and deal with the proceeds of such sale in such manner as may be prescribed.
- (7) Whenever any person is approached by any of the officers referred to in sub-section (1) for assistance in the prevention or detection of an offence against this Act, or in apprehending persons charged with the violation of this Act, or for seizure in accordance with clause (c) of sub-section (1), it shall be the duty of such person or persons to render such assistance.
- (8) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Director of Wild Life Preservation or Wild Life Warden shall have the powers, for purposes of making investigation into any offence against any provision of this Act,
 - (a) to issue a search warrant;
 - (b) to enforce the attendance of witnesses;
 - (c) to compel the discovery and production of documents and material objects; and
 - (d) to receive and record evidence
- (9) Any evidence recorded under clause (d) of sub-section (8) shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in the presence of the accused person.

51. Penalties -

- (1) Any person who 72[contravenes any provision of this Act 73 [(except Chapter VA and section 38J)]] or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to 73[three years] or with fine which may extend to 73[twenty five thousand rupees] or with both:

Provided that where the offence committed is in relation to any animal specified in Schedule I or Part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence 2 [relates to hunting in, or altering the boundaries of a sanctuary or a National Park such offence shall be punishable with imprisonment for a term which shall not be less than three years but may extend to six years and also with fine which shall not be less than ten thousand rupees;

Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment may extend to six years and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees;

- 1[(1A) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and also with fine which shall not be less than ten thousand rupees;]

- 1[(1B) Any person who contravenes the provisions of section 38J shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that in the case of a second or subsequent offence the term of imprisonment may extend to one year, or with fine which may extend to five thousand rupees;]

- (2) When any person is convicted of an offence against this Act, the court trying the offence may order that any captive animal, wild animal, animal article, trophy, 3[uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant, or part or derivative thereof] in respect of which the offence has been committed, and any trap, tool, vehicle, vessel or weapon, used in the commission of the said offence be forfeited to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.
- (3) Such cancellation of licence or permit or such forfeiture shall be in addition to any other punishment that may be awarded for such offence.

- (4) Where any person is convicted of an offence against this Act, the court may direct that the licence, if any, granted to such person under the Arms Act, 1959 (54 of 1954), for possession of any arm with which an offence against this Act has been committed, shall be cancelled and that such person shall not be eligible for a licence under the Arms Act, 1959 (54 of 1954), for a period of five years from the date of conviction.
- (5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) or in the Probation of Offenders Act, 1958 (20 of 1958) shall apply to a person convicted of an offence with respect to hunting in a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age.

51A. Certain conditions to apply while granting bail:

When any person accused of the commission of any offence relating to Schedule I or Part II of Schedule II or offences relating to hunting inside the boundaries of National Park or Wild Life Sanctuary or altering the boundaries of such parks and sanctuaries, is arrested under the provisions of the Act, then notwithstanding anything contained in the Code of Criminal Procedure 1973 no such person who had been previously convicted of an offence under this Act shall, be released on bail unless:-

- (a) the public prosecutor has been given an opportunity of opposing the release on bail; and
- (b) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail]

52. Attempts and abetment

Whoever attempts to contravene, or abets the contravention of, any of the provisions of this Act or of any rule or order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.

53. Punishment for wrongful seizure

If any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretence of seizing it for the reasons mentioned in section 50, he shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

54. Power to compound offence -

- (1) The Central Government may by notification, empower the Director of Wild Life Preservation or any other officer not below the rank of Assistant Director of Wild Life Preservation and in the case of State Government in the similar manner, empower the Chief Wild Life Warden or any officer of a

rank not below the rank of a Deputy Conservator of Forests, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

- (2) On payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.
- (3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer so empowered, for the cancellation of such licence or permit.
- (4) The sum of money accepted or agreed to be accepted as composition under sub-section (1) shall, in no case, exceed the sum of twenty five thousand rupees

Provided that no offence for which minimum period of imprisonment has been prescribed in section 51, shall be compounded

55. Cognizance of offences.-

No court shall take cognizance of any offence against this Act except on the complaint of any person other than a) the Director of Wild Life Preservation or any other officer authorised in this behalf by the Central Government, or

- (aa) Member Secretary, Central Zoo authority in matters relating to violation of the provisions of Chapter IVA or]
- (b) the Chief Wild Life Warden, or any other officer authorised in, this behalf by the State Government 2[subject to such conditions as may be specified by that Government; or]
- (bb) the officer incharge of the Zoo in respect of violation of provisions of Section 38J; or
- (c) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Central Government or the State Government or the officer authorised as aforesaid.

56. Operation of other laws not barred -

Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any act or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act:

Provided that no person shall be punished twice for the same offence.

57. Presumption to be made in certain cases -

Where, in any prosecution for an offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, 1[trophy, uncured trophy, specified plant, or part or derivative thereof] it shall be presumed, until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat trophy, uncured trophy, specified plant, or part or derivative thereof.

58. Offences by companies -

- (1) Where an offence against this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence against this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section,-

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
(b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER VIA

**FORFEITURE OF PROPERTY DERIVED FROM ILLEGAL
HUNTING AND TRADE**

58-A. Application

The provisions of this Chapter shall apply only to the following persons, namely:-

- (a) every person who has been convicted of an offence punishable under this Act with imprisonment for a term of three years or more;
(b) every associate of a person referred to in clause (a);
(c) any holder (hereafter in this clause referred to as the present holder) of any

property which was at any time previously held by a person referred to in clause (a) or clause (b) unless the present holder or, as the case may be, any one who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

58-B. Definitions:

In this Chapter, unless the context otherwise requires:-

- (a) “Appellate Tribunal” means the Appellate Tribunal for Forfeited Property constituted under section 58-N;
- (b) “associate” in relation to a person whose property is liable to be forfeited under this Chapter, includes:-
 - (i) any individual who had been or is managing the affairs or keeping the accounts of such person,
 - (ii) any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act, 1956 (1 of 1956) of which such person had been or is a member, partner or director;
 - (iii) any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company; referred to in sub-clause (ii) at any time when such person had been or is a member, partner or director of such association, body partnership firm or private company;
 - (iv) any person, who had been or is managing the affairs, or keeping the accounts of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause (iii);
 - (v) the trustee of any trust, where,- (1) the trust has been created by such person; or (2) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts on the date on which contribution is made, to not less than twenty per cent of the value of the assets of the trust on that date;
 - (vi) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person;
- (c) “competent authority” means an officer authorised under section 58-D;
- (d) “concealment” means the concealment or disguise of the nature, source, disposition movement or ownership of property and includes the movement or conversion of such property by electronic transmission or by any other means,

- (e) “freezing” means temporarily prohibiting the transfer, conversion, disposition or movement of property by an order issued under section 58-F;
- (f) “identifying” includes establishment of proof that the property was derived from, or used in, the illegal hunting and trade of Wildlife and its products;
- (g) ‘Illegally acquired property’ in relation to any person to whom this Chapter applies, means,-
 - (i) any property acquired by such person, wholly or partly out of or by means of any income, earnings or assets derived or obtained from or attributable to illegal hunting and trade of Wildlife and its products and derivatives;
 - (ii) any property acquired by such person, for a consideration or by any means, wholly or partly traceable to any property referred to in sub-clause (i) or the income or earning from such property, and includes,-
 - (A) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous holder or, where there are two or more such previous holders, the last of such previous holders is or was a transferee in good faith for adequate consideration;
 - (B) any property acquired by such person, for a consideration, or by any means, wholly or partly traceable to any property falling under item (A), or the income or earnings therefrom; (h) “property” means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived from the illegal hunting and trade of Wildlife and its products;
 - (i) “relative” means
 - (1) spouse of the person;
 - (2) brother or sister of the person;
 - (3) brother or sister of the spouse of the person;
 - (4) any lineal ascendant or descendant of the person;
 - (5) lineal ascendant or descendant of the spouse of the person;
 - (6) spouse of a person referred to in sub-clause (2), sub-clause (3), sub-clause (4) or sub-clause (5);
 - (7) any lineal descendant of a person referred to in sub-clause (2) or (sub-clause (3));
- (j) “tracing” means determining the nature, source, disposition, movement, title or ownership of property;
- (k) “trust” includes any other legal obligation.

58-C. Prohibition of holding illegally acquired property

- (1) From the date of commencement of this Chapter, it shall not be lawful for any person to whom this Chapter applies to hold any illegally acquired property either by himself or through any other person on his behalf.
- (2) Where any person holds such property in contravention of the provisions of sub-section (1), such property shall be liable to be forfeited to the State Government concerned in accordance with the provisions of this Chapter:

Provided that no property shall be forfeited under this Chapter if such property was acquired by a person to whom this Act applies before a period of six years from the date on which he was charged for an offence relating to illegal hunting and trade of Wildlife and its products.

58-D. Competent authority.-

The State Government may by order published in the Official Gazette, authorise any officer not below the rank of Chief Conservator of Forests to perform the functions of the competent authority under this Chapter in respect of such persons or classes of persons as the State Government may, direct.

58-E. Identifying illegally acquired property.-

- (1) An officer not below the rank of Deputy Inspector General of Police duly authorised by the Central Government or as the case may be, the State Government, shall, on receipt of a complaint from the competent authority about any person having illegally acquired property, proceed to take all steps necessary for tracing and identifying any property illegally acquired by such person.
- (2) The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account in any bank or financial institution or any other relevant step as may be necessary.
- (3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an officer mentioned in sub-section (1) in accordance with such directions or guidelines as the competent authority may make or issue in this behalf.

58-F. Seizure of freezing of illegally acquired property.

- (1) Where any officer conducting an inquiry or investigation under section 58-E has reason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired property and such property is likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to forfeiture of such property under this Chapter, he may make an order for seizing such property and where it is not practicable to seize such property, he may make an

order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority and a copy of such order shall be served on the person concerned:

Provided that a copy of 'such an order shall be sent to the competent authority within forty eight hours of its being made.

- (2) Any order made under sub-section (1) shall have no effect unless the said order is confirmed by an order of the competent authority within a period of thirty days of its being made.

Explanation-For the purposes of this section, "transfer of property" means any disposition, conveyance, assignment, settlement, delivery, payment or other alienation of property and, without limiting the generality of the foregoing, includes-

- (a) the creation of a trust in property;
- (b) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in property;
- (c) the exercise of a power of appointment, of property vested in any person not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and
- (d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person.

58-G. Management of properties seized or forfeited under this Chapter.-

- (1) The State Government may, by order published in the Official Gazette, appoint as many of its officers (not below the rank of Conservator of Forests) as it thinks fit, to perform the functions of an Administrator.
- (2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under sub-section (1) of section 58-F or under section 58-I in such manner and subject to such conditions as may be prescribed.
- (3) The Administrator shall also take such measures as the State Government may direct, to dispose of the property, which is forfeited to the State Government.

58-H. Notice of forfeiture of property.-

- (1) If having regard to the value of the properties held by any person to whom this Chapter applies, either by himself or through any other person on his behalf, his known sources of income, earnings or assets, and any other information or material available to it as a result of a report from any officer

making an investigation under section 58-E or otherwise, the competent authority for reasons to be recorded in writing believes that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within a period of thirty days specified in the notice to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the State Government under this Chapter and in support of his case indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars.

- (2) Where a notice under sub-section (1) to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person.

58-I. Forfeiture of property in certain cases.-

- (1) The competent authority may, after considering the explanation, if any, to the show cause notice issued under section 58-H, and the materials available before it and after giving to the person affected and in a case where the person affected holds any property specified in the notice through any other person, to such other person, also a reasonable opportunity of being heard, by order, record a finding whether all or any of the properties in question are illegally acquired properties:

Provided that if the person affected (and in a case where the person affected holds any property specified in the notice through any other person such other person also), does not appear before the competent authority or represent his case before it within a period of thirty days specified in the show cause notice, the competent authority may proceed to record a finding under this sub-section ex parte on the basis of evidence available before it.

- (2) Where the competent authority is satisfied that some of the properties referred to in the show cause notice are illegally acquired properties but is not able to identify, specifically such properties, then, it shall be lawful for the competent authority to specify the properties which, to the best of its judgment, are illegally acquired properties and record a finding accordingly under sub-section (1) within a period of ninety days.
- (3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Chapter stand forfeited to the State Government free from all encumbrances.
- (4) In case the person affected establishes that the property specified in the notice issued under section 58-H is not an illegally acquired property and

therefore not liable to be forfeited under the Act, the said notice shall be withdrawn and the property shall be released forthwith.

- (5) Where any shares in a company stand forfeited to the State Government under this Chapter, the company shall, notwithstanding anything contained in the Companies Act, 1956 or the article of association of the company, forthwith register the State Government as the transferee of such shares.

58-J. Burden of proof:-

In any proceedings under this Chapter, the burden of proving that any property specified in the notice served under section 58-H is not illegally acquired property shall be on the person affected.

58-K. Fine in lieu of forfeiture.-

- (1) Where the competent authority makes a declaration that any property stands forfeited to the State Government under Section 58-I and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the competent authority, it shall make an order giving option to the person affected to pay, in lieu of forfeiture, a fine equal to the market value of such part.
- (2) Before making an order imposing a fine under sub-section (1), the person affected shall be given a reasonable opportunity of being heard.
- (3) Where the person affected pays the fine due under sub-section (1), within such time as may be allowed in that behalf, the competent authority may, by order revoke the declaration of forfeiture under section 58-I and thereupon such property shall stand released.

58-L. Procedure in relation to certain trust properties.-

In the case of any person referred to in sub-clause (vi) of clause (b) of section 58-B, if the competent authority, on the basis of the information and materials available to it, for reasons to be recorded in writing believes that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within a period of thirty days specified in the notice, to explain the source of money or other assets out of or by means of which such property was acquired or, as the case may be, the source of money or other assets which were contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be a notice served under section 58-H and all the other provisions of this Chapter shall apply accordingly.

Explanation.-For the purposes of this section “illegally acquired property” in relation to any property held in trust, includes

- (i) any property which if it had continued to be held by the author of the trust

or the contributor of such property to the trust would have been illegally acquired property in relation to such author or contributor.

- (ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person acquired such property out of such contributions.

58-M. Certain transfers to be null and void.-

Where after the making of an order under sub-section (1) of section 58-F or the issue of a notice under section 58-H or under Section 58-L, any property referred to in the said order or notice is transferred by any mode whatsoever, such transfer shall, for the purposes of the proceedings under this Chapter, be ignored and if such property is subsequently forfeited to the State Government under section 58-A, then, the transfer of such property shall be deemed to be null and void.

58-N. Constitution of Appellate Tribunal.—

- (1) The State Government may, by notification in the Official Gazette, constitute an Appellate Tribunal to be called the Appellate Tribunal for Forfeited Property consisting of a Chairman, and such number of other members (being of the State Government not below the rank of a Principal Secretary to the Government), as the State Government thinks fit, to be appointed by that Government for hearing appeals against the orders made under section 58-F, section 58-I, sub-section (1) of section 58-K or section 58-L.
- (2) The Chairman of the Appellate Tribunal shall be a person who is or has been or is qualified to be a Judge of a High Court.
- (3) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

58-O. Appeals

- (1) Any person aggrieved by an order of the competent authority made under section 58-17, section 58-4, sub-section (1) of section 58-K or section 58-L may, within forty-five days from the date on which the order is served on him prefer an appeal to the Appellate Tribunal:
Provided that the Appellate Tribunal may entertain an appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (2) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving an opportunity of being heard to the appellant, if he so desires, and after making such further inquiry as it deems fit, confirm, modify or set aside the order appealed against.
- (3) The Appellate Tribunal may regulate its own procedure.

- (4) On application to the Appellate Tribunal and on payment of the prescribed fee, the Appellate Tribunal may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any relevant records and registers of the Appellate Tribunal and obtain a certified copy or any part thereof.

**58-P. Notice or order not to be invalid for error in description. **

No notice issued or served, no declaration made, and no order passed under this Chapter shall be deemed to be invalid by reason of any error in the description of the property or person mentioned therein if such property or person is identifiable from the description so mentioned.

58-Q. Bar of jurisdiction.-

No order passed or declaration made under this Chapter shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which the Appellate Tribunal or any competent authority is empowered by or under this Chapter to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter.

58-R. Competent authority and Appellate Tribunal to have powers of Civil Court.-

The competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses or documents;
- (f) any other matter, which may be prescribed.

58-S. Information to competent authority.-

- (1) Notwithstanding anything contained in any other law for the time being in force, the competent authority shall have power to require any officer or authority of the Central Government or a State Government or a local authority to furnish information in relation to such persons, on points or matters as in the opinion of the competent authority will be useful for, or relevant to, the purposes of this Chapter.
- (2) Every officer referred to in section 58-T may furnish *suo motu* any information available with him to the competent authority if in the opinion of the of-

ficer such information will be useful to the competent authority for the purposes of this Chapter.

58-T. Certain officers to assist Administrator, competent authority and Appellate Tribunal.-

For the purposes of any proceedings under this Chapter, the following officers shall render such assistance as may be necessary to the Administrator appointed under section 58-C, Competent Authority and the Appellate Tribunal, namely:-

- (a) Officers of Police;
- (b) Officers of the State Forest Departments;
- (c) Officers of the Central Economic Intelligence Bureau;
- (d) Officers of the Directorate of Revenue Intelligence;
- (e) such other officers as specified by the State Government in this behalf by notification in the Official Gazette.

58-U. Power to take possession.-

- (1) Where any property has been declared to be forfeited to the State Government under this Chapter, or where the person affected has failed to pay the fine due under sub-section (1) of section 58-K within the time allowed therefore under sub-section (3) of that section, the competent authority may order the person affected as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the Administrator appointed under section 58-G or to any person duly authorised by him in this behalf within thirty days of the service of the order.
- (2) If any person refuses or fails to comply with an order made under sub-section (1), the Administrator may take possession of the property and may for that purpose use such force as may be necessary.
- (3) Notwithstanding anything contained in sub-section (2), the Administrator may, for the purpose of taking possession of any property referred to in subsection (1) requisition the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

58-V. Rectification of mistakes -

With a view to rectifying any mistake apparent from record, the Competent Authority or the Appellate Tribunal, as the case may be, may amend any order made by it within a period of one year from the date of the order:

Provided that if any such amendment is likely to affect any person prejudicially and the mistake is not of a clerical nature, it shall not be made without giving to such person a reasonable opportunity of being heard.

58- W. Findings under other laws not conclusive for proceedings under this Chapter.-

No finding of any officer or authority under any other law shall be conclusive for the purposes of any proceedings under this Chapter.

58-X. Service of notices and orders.-

Any notice or order issued or made under this Chapter shall be served,-

- (a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent;
- (b) if the notice or order cannot be served in the manner provided in clause (a), by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made or on some conspicuous part of the premises in which the person for whom it is intended is known to have last resided or carried on business or personally worked for gain.

58-Y. Punishment for acquiring property in relation to which proceedings have been taken, under this Chapter.-

Any person who knowingly acquires, by any mode whatsoever, any property in relation to which proceedings are pending under this Chapter shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to fifty thousand rupees.

**CHAPTER VII
MISCELLANEOUS**

59. Officers to be public servants -

Every officer referred to 1[in Chapter II and the chairperson, members, member-secretary and other officers and employees referred to in Chapter IVA] and every other officer exercising any of the powers conferred by this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860) of the Indian Penal Code.

60. Protection of action taken in good faith -

- (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done under this Act.
- (2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.
- (3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IVA and its chairperson, members, member-secretary, officers and

ther employees for anything which is in good faith done or intended to be done under this Act.]

60 A. Reward to persons.-

- (1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may, when passing judgment, order that the reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding 3[fifty percent of such fine];
- (2) When a case is compounded under section 54, the officer compounding may order reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the sum of money accepted by way of composition not exceeding 3[fifty percent of such money.]

60B. Reward by State Government:

The State Government may empower chief Wild Life Warden to order payment of reward not exceeding ten thousand rupees to be paid to a person who renders assistance in the detection of the offence of the apprehension of the offender, from such fund and in such manner as may be prescribed

61. Power to alter entries in Schedules._

- (1) The Central Government may, if it is of opinion that it is expedient so to do, by notification, 2[add or delete any entry to or from any Schedule] or transfer any entry from one Part of a Schedule to another Part of the same Schedule or from one Schedule to another.

2[(2) (xxxx)]

- (3) On the issue of a notification under sub-section (1) 85[***]the relevant Schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.

2[(4) (xxxx)]

62. Declaration of certain wild animals to be vermin.-

1[Central Government] may, by notification, declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.

63. Power of Central Government to make rules.

- (1) The Central Government may, by notification, make rules for all or any of the following matters, namely:-

- (a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F;
 - 3[(ai) the term of office of members other than those who are members ex officio; the manner of filling vacancies, the procedure to be followed by the National Board under sub-section (2) and allowances of those members under sub-section (3) of Section 5A;]
 - (b) the salaries and allowances and other conditions of appointment of chairperson, members and member-secretary under sub-section (5) of section 38B;
 - (c) the terms and conditions of service of the officers and other employees of the Central Zoo Authority under sub-section (7) of section 38B;
 - (d) the form in which the annual statement of accounts of the Central Zoo Authority shall be prepared under sub-section (4) of section 38E;
 - (e) the form in which and the time at which the annual reports of the Central Zoo Authority shall be prepared under section 38F;
 - (f) the form in which and the fee required to be paid with the application for recognition of a zoo under sub-section (2) of section 38H;
 - (g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of section 38H;
 - (h) the form in which declaration shall be made under sub-section (2) of section 44;
 - (i) the matters to be prescribed under clause (b) of sub-section (4) of section 44;
 - (j) the terms and conditions which shall govern transactions referred to in clause (b) of section 48;
 - (k) the manner in which notice may be given by a person under clause (c) of section 55; (l) the matters specified in sub-section (2) of section 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government.]
- (2) Every rule made under this section 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 successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule could not be made, the rule shall thereafter 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 without prejudice to the validity of anything previously done under that rule.

64. Power of State Government to make rules.

- (1) The State Government may, by notification, make rules for carrying out the provisions of this Act in respect of matters which do not fall within the purview of section 63.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely;-
 - (a) the term of office of the members other than those who are members, ex officio, the manner of filling vacancies and the procedure to be followed by the board under sub-section (2) of section 6;
 - (b) allowances referred to in sub-section (3) of section 6;]
 - (c) the forms to be used for any application, certificate, claim, declaration, licence, permit, registration, return or other document, made, granted, or submitted under the provisions of this Act and the fees, if any, therefore;
 - (d) the conditions subject to which any licence or permit may be granted under this Act;
 - (dd) the conditions subject to which the officers will be authorised to file cases in the court;
 - (e) the particulars of the record of wild animals (captured or killed) to be kept and submitted by the licensee;
 - (ee) the manner in which measures for immunisation of live stock shall be taken;
 - (f) regulation of the possession, transfer and the sale of captive animals, meat, animal articles, trophies and uncured trophies;
 - (g) regulation of taxidermy;
 - (ga) the manner and conditions subject to which the administrator shall receive and manage the property under sub-section (2) of section 58G.
 - (gb) the terms and conditions of service of the chairman and other members under sub-section (3) of section 58N;
 - (gc) the fund from which and the manner in which payment of reward under section 60B shall be made;]
 - (h) any other matter which has to be, or may be, prescribed under this Act.

65. Rights of Scheduled Tribes to be protected.

Nothing in this Act shall affect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union territory of Andaman and Nicobar Islands by notification of the Andaman and Nicobar Administration No. 40/67/F, No. G635, Vol. III, dated the 28th April, 1967.

66. Repeal and savings.

- (1) As from the commencement of this Act, every other Act relating to any matter contained in this Act and in force in a State shall, to the extent to which that Act or any provision contained therein corresponds, or is repugnant, to this Act or any provision contained in this Act, stand repealed:

Provided that such repeal shall not,

- (i) affect the previous operation of the Act so repealed, or anything duly done or suffered thereunder;
- (ii) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;
- (iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or
- (iv) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid Act had not been repealed.

- (2) Notwithstanding such repeal,-

- (a) anything done or any action taken under the Act so repealed (including any notification order, certificate, notice or receipt issued, application made, or permit granted) which is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act as if this Act were in force at the time such thing was done or action was taken, and shall continue to be in force, unless and until superseded by anything done of any action taken under this Act.
- (b) every licence granted under any Act so repealed and in force immediately before the commencement of this Act shall be deemed to have been granted under the corresponding provisions of this Act and shall, subject to the provisions of this Act, continue to be in force for the unexpired portion of the period for which such licence had been granted.

- (3) For the removal of doubts, it is hereby declared that any sanctuary or National Park declared by a State Government under any Act repealed under sub-section (1) shall be deemed to be a sanctuary or National park, as the case may be, declared by the State Government under this Act and where any right in or over any land in any such National Park which had not been extinguished under the said Act, at or before the commencement of this Act, the extinguishment of such rights shall be made in accordance with the provisions of this Act.
- (4) For the removal of doubts, it is hereby further declared that where any proceeding under any provision of sections 19 to 25 (both inclusive) is pending on the date of commencement of the Wild Life (Protection) (Amendment) Act, 1991 any reserve forest or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary declared under section 26A.

• • •

SCHEDULE I
(Sections 2, 8,9,11, 40,41, 48,51, 61 & 62)

PART I

MAMMALS

1. Andaman Wild pig (*Sus sorofa andamanensis*)
- 1-A. Bharal (*Ovisnahura*)
- 1 -B. Binturong (*Arctictis Binturong*)
2. Black Buck (*Antelope cervicapra*)
3. Brow-antlered Deer or Thamin (*Cervus eldi*)
- 3-A. Himalayan Brown bear (*Ursus Arctos*)
- 3-B. Capped Langur (*Presbytis pileatus*)
4. Caracal (*Felis caracal*)
- 4-A. Catecean specials
5. Cheetah (*Acinonyx jubatus*)
- 5-A Chinese Pangolin (*Mainis pentadactyla*)
- 5-B Chinkara or India Gazelle (*Gazella gazella bennetti*)
6. Clouded Leopard (*Neofelis nebulosa*)
- 6-A Crab-eating Macaque (*Macaca irusumbrosa*)
- 6-B. Desert Cat (*Felis libyca*)
- 6-C Desert fox (*Vulpes bucapus*)
7. Dugong (*Dugong dugong*)
- 7-A Ermine (*Mustele erminea*)
8. Fishing Cat (*Felis viverrina*)
- 8-A Four-horned antelope (*Tetraceros quadricomis*)
- 8-B. *••
- 8-C ***
- 8-D Gangetic dolphin (*Platanista gangetica*)
- 8-E Gaur or Indian bison (*Bos gaurus*)
9. Golden Cat (*Felis temmincki*)
10. Golden Langur (*Presbytis geei*)
- 10-A Giant squirrel (*Ratufa macroura*)
- 10-B Himalayan Ibex (*Capra ibex*)
- 10-C Himalayan Tahr (*Hemitragus jemlahicus*)
11. Hispid Hare (*Caprolagus hispidus*)
- 11-A Hog badgar (*Arconyx collaris*)
- 12 Hoolock (*Hyloba tes hoolock*)
- 12-A •••
- 12-B Indian Elephant (*Elephas maximus*)

13. Indian Lion (*Panthera leo persica*)
14. Indian Wild Ass (*Equus hemionus khur*)
15. Indian Wolf (*Canis lupus pallipes*)
16. Kashmir Stag (*Cervus elaphus hanglu*)
- 16-A Leaf Monkey (*Presbytis phayrei*)
- 16-B Leopard or Panther (*Panthera pardus*)
17. Leopard Cat (*Felis bengalensis*)
18. Lesser or Red Panda (*Ailurus fulgens*)
19. Lion-tailed Macaque (*Macaca silenus*)
20. Loris (*Loris tardigradus*)
- 20-A Little Indian Porpoise (*Neomeris phocaenoides*)
21. Lynx (*Felis lynx isabellinus*)
22. Malabar Civet (*Viverra megaspila*)
- 22-A Malay or Sun Bear (*Helarctos malayanus*)
23. Marbled Cat (*Felis marmorata*)
24. Markhor (*Capra falconeri*)
- 24-A Mouse Deer (*Tragulus meminna*)
25. Musk Deer (*Moschus moschiferus*)
- 25-A Nilgiri Lungur (*Presbytis johni*)
- 25-B Nilgiri Tahr (*Hemitragus hylocius*)
26. Nyan or Great Tibetan Sheep (*Ovis ammon hodgsoni*)
27. Pallas's Cat (*Felis manul*)
28. Pangolin (*Manis crassicaudata*)
29. Pygmy Hog (*Sus salvanius*)
- 29-A Ratel (*Mellivora capensis*)
30. Rhinoceros (*Rhinoceros unicornis*)
31. Rusty spotted Cat (*Felis rubiginosa*)
- 31-A Serow (*Capricornis sumatraensis*)
- 31-B Clawless Otter (*Aonyx cinerea*)
- 31-C Sloth Bear (*Melursus ursinus*)
32. Slow Loris (*Nycticebus couceang*)
- 32-A Small Travencore Flying Squirrel (*Petinomys fuscocapillus*)
33. Snow Leopard (*Panthera uncia*)
- 33-A Snubfin Dolphin (*Oreaella brevicastris*)
34. Spotted Linsang (*Prionodon pardicolor*)
35. Swamp Deer (All sub-species of *Cervus duvauceli*)
36. Takin or Mishmi Takin (*Budorcas taxicolor*)
- 36A. Tibetan Antelope or Chiru (*Panthelops hodgsoni*)

- 36B Tibetan Fox (*Vulpes ferrilatus*)
- 37. Tibetan Gazelle (*Procapra picticaudata*)
- 38. Tibetan Wild Ass (*Equus beminus kiang*)
- 39. Tiger (*Panthera tigris*)
- 40. Urial or Shapu (*Ovis vignei*)
- 41. Wild Buffalo (*Bubalus bubalis*)
- 41-A Wild Yak (*Bos grunniens*)
- 41-B Tibetan Wolf (*Canis lupus chanco*)
- 42 Wroughton's free tailed bat (*Otomops wroughtoni*)
- 43. Salim Ali's fruit bat (*Latidens salimalii*)

PART II

AMPHIBIANS AND REPTILES

- 1. Agra Monitor Lizard [*Varanus griseus* (Daudin)]
- 1A. *••
- 1B. Audithia Turtle (*Pelochelys bibroni*)
- 1C Barred, Oval, or Yellow Monitor Lizard (*Varanus flavescens*)
- 1D Crocodiles (including the Estuarine or salt water crocodile) (*Crocodilus porosus* and *Crocodilus palustris*)
- 1E. Terrapin (*Batagur basika*)
- 1F Eastern Hill Terrapin (*Melanochelys tricarinata*)
- 2. Gharial (*Gravialis gangeticus*)
- 3. Ganges Soft-shelled Turtle (*Trionyx gangeticus*)
- 3A. Golden Gecko (*Calodactyloides aureus*)
- 4. Green Sea Turtle (*Chelonia Mydas*)
- 5. Hawksbill Turtle (*Eretmochelys imbricata inlscata*)
- 6. •••
- 7. Indian Egg-eating Snake (*Elachistodon westermanni*)
- 8. Indian Soft-shelled Turtle (*Lissemys punctata punctata*)
- 9. Indian Tent Turtle (*Caretta Caretta*)
- 9-A Kerala Forest Terrapin (*Hoesemys sylratica*)
- 10. Large Bengal Monitor Lizard (*Varanus bengalensis*)
- 11. Leathery Turtle (*Dermochelys coriacea*)
- 12. Logger Head Turtle (*Caretta caretta*)
- 13. Olive Back Logger Head Turtle (*Lepidochelys olivacea*)
- 14. Peacock-marked Soft-shelled Turtle (*Trionyx hurum*)
- 14-A Pythons (Genus *Python*)
- 14-B Sail terrapin (*Kachuga Kachuga*)
- 14-C Spotted black Terrapin (*Geoclemys hamiltoni*)

- 15 ...
 16. •»•
 17 ***

17-A Water Lizard (*Varanus salvator*)

PART - II - A

FISHES

1. Whale Shark (*Rhincodon typus*)
2. Shark and Ray
 - (i) *Anoxypristis cuspidata* (ii) *Carcharhinus hemiodon*
 - (iii) *Glyphis gangeticus* (iv) *Glyphis glyphis*
 - (v) *Himantura fluviatilis* (vi) *Pristis microdon*
 - (vii) *Pristis zijsron* (viii) *Rhynchobatus djiddensis*
 - (ix) *Urogymus asperrimus*.

PART III

BIRDS

1. Andaman Teal (*Anas gibberifrons allagularis*)
- 1-A Assam Bamboo Partridge (*Bambusicola fytchii*)
- 1-B Bazas (*Aviceda jeordone* and *Aviceda leuphotes*)
- 1-C Bengal Florican (*Eupodotis bengalensis*)
- 1-D Black-necked Crane (*Grus nigricollis*)
- 1-E Blood Pheasants (*Ithaginis cruentus tibetanus*, *Ithaginis Cruentus kuseri*)
- 1F. ***
2. Cheer Pheasant (*Catreus wallichii*)
- 2A. Eastern White Stork (*Ciconia ciconia boyciana*)
- 2B Forest-spotted Owlet (*Athene blewitti*)
- 2C. Frogmouths (Genus *batrachostomus*)
3. Great Indian Bustard (*Choriotis nigriceps*)
4. Great Indian Hornbill (*Buceros bicornis*)
- 4A Hawks (*Accipitridae*)
- 4B. Hooded Crane (*Grus monacha*)
- 4C. Hornbills (*Ptilolaemus tickelli austeni*, *Aceros nipalensis*, *Rhyticeros undulatus ticehursti*)
- 4D Houbara Bustard (*Chlamydotis undulata*)
- 4E Humes Bar-backed Pheasant (*Symaticus humiae*)
- 4F Indian Pied Hornbill (*Anthracoceros malabaricus*)
5. Jerdon's Courser (*Cursorius bitorquatus*)
6. Lammergeier (*Gypaetus barbatus*)
7. Large Falcons (*Falco peregrinus*, *Falco biarmicus* and *Falco chicuera*)

- 7A Large Whistling Teal (*Anatidae*)
- 7B Lesser Florican (*Sypheotides indica*)
- 7C Monal Pheasants (*Lophophorus impeyanus*, *Lophophorus Sclateri*)
8. Mountain Quail (*Ophrysia superciliosa*)
9. Narcondam Hornbill [*Rhyticeros (undulatus) narcondami*]
- 9-A ***
10. Nicobar Megapode (*Megapodius freycinet*)
- 10-A Nicobar Pigeon (*Caloenas nicobarica pelewensis*)
- 10-B Osprey or Fish-eating Eagle (*Pandion haliaetus*)
- 10-C Peacock Pheasants (*Polyplectron bicalcaratum*)
11. Peafowl (*Pavo cristatus*)
12. Pink-headed Duck (*Rhodonessa caryophyllacea*)
13. Sclater's Monal (*Lophophorus sclateri*)
14. Siberian White Crane (*Grus leucogeranus*)
- 14-A **»
- 14-B Tibetan Snow-Cock (*Tetraogallus tibetanus*)
15. Tragopan Pheasants (*Tragopan melanocephalus*, *Tragopan blythii*, *Tragopan satyra*, *tragopan temminckii*)
16. White-bellied Sea Eagle (*Haliaeetus leucogaster*)
17. White-eared Pheasant (*Crossoptilon crossoptilon*)
- 17-A White Spoonbill (*Platalea leucorodia*)
18. White-winged Wood Duck (*Cairina scutulata*)
19. Swiftlets (*Collocalia unicolor* and *Collocalia fusiphaga*)
20. Hill myna (*Gracula religiosa intermedia*, *Gracula religiosa peninsularis*, *Gracula religiosa indica* and *Gracula religiosa amanensis*)
21. Tibetan ear pheasant (*Crossoptilon harmani*)
22. Kalij pheasant (*Lophura leucomelana*)
23. Lord Derby's parakeet (*Psittacula derbyana*)
24. Vultures (*Gyps indicus*, *Gyps bengalensis*, *Gyps tenuirostris*)
25. White bellied heron (*Ardea insignis*)

PART IV

CRUSTACEA AND INSECTS

Butterflies and Moths

Family	Common English name
<i>Amathusidae</i>	
<i>Discophora deo deo</i>	Duffer, banded
<i>Discophora sondaica muscina</i>	Duffer, common
<i>Faunis faunula faunuloides</i>	Pallid fauna

Family Danaidae*Danaus gautama gautamodies**Euploea crameri nicevillei**Euploea midamus roepstorfti***Family Lycaenidae***Allotinus drumila**Allotinus fabius penormis**Amblopala avidiena**Amblypodia ace arata**Amblypodia alea constanceae**Amblypodia ammonariel**Amblypodia arvina ardea**Amblypodia asopia**Amblypodia comica**Amblypodia opalima**Amblypodia zeta***Biduanda Melisa Cyana***Biduanda melisa cyana**Callophrys leechii**Castalius rosimon alarbus**Charana cephes**Chloria othona**Deudorix epijarbas amatus**Everes moorei**Gerydus biggsii**Gerydus symethus diopeithes**Heliophorus hybrida**Horaga albimacula**Jamides ferrari**Liphyra brassolis**Listeria dudgenni**Logania Watsoniana subsfasciata**Lycaenopsis binghami**Lycaenopsis haraldus ananga**Lycaenopsis puspa prominens**Lycaenopsis quadriplaga dohertyi**Nacaduba noreia hampsoni**Polyommatus oritulus leela*

Tigers

Crow, spotted Black

Crow, Blue-spotted

Darkie, crenulate/Great

Angled darkie

Hairstreak, Chinese

Leaf Blue

Rosy Oakblue

Malayan Bush blue

Purple Brown tailless Oakblue

Plain tailless Oakblue

Comic Oakblue

Opal Oakblue

Andaman tailless Oakblue

Blue posy

Hairstreak, Ferruginous

Pierrot, common

Mandar in Blue, Cachar

Tit, orchid

Cornelian, scarce

Cupid, Moore's

Bigg's Brownie

Great Brownie

Sapphires

Onyxes

Caeruleans

Butterfly, Moth

Lister's hairstreak

Mottle, Wasten's

Hedge Blue

Hedge Blue, Felder's

Common hedge Blue

Naga hedge Blue

Lineblue, White-tipped

Greenish mountain Blue

Pratapa lcetas mishmia
 Simiskina phalena harterti
 Sinthusia Virgo
 Spindasis elwesi
 Spindasis rukmini
 Strymonia mackwoodi
 Tajuria ister
 Tajuria luculentus nela
 Tajuria yajna yajna
 Thecla ataxus zulla
 Thecla bleti mendera
 Thecla lethia
 Thecla paona
 Thecla pavo
 Virchola similis

Family Nymphalidae

Apatura ulupi ulupi
 Argynnis hegemonia
 Callinaga buddha
 Charaxes durnfordi nicholi
 Cirochroa fasciata
 Diadora nicevillei
 Dillipa morgiana
 Doleschallia bisaltide andamana
 Eriboea moorei sandakanas
 Eriboea schreieri
 Eulaceura manipurensis
 Euthalia durga splendens
 Euthaliaiva
 Euthalia Khama Curvifascia
 Euthalia tellehinia
 Helcyra hemina
 Hypolimnas missipus
 Limenitis austenia purpurascens
 Limenitis zulema
 Melitaea shandura
 Neptis antilope
 Neptis aspasia

Royal, drak Blue
 Brilliant, Broadlanded
 Spark, Pale
 Silverline, Elwes's
 Silverline, Khaki
 Hairstreak, Mackwood's
 Royal, uncertain
 Royal, Chinese
 Royal, Chestnut and Black
 Wonderful hairstreak
 Indian Purple hairstreak
 Watson's hairstreak
 Paona hairstreak
 Peacock hairstreak
 Guava Blues

Emperor, Tawny
 Silver-washed fritillary
 Freak
 Rajah, Chestnut
 Yeomen
 Siren, Scarce
 Emperor, Golden
 Autumn leaf
 Mayanan Nawab
 Blue Nawab
 Emperor, Tytler's
 Barons/Connis/Duchesses
 Duke, Grand
 Duke, Naga
 Baron, Blue
 Emperor, White
 Eggfly, Danaid
 Commodore, Grey
 Admirals
 Fritillaries/Silverstripes
 Sailer, variegated
 Sailer, Great Hockeystick

Neptis columella kankena	Sailer.Short-banded
Neptis cydippe kirbariensis	Sailer, Chinese yellow
Neptis ebusa ebusa	Sailer/Lascar
Neptis jumbah binghami	Sailer, chestnut-streaked
Neptis manasa	Sailer, Pale Hockeystick
Neptis nycteus	Sailer, Hockeystick
Neptis poona	Lascar, tytler's
Neptis sankara nar	Sailer, Broad-banded
Panthoporia jina jina	Bhutan sergeant
Panthoporia reta moorei	Malay staff sergeant
Prothoc franckii regalis	Begum, Blue
Sasakia funebris	Empress
Sophisa chandra	Courtier, Eastern
Symbrenthia silana	Jester, Scarce
Vanessa antiopa yedunula	Admirables?
Family Papilionidae	
Chilasa clytea clytea of commixtus	Common mime
Papilio elephenor	Spangle, yellow-crested
Papilio liomedon	Swallowtail, Malabar Banded
Parnassiusaecogeminifer	Apollo
Parnassius delphius	Banded apollo
Parnassius hannyngtoni	Hannyngton's apollo
Parnassius imperator augustus	Imperial apollo
Parnassius stoliezkanuss	Ladakh Banded apollo
Polydorus coon sambilana	Common clubtail
Polydorus cerassipes	Black windmill
Polydorus hector	Crimson rose
Polydorus neville	Nevill's windmill
Polydorus plutonius pambertoni	Chinese windmill
Polydorus polla	Deniceylle's windmill
Family Pieridae	
Aporia harrietae harrietae	Black veins
Baltia butleri sikkima	White butterfly
Colias colias thrasibulus	Clouded yellows
Colias dubi	Dwarf clouded yellow
Delias samaca	Jezebel, pale
Pieris krueperi devta	Butterfly cabbage/White II

Family Satyriidae

Coelitis mothis adamsoni	Cat's eye, 'Scarce
Cyllogenes janetae	Evening Brown, Scarce
Elymnias peali	Palmfly, Peal's
Elymnias penanga chilensis	Palmfly, Painted
Erebia annada annada	Argus, ringed
Erebia nara singha nara singha	Argus, Mottled
Lethe, distans	Forester, Scarce Red
Lethe dura gammiel	Lilacfork, Scarce
Lethe europa tamuna	Bamboo tree brown
Lethe gemina gafuri	Taylor's tree brown
Lethe guluihal guluihal	Forester, Dull
Lethe margaritae .	Tree brown, Bhutan
Lethe ocellata lyncus	Mystic, dismal
Lethe ramadeva	Silverstripe, Single
Lethe satyabati	Forester, pallid
Mycalesis orseis nautilus	Bushbrown, Purple
Pararge menava maeroides	Wall dark
Ypthima doherryi persimilis	Five ring, Great
1-A. Coconut or Robber Crab (Bigrus latro)	
2. Dragon Fly (Epioplebia laidlawi)	

PART-IV-A**COELENTERATES**

- 1 Reef Building Coral (All Scleractinians)
2. Black Coral (All Antipatharians)
3. Organ Pipe Coral (Tubipora musica)
4. Fire Coral (All Millipora Species)
- 5 Sea Fan (All Gorgonians)]

PART-IV-B**MOLLUSCA**

- | | |
|------------------------|-----------------------|
| 1. Cassis cornuta | 2. Charonia tritonis |
| 3. Conus milneedwardsi | 4. Cypraecassis rufa |
| 5. Hippopus hippopus | 6. Nautilus pompilius |
| 7. Tridacna maxima | 8. Tridacna squamosa |
| 9. Tudicla spirallus. | |

PART-IV-C**ECHINODERMATA**

Sea Cucumber (All Holothurians)

SCHEDULE II
(Sections 2, 8, 9, 11, 40, 41, 43, 48, 51, 61, and 62)

PART-I

- 1-A. Assamese macaque (*Macaca assamensis*)
2. Bengal Porcupine (*Atherurus mecrourus assamensis*)
3. * * *
- 3A. Bonnet macaque (*Macaca radiata*)
- 3-B. * * *
- 3-C Cetatean spp. (other than those listed in Sch. I and Sch. II, Part II)
4. * * *
- 4-A. Common langur (*Presbytis entellus*)
5. * * *
6. * * *
7. Ferrest Badgers (*Melogale moschata*, *Melogale personata*)
8. * * *
9. * * *
10. * * *
11. Himalayan Crestless Porcupine (*Hystrix hodgsoni*)
- 11-A. Himalayan Newtor Salamander (*Tyletrotiton verrucosus*)
12. * * *
13. * * *
14. * * *
15. * * *
16. Pig-tailed macaque (*Macaca nemestrina*)
17. * * *
- 17A. Rhesus macaque (*Macaca mulatta*)
18. * * *
19. Stump-tailed macaque (*Macaca speciosa*)
20. * * *
21. * * *
22. Wild dog or dhole (*Cuon alpinus*)
23. * * *
24. Chameleon (*Chameleon calcaratus*)
25. Spiny-tailed Lizard or Sanda (*Uromastix hardwickii*)

PART II

1. Beetles

Family Amathueidae

Aemona amathusia *amathusia*

Amathusia philippus *andamanicus*

Amathuxida amythaon *amythaon*

Discophora deo *deodoides*

Discophora lepida lepida

Enispe cygnus

Sticopthalma nourmahal

Family Carabidae

Agonotrechus andrewesi

Amara eleganfula

Brososoma gracile

Broterovicollis

Callistominus belli

Chlaenius kanarae

Chlaenius nilgircus

Family Chrysomelidae

Acrocrypta rotundata

Clitea indica

Griva cyanipennis

Nistora madurensis

Nistora semicoreulea

Nonarthra patkaia

Psyllidoes shira

Sebaethe patkaia

Family Cucujidae

Carinophlocus raffrayi

Cucujus grouvelle

Heterojinussemilaetaneus

Laemoploeus incertus

Family Danaidae

Euploea midamus rogenhofer

Family Erycinidae

Abisara kausambi

Dodona dipoea

Libythea lepita

Family Hesperidae

Baoris phidippina

Halpe homolea

Family Inopeplidae

Inopeplus albonotalus

Family Lycaenidae

Allotinus subviolaceus manychus

Discophora timora andamanensi

Faunis sumeas assama

Tauria aliris amplifascia

Amara brucei

Brachinus atripennis

Brososoma bipillifer

Calathus amaroides

Chalenius championi

Chalenius masoni

Bimala indica

Gopala pita

Nisotra cardoni

Nistora nigripennis

Nisotra striatipennis

Psylliodes plana

Sebaethe cervina

Sphaeroderma brevicorne

Cucujus bicolor

Cucujus imperialis

Laemophloeus belli

Pediacus refipes

Euploea melanaleuca

Dodona adonira

Dodona egeon

Bebasa sena

Amblypodia aenea

Amblypodia agaba aurelia
Amblypodia alesia
Amblypodia areste areste
Amblypodia camdeo
Amblypodia fulla ignara
Amblypodia paraganesa zephyreeta
Amblypodia silhetensis
Amblypodia yendava
Araotes lapithis
Bindahara phocides
Castalius roxus manluena
Catapoecilma elegans myositina
Cheritrella truncipennis
Deudoryx hypargyria gaetulia
Everes kala
Horage onyx
Hypolycaena nilgirica
Iraota rochana boswelliana
Jamides celeodus pura
Jamides kankena
Lilacea albocaerulea
Lilacea lilacea
Lilacea minima
Lycaenesthes lycaenina
Mahathala atkinsoni
Nacaduba aluta coelestis
Nacaduba dubiosa fulva
Nacaduba hermus major
Neucheritra febronia
Orthomiella pontis
Polymmatas devanica devancia
Polymmatas orbitulus jaloka
Poritia erycinoides elsiei
Poritia plsurata geta
Pratapa blanka
Pratapa icetas
Rapala chandrana chandrana
Rapala refulgens

Amblypodia agrata
Amblypodia apidanus ahamus
Amblypodia bazaloides
Amblypodia ellisi
Amblypodia genesa watsoni
Amblypodia paralea
Amblypodia suffusa suffusa
Apharitis lilacinus
Artipe eryx
Bothrinia chennellia
Catapoecilma delicatum
Charana jalindra
Chliaria kina
Enchrysops cnejus
Helipphorus androcles moorei
Horage viola
Hypolycaena theclodies nicobarica
Jamides alectokandulana
Jamides coeruler
Lampides boeticus
Lilacea atroguttata
Lilacea melaena
Logania massalia
Mahathala ameria
Magisba malaya presbyter
Nacaduba ancyra aberrans
Nacaduba helicon
Nacaduba pactolus
Niphanda cymbia
Pithecops fulgens
Polymmatas metallica metallica
Polymmatas yeonghusbandi
Poritia hewitsoni
Pratapa bhates
Pratapa deva
Rapala buxaria
Rapala nasaka
Rapala rubida

Rapala scintilla
Rapala varuna
Spindasis lohita
Suasa lisides
Tajuria albiplaga
Tajuria culta
Tajuria illurgioides
Tajuria jangala andamanica
Tajuria sebonga
Tajuria yajna istroides
Tarucus dharta
Thecla ataxus ataxus
Thecla icana
Thecla kabreea
Thecla kirbariensis
Thecla syla assamica
Thecla ziba
Thecla zsta

Yasoda tripunctata

Family Nymphalidae

Adolias cyanipardus
Adolias khasiana
Apatura parvata
Apatura ulupi florenciae
Argynnis altissima
Argynnis pales horla
Calinaga buddha brahman
Charaxes fabius sulphureus
Charaxes marmax
Cheroonesia rahria rahrioides
Diagora persimilis
Eriboea athames andamanicus
Eriboea dolen
Euripus consimilis
Euthalia anosia
Euthalia duda
Euthalia evalina landabilis
Euthalia garuda acontius

Rapala sphinx sphinx
Spindasis elima elima
Spindasis nipalicus
Surendra todara
Tajuria cippus cippus
Tajuria diaeus
Tajuria illurgis
Tajuria melastigma
Tajuria thyia
Tarucus callinara
Thaduka malticaudata kanara
Theclabitel
Thecla jakamensis
Thecla khasia
Thecla suroia
Thecla vittata
Thecla zoa
Una usta

Adolias dirtea
Apatura chevana
Apatura sordida
Argynnis adippe pallida
Argynnis clara clara
Atella alciope
Charaxes aristogiton
Charaxes karruba
Charaxes polyxena heman
Cyrestis cloces
Doleschallia bisaltide malabarica
Eriboea delphis
Eriboea harcoea lissainei
Equipus halitherses
Euthalia cocytus
Euthalia durga durga
Euthalia franciae
Euthalia lepidea

Euthalia merta eriphyle
Euthalia patala taozana
Horona marathus andamana
Hypolimnas polynice birmana
Kallima alompra
Limenitis austenia austenia
Limenitis dudu
Neptis aurelia
Neptis aurelia
Neptis nandina hamsoni
Neptis radha radha
Neptis zaida
Pantoporia ksura ksura
Pantoporia larymna siamensis
Pantoporia ranga
Penthema lisarda
Vanesa egea agnicula
Vanesa polychloros fervida
Vanesa urticae rizama

Family Papilionidae

Bhutanitis liderdalei liderdalei
Chilasa paradoxa telearchus
Graphium aristeus anticrates
Graphium eurypylus macronius
Graphium gyas gyas
Papilio bootus
Papilio fuscus andamanicus
Papilio mayo
Parnassius epaphus hillensis
Polydorus latreillei kabrua
Teinopalpus imperialis imperialis

Family Pieridae

Aporia nabellica
Appias indra shiva
Appias wardi
Cepora nadian remba
Colias ecocandea hinducucica
Colias ladakensis

Euthalia nara nara
Euthalia teuta
Hypolimnas missipus
Kallima albofasciata
Kallima philarchus horsfieldii
Limenitis damava
Melitaea robertsi lutko
Neptis anjana nashona
Neptis magadh khasiana
Nethis narayana
Neptis soma
Neurosigma doubledayi doubledayi
Pantoporia kanwa phorkys
Pantoporia pravara acutipennis
Parthenos sylvia
Symbrenthia niphandia
Vanesa lalium
Vanesa praxinosides dohertyi

Chilasa epycides epycides
Chilasa slateri slateri
Graphium arycles arycles
Graphium evemon albociliates
Graphium megarus megarus
Papilio buddha
Papilio machaon verityi
Parnassius charltonius charltonius
Parassius jacquemonti jacquemonti
Polydorus plutonius tyleri

Appias albina darada
Appias lyncida latifasciata
Baltia butleri butleri
Cepora nerissa dapha
Colias eogene
Colias stoliczka miranda

Delias lativitta
Euchloe charlonia lucilla
Metaporia agathon
Pontia chloridice alipina
Valeria avatar avatar

Family Satyridae

Anlocera brahminus
Elymnias malelas milamba
Erebia annada suroia
Erebia kalinda kalinda
Erebia seanda opima
Hipparchis hoydenreichi shandura
Lethe baladeva
Lethe goalpara goalpara
Lethe jalaurida
Lethe latiaris latiaris
Lethe naga naga
Lethe pulaha
Lethe serbonis
Lethe sincrix
Lethe violaceopicta kanjupkula
Lethe yama
Melanitis zitenius
Mycalesis anaxias
Mycalesis heri
Mycalesis malsarida
Mycalesis misenus
Mycalesis suavolens
Neorina patria westwoodii
Parantirrhoea marshali
Pararge maerula maefula
Rhapicera sttriens kabrua
Ypthima lycus lycus
Ypthima similis affectata

Dercas lycorias
Eurema andersoni ormistoni
Pieris deota
Saletara panda Chrysaea

Cyllogenes suradeva
Elymnias vasudeva
Erebia hygriva
Erebia mani marti
Erites falcipennis
Lethe atkinsoni
Lethe brisanda
Lethe insana insana
Lethe kaubra
Lethe moelleri moelleri
Lethe nicetella
Lethe scanda
Lethe siderca
Lethe tristigmata
Lethe visrava
Maniola davendra davendra
Myscalesis adamsoni
Mycalesis quotama chamka
Mycalesis lepcha bethami
Mycalesis mestra
Mycalis mystes
Neorina hilda
Oeneis buddha quaurhwalica
Pararge eversmanni cash mirensis
Ragadia crislda crito
Ypthima bolanica
Ypthima mathora mathora
Zipotis saitis

- 1-A. Civets (all species of Viverridae except Malabar civet)
- 1-B. Common fox (*Vulpes bengalensis*)
- 1-C. Flying squirrels (all species of the genera *Bulopetes*, *Petaurista*, *Pelomys* and *Eupetaurus*)
- 1-D. Giant squirrels (*Ratufa macroura*, *Ratufa indica*, and *Ratufa bicolor*)
- 2. Himalayan brown bear (*Ursus arctos*)
- 2A. Himalayan black bear (*Selenarctos thibetanus*)
- 2B. Jackal (*Canis aureus*)
- 2C. Jungle cat (*Felis chaus*)
- 2D. Marmots (*Marmota bobak himalayana*, *Marmota caudata*)
- 2E. Martens (*Martes foria intermedia*, *Martes flavigula*, *Martes gwatkinsii*)
- 3. ***
- 4. Otters (*Lutra*, *L. perspicillata*)
- 4-A. Pole cats (*Vormela peregusna*, *Mustela putorius*)
- 4-B. Red fox (*Vulpes vulpes*, *vulpes montana*, *vulpes griffithi*, *vulpes pusilla*)
- 5. Sloth bear (*Melursus ursinus*)
- 5A. Sperm whale (*Physeter macrocephalus*)
- 6. ***
- 7. Weasells (*Mustela Sibirica*, *Mustela kathian*, *Mustela altaica*)
- 8. Checkered keelback snake (*Xenochrophis piscator*)
- 9. Dhaman or rat snake (*Ptyas mucosus*)
- 10. Dog-faced water snake (*Carabus rhynchops*)
- 11. Indian cobras (all sub-species belonging to genus *Naja*)
- 12. King cobra (*Ophiophagus hannah*)
- 13. Oliveaceous keelback (*Artibeus schistosus*)
- 14. Russell's viper (*Vipera russelli*)
- 15. Varanus species (excluding yellow monitor lizard)
- 16. Mongooses (All species of genus *Herpestes*)
- 17. Grey jungle fowl (*Gallus sonnerati*)

SCHEDULE III

(Sections 2, 8, 9, 11 and 61)

- 1. ***
- 2. Barking deer or muntjac (*Muntiacus muntjak*)
- 3. ***
- 4. ***
- 5. Chital (*Axis axis*)
- 6. ***

7. Gorals (*Nemorhaedus goral*, *Nemorhaedus hodgsoni*)
8. ***
9. ***
10. ***
11. Hegdeer (*Axis porcinus*)
12. Hyæna (*Hyaena hyæna*)
13. ***
14. Nilgai (*Boselaphus tragocamelus*)
15. ***
16. Sambar (*Cervus unicolor*)
17. ***
19. Wild pig (*Sus scrofa*)
20. Sponges (all calcareans)

SCHEDULE IV
(Sections 2, 8, 9, 11 and 61)

1. ***
- 1-A. ***
2. ***
3. ***
- 3-A. Five-striped plam squirrel (*Funambulus pennanti*)
4. Hares (Black Naped, Common Indian, Desert, Himalayan mouse hare)
- 4-A. Hedge hog (*Hemiechinus auritus*)
- 4-B. ***
- 4-C. ***
- 4-D. ***
- 4-E. Indian porcupine (*Hystrix indica*)
5. ***
6. ***
- 6-A. ***
- 6-B. ***
7. ***
- 7-A. Pole cats (*Vormela peregusna*, *Mustela putorius*)
- 7-B. ***
8. ***
- 8-A. ***
9. ***
- 9-A. ***
10. ***

11. Birds (other than those which appear in other Schedules)
1. Avadavat(Estrildinae)
 2. Avocet (Recurvirostridae)
 3. Babblers (Timaliinae)
 4. Barbets (Capitonidae)
 5. Barnowls (Tytonknae)
 6. Bitterns (Ardeidae)
 7. Brown-headed gull (Larus brunnicephalus)
 8. Bulbuls (Pycnonotidae)
 9. Buntings (Emberizidae)
 10. Bustorda (Otididae)
 11. Bustard-Qualis (Turnicidae)
 12. Chloroppsis (Irenidae)
 13. Comb duck (Sarkidiornis melanotes)
 14. Coots (Rallidae)
 15. Cormorants (Phalacrocoracidie)
 16. Cranes (Gruidae)
 17. Cuckoos (Cuculidae)
 - 17-A. Curlews (Seoalopacinae)
 18. Darters (Phalacrocoracidae)
 19. Doves including the Emerald Dove (Columbidae)
 20. Drongos (Dicruridae)
 21. Ducks (Anatidae)
 22. Egrets (Ardeidae)
 23. Fairy Blue Birds (Irenidae)
 24. Falcons (Falconidae), excepting the Shaheen and Peregrine falcons (Falco peregrinus), the shaker or chorrug, shanghar and lagger falcons (F. biarmicus), and the redheaded merlin (F. chicquera)
 25. Finches including the chaffinch (Fringillidae)
 26. Falmingos (Phoenicopteridae)
 27. Flowerpeckers (Dicaeidae)
 28. Flycatchers (Muscicapidae)
 29. Geese (Anatidae)
 30. Goldfinch and allies (Carduelinae)
 31. Grebes (Pooicipididae)
 32. Gerons (Ardeidae)
 33. Ibises (Thereskiornithidae)
 34. Iorars (Irenidae)
 35. Jays (Corvidae)
 36. Jacanas Gacanidae)
 - 36A Junglefowl (Phasianidae)
 37. Kingfishers (Alcedinidae)
 38. Larks (Alcedinidae)
 39. Lorikeets (Psittacidae)
 40. Magpies including the Hunting magpie (Corvidae)
 41. Mannikins (Estrildinae)
 42. Megapodes(Megapodidae)
 43. Mininvest (Campephagidae)
 44. Munias (Estrildinae)
 45. Mynas (Sturnidae)
 46. Nightijara (Caprimalgidae)
 47. Orioles (Oriolidae)
 48. Owls (Strigidae)
 49. Oystercatchers (Haematopodidae)
 50. Parakeets (Psittacidae)
 51. Partridges (Phasianidae)
 52. Pelicans (Pelecanidae)
 53. Pheasants (Phasianidae)
 54. Pigeons (Columbidae) except the Blue Rock Pigeon (Columba livia)
 55. Pipits (Motacillidae)
 - 55-A. Pittas (Pittidae)

- | | |
|---------------------------------|---|
| 56. Plovers (Charadriinae) | 57. Quails (Rhasianidae) |
| 58. Rails (Rallidae) | 59. Rollers or Blue Jays (Coraciidae) |
| 60. Sandgrouses (Pteroclididae) | 61. Sandpipers (Scolopacinae) |
| 62. Snipes (Scolopacinae) | 63. Spurfowls (Phasianidae) |
| 64. Starlings (Sturnidae) | 65. Stone Curlew (Burhinidae) |
| 66. Storks (Ciconiidae) | 67. Stilts (Recurvirostridae) |
| 68. Sunbirds (Nectariniidae) | 69. Swans (Anatidae) |
| 70. Teals (Anatidae) | 71. Thrushes (Turdidae) (Columba livia) |
| 72. Tits (Paridae) | 73. Tree pies (Corvidae) |
| 74. Trogons (Trogonidae) | 75. Vultures (Accipitridae) |
| 76. Waxbills (Estrildidae) | 77. Weaver Birds or Bayas (Ploceidae) |
| 78. White-eyes (Zosteropidae) | 79. Woodpeckers (Picidae) |
| 80. Wrens (Troglodytidae) | |
12. Snakes (other than those species listed in Sch. II; Pt. II; and Sch. II, Pt. II)
- | | |
|--|----------------------|
| (i) Amblycephalidae | (ii) Amilidae |
| (iii) Boidae | (iv) Colubridae |
| (v) Dasypetidae (Egg-eating snakes) | |
| (vi) Elapidae (Cobras; Kraits, and Coral Snakes) | |
| (vii) Glauconidae | |
| (viii) Hydrophidae (Fresh water and sea snakes) | |
| (xi) Typhiidae | (x) Leptotyphlopidae |
| (xi) Typhlopidae | (xii) Uropeltidae |
| (xiii) Viperidae | (xiv) Xenopeltidae |
13. Fresh Water Frogs (*Rana* spp.)
14. Three-keeled Turtle (*Geoemydas tricarinata*)
15. Tortoise (Testudinidae, Testudinidae)
16. Viviparous toads (*Nectophrynoides* sp.)
17. Voles
18. Butterflies and Moths
- Family Danaidae**
- | | |
|-------------------------------------|-------------------------|
| <i>Euploca core simulatrix</i> | <i>Euploca crassa</i> |
| <i>Euploca diocletianus ramsayi</i> | <i>Euploca muleiber</i> |
- Family Hesperilidae**
- | | |
|-----------------------------|---------------------------|
| <i>Baoris farri</i> | <i>Hasora vitta</i> |
| <i>Hyarotis adrastus</i> | <i>Oriens concinna</i> |
| <i>Pelopidas assamensis</i> | <i>Pelopidas sinensis</i> |
| <i>Polytrema discreta</i> | <i>Polytrema rubicans</i> |
| <i>Thoressa horioi</i> | |

Family Lycaenidae

Tarucus ananda

Family Nymphalidae

Euthalia lubentina

Family Pieridae

Aporia agathon ariaca

Appias libythea

Appiad nero galba

Prioneris sita

19. Mollusca

(i) Cypraea lamacina

(ii) Cypraea mappa

(iii) Cypraea talpa

(iv) Fasciolaria trapezium

(v) Harpulina arausiaca

(vi) Lambis chiragra

(vii) Lambis chiragra arthiritica

(viii) Lambis crocea

(ix) Lambis millepeda

(x) Lambis scorpious

(xi) Lambis truncata

(xii) Placenta placenta

(xiii) Strombus plicatus siboldi

(xiv) Trochus niloticus

(xv) Turbo marmoratus

SCHEDULE V

(Sections 2, 8, 61 and 62)

1. Common crow
2. ***
3. Fruit bats
4. ***
5. Mice
6. Rats
7. ***

SCHEDULE VI

(Section 2)

1. Beddome's cycad (Cycas beddomei)
2. Blue Vanda (Vanda soerulec)
3. Kuth (Saussurea lappa)
4. Ladies slipper orchids (Paphiopedilum spp.)
5. Pitcher plant (Nepenthes khasiana)
6. Red Vanda (Ranantthera inschootiana)]

• • •

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2006

NO. 39 OF 2006 § [3rd September, 2006.] + An Act further to amend the Wild Life (Protection) Act, 1972. BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

1. Short title and commence-ment.

- (1) This Act may be called the Wild Life (Protection) Amendment Act, 2006.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new Chapters IVB and IVC.

After Chapter IVA of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), the following Chapters shall be inserted, namely:-
‘CHAPTER IVB NATIONAL TIGER CONSERVATION AUTHORITY

38K. Definitions. -

In this Chapter,-

- (a) “National Tiger Conservation Authority” means the Tiger Conservation Authority constituted under section 38L;
- (b) “Steering Committee” means the Committee constituted under section 38U;
- (c) “Tiger Conservation Foundation” means the foundation established under section 38X;
- (d) “tiger reserve State” means a State having tiger reserve;
- (e) “tiger reserve” means the areas notified as such under section 38V.

38L. Constitution of National Tiger Conservation Authority.

- (1) The Central Government shall constitute a body to be known as the National Tiger Conservation Authority (hereinafter in this Chapter referred to as the Tiger Conservation Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.
- (2) The Tiger Conservation Authority shall consist of the following members, namely:-
 - (a) the Minister in charge of the Ministry of Environment and Forests-Chairperson;
 - (b) the Minister of State in the Ministry of Environment and Forests-Vice-Chairperson;
 - (c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;
 - (d) eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out of which at least two shall be from the field of tribal development;

- (e) Secretary, Ministry of Environment and Forests;
 - (f) Director General of Forests and Special Secretary, Ministry of Environment and Forests;
 - (g) Director, Wild Life Preservation, Ministry of Environment and Forests;
 - (h) six Chief Wild Life Wardens from the tiger reserve States in rotation for three years;
 - (i) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice;
 - (j) Secretary, Ministry of Tribal Affairs;
 - (k) Secretary, Ministry of Social Justice and Empowerment;
 - (l) Chairperson, National Commission for the Scheduled Tribes;
 - (m) Chairperson, National Commission for the Scheduled Castes;
 - (n) Secretary, Ministry of Panchayati Raj;
 - (o) Inspector-General of Forests or an officer of the equivalent rank having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary, to be notified by the Central Government, in the Official Gazette.
- (3) It is hereby declared that the office of member of the Tiger Conservation Authority shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

38M. Term of office and conditions of service of members.

- (1) A member nominated under clause (d) of sub-section (2) of section 38L shall hold office for such period not exceeding three years: Provided that a member may, by writing under his hand addressed to the Central Government, resign from his office.
- (2) The Central Government shall remove a member referred to in clause (d) of sub-section (2) of section 38L, from office if he-
 - (a) is, or at any time has been, adjudicated as insolvent;
 - (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;
 - (c) is of unsound mind and stands so declared by a competent court; (d) refuses to act or becomes incapable of acting;
 - (e) is, without obtaining leave of absence from the Tiger Conservation Authority, absent from three consecutive meetings of the said Authority; or

- (f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest: Provided that no member shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter.
- (3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he is appointed.
- (4) The salaries and allowances and other conditions of appointment of the members of the Tiger Conservation Authority shall be such as may be prescribed.
- (5) No act or proceeding of the Tiger Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Tiger Conservation Authority.

38N. Officers and employees of Tiger Conservation Authority.

- (1) The Tiger Conservation Authority may, with the previous sanction of the Central Government, appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act: Provided that the officers and employees holding office under the Directorate of Project Tiger and dealing with Project Tiger immediately before the date of constitution of the Tiger Conservation Authority shall continue to hold office in the said Authority by the same tenure and upon the same terms and conditions of service or until the expiry of the period of six months from that date if such employee opts not to be the employee of that Authority.
- (2) The terms and conditions of service of the officers and other employees of the Tiger Conservation Authority shall be such as may be prescribed.

38O. Powers and functions of Tiger Conservation Authority.

- (1) The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:-
 - (a) to approve the Tiger Conservation Plan prepared by the State Government under sub-section (3) of section 38V of this Act;
 - (b) evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserves;
 - (c) lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance;

- (d) provide for management focus and measures for addressing conflicts of men and wild animals and to emphasise on co-existence in forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code;
 - (e) provide information on protection measures including future conservation plan, estimation of population of tiger and its natural prey species, status of habitats, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;
 - (f) approve, co-ordinate research and monitoring on tiger, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation;
 - (g) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority;
 - (h) facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco-development and people's participation as per approved management plans and to support similar initiatives in adjoining areas consistent with the Central and State laws;
 - (i) ensure critical support including scientific, information technology and legal support for better implementation of the tiger conservation plan;
 - (j) facilitate ongoing capacity building programme for skill development of officers and staff of tiger reserves; and
 - (k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of tigers and their habitat.
- (2) The Tiger Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of tiger or tiger reserves and such person, officer or authority shall be bound to comply with the directions: Provided that no such direction shall interfere with or affect the rights of local people particularly the Scheduled Tribes.

38P. Procedure to be regulated by Tiger Conservation Authority.

- (1) The Tiger Conservation Authority shall meet at such time and at such place as the Chairperson may think fit.

- (2) The Chairperson or in his absence the Vice-Chairperson shall preside over the meetings of the Tiger Conservation Authority.
- (3) The Tiger Conservation Authority shall regulate its own procedure.
- (4) All orders and decisions of the Tiger Conservation Authority shall be authenticated by the Member-Secretary or any other officer of the said Authority duly authorised by the Member-Secretary in this behalf.

38Q. Grants and loans to Tiger Conservation Authority and Constitution of Fund.

- (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Tiger Conservation Authority grants and loans of such sums of money as that Government may consider necessary.
- (2) There shall be constituted a Fund to be called the Tiger Conservation Authority Fund and there shall be credited thereto-
 - (i) any grants and loans made to the Tiger Conservation Authority by the Central Government;
 - (ii) all fees and charges received by the Tiger Conservation Authority under this Act; and
 - (iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government.
- (3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Tiger Conservation Authority and the expenses of the Tiger Conservation Authority incurred in the discharge of its functions under this Chapter.

38R. Accounts and audit of Tiger Conservation Authority.

- (1) The Tiger Conservation Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the Tiger Conservation Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Tiger Conservation Authority to the Comptroller and Auditor-General of India.
- (3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Tiger Conservation Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government

accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Tiger Conservation Authority.

- (4) The accounts of the Tiger Conservation Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Tiger Conservation Authority.

38S. Annual report of Tiger Conservation Authority.

The Tiger Conservation Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

38T. Annual report and audit report to be laid before Parliament.

The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, insofar as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

38U. Constitution of Steering Committee.

- (1) The State Government may constitute a Steering Committee for ensuring co-ordination, monitoring, protection and conservation of tiger, co-predators and prey animals within the tiger range States.
- (2) The Steering Committee shall consists of-
- (a) the Chief Minister - Chairperson;
 - (b) the Minister in-charge of Wild Life - Vice-Chairperson;
 - (c) such number of official members not exceeding five including at least two Field Directors of tiger reserve or Director of National Park and one from the State Government's Departments dealing with tribal affairs;
 - (d) three experts or professionals having qualifications and experience in conservation of wild life of which at least one shall be from the field of tribal development;
 - (e) two members from the State's Tribal Advisory Council;
 - (f) one representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment;
 - (g) Chief Wild Life Warden of the State shall be the Member-Secretary, ex officio, to be notified by the State Government, in the Official Gazette.

38V. Tiger Conservation Plan.

- (1) The State Government shall, on the recommendation of the Tiger Conservation Authority, notify an area as a tiger reserve.
- (2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 of this Act shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary.
- (3) The State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub-section (1), so as to ensure-
 - (a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;
 - (b) ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas;
 - (c) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.
- (4) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve. Explanation.- For the purposes of this section, the expression “tiger reserve” includes-
 - (i) core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose;
 - (ii) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in Explanation (i) above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wildlife and human

activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.

- (5) Save as for voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in this sub-section, no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless-
- (i) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete;
 - (ii) the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;
 - (iii) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available;
 - (iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy;
 - (v) the informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme has been obtained; and
 - (vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.

38W. Alteration and de-notification of tiger reserves.

- (1) No alteration in the boundaries of a tiger reserve shall be made except on a recommendation of the Tiger Conservation Authority and the approval of the National Board for Wild Life.

- (2) No State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life.

38X. Establishment of Tiger Conservation Foundation.

- (1) The State Government shall establish a Tiger Conservation Foundation for tiger reserves within the State in order to facilitate and support their management for conservation of tiger and biodiversity and, to take initiatives in eco-development by involvement of people in such development process.
- (2) The Tiger Conservation Foundation shall, inter alia, have the following objectives:-
- (a) to facilitate ecological, economic, social and cultural development in the tiger reserves;
 - (b) to promote eco-tourism with the involvement of local stake-holder communities and provide support to safeguard the natural environment in the tiger reserves;
 - (c) to facilitate the creation of, and or maintenance of, such assets as may be necessary for fulfilling the above said objectives;
 - (d) to solicit technical, financial, social, legal and other support required for the activities of the Foundation for achieving the above said objectives;
 - (e) to augment and mobilise financial resources including recycling of entry and such other fees received in a tiger reserve, to foster stake-holder development and eco-tourism;
 - (f) to support research, environmental education and training in the above related fields.
- CHAPTER IV C TIGER AND OTHER
ENDANGERED SPECIES CRIME CONTROL BUREAU

38Y. Constitution of Tiger and other Endangered Species Crime Control Bureau.

The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Tiger and other Endangered Species Crime Control Bureau to be known as the Wildlife Crime Control Bureau consisting of-

- (a) the Director of Wildlife Preservation-Director ex-officio;
 - (b) the Inspector-General of Police-Additional Director;
 - (c) the Deputy Inspector-General of Police-Joint Director;
 - (d) the Deputy Inspector-General of Forests-Joint Director;
 - (e) the Additional Commissioner (Customs and Central Excise)-Joint Director;
- and
- (f) such other officers as may be appointed from amongst the officers covered under sections 3 and 4 of this Act.

38Z. Powers and functions of the Wildlife Crime Control Bureau. -

- (1) Subject to the provisions of this Act, the Wildlife Crime Control Bureau shall take measures with respect to-
 - (i) collect and collate intelligence related to organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action so as to apprehend the criminals and to establish a centralised wildlife crime data bank;
 - (ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau;
 - (iii) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future;
 - (iv) assistance to concerned authorities in foreign countries and concerned international organisations to facilitate co-ordination and universal action for wildlife crime control;
 - (v) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes;
 - (vi) advice the Government of India on issues relating to wildlife crimes having national and international ramifications, and suggest changes required in relevant policy and laws from time to time.
- (2) The Wildlife Crime Control Bureau shall exercise-
 - "(i) such powers as may be delegated to it under sub-section (1) of section 5, sub-sections (1) and (8) of section 50 and section 55 of this Act; and
 - (ii) such other powers as may be prescribed."
- (3) Amendment of section 51.

In section 51 of the principal Act, after sub-section (1B), the following sub-sections shall be inserted, namely:- “(1C) Any person, who commits an offence in relation to the core area of a tiger reserve or where the offence relate to hunting in the tiger reserve or altering the boundaries of the tiger reserve, such offence shall be punishable on first conviction with imprisonment for a term which shall not be less than three years but may extend to seven years, and also with fine which shall not be less than fifty thousand rupees but may extend to two lakh rupees; and in the event of a second or subsequent conviction with imprisonment for a term of not less than seven years and also with fine which shall not be less than five lakh

rupees but may extend to fifty lakh rupees. (1D) Whoever, abets any offence punishable under sub-section (1C) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence.”

(4) Amendment of section 55.

In section 55 of the principal Act, after clause (aa), the following clauses shall be inserted, namely:- “(ab) Member-Secretary, Tiger Conservation Authority; or (ac) Director of the concerned tiger reserve; or”.

(5) Amendment of section 59.

In section 59 of the principal Act, after the word, figures and letter “Chapter IVA”, the word, figures and letter “Chapter IVB” shall be inserted.

(6) Amendment of section 60.

In section 60 of the principal Act, in sub-section (3), after the word, figures and letter “Chapter IVA”, the word, figures and letter “Chapter IVB” shall be inserted.

(6) Amendment of section 63.

Amendment of section 63. - In section 63 of the principal Act, in sub-section (1), after clause (g), the following clauses shall be inserted, namely:-

- (gi) qualifications and experience of experts or professionals under clause (d) of sub-section (2) of section 38-I;
- (gii) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38M;
- (giii) the terms and conditions of service of the officers and other employees of the Tiger Conservation Authority under sub-section (2) of section 38N;
- (giv) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (1) of section 38R;
- (gv) the form in which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S;
- (gvi) other powers of the Wild Life Crime Control Bureau under clause (ii) of sub-section (2) of section 38Z.” K. N. CHATURVEDI, Secy. to the Govt. of India. {}

• • •

Appendix 1

List of Wild Life entries in Wild Life (Protection) Act, 1972

(obtained from Export - Import Policy)

A. INTRODUCTION

The import and export of Wild Life and its forms is prohibited in the Exim Policy issued under the authority of the Foreign Trade (Development & Regulations) Act, 1992. The generic entry listed in the policy is:

“Wild animals including parts and products and ivory”.

Wild animals are those defined in the Wild Life (Protection) Act, 1972.

B. SCHEDULES OF WILD LIFE (PROTECTION) ACT, 1972

The schedule lists and functions under the Act are given in the table below:

Schedule I	Part I	Wild animals listed under Mammals	Covered under definition of Scheduled animal and Scheduled animal articles. Dealing in these along
	Part II	Amphibians and Reptiles	with their articles and trophies is prohibited under
	Part III	Birds	Section 49 of Wild Life (Protection) Act, 1972.
	Part IV	Crustacea and Insects	Hunting of these animals is also Prohibited
Schedule II	Part I	Wild animals listed under Mammals and reptiles	Schedule II, Dealing in Part I Schedule articles requires licence. Part II covered under definition of scheduled animal and scheduled animal articles.
	Part II	Beetles	
Schedule III		Wild animals under mammals	Dealing in these items and animal articles and trophies requires licence. Hunting Prohibited.
Schedule IV		Wild animals under mammals, birds	Dealing in these items and animal articles and trophies requires licence. Hunting Prohibited.
Schedule V		Vermis (Common Crow, Fruit Bats, Mice and Rats living in wild excluded from the definition of Wild Animals.	
Schedule VI		List of plants notified under Section C	Licence from Chief Wild Life Warden for dealing inspecified plants. Cultivation also requires a licence

THE ENVIRONMENT (PROTECTION) ACT, 1986

No. 29 OF 1986

[23rd May, 1986.]

An Act to provide for the protection and improvement of environment and for matters connected there with:

WHEREAS the decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property;

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. SHORT TITLE, EXTEND AND COMMENCEMENT

- (1) This Act may be called the Environment (Protection) Act, 1986.
- (2) It extends to the whole of India.
- (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 provisions of this Act and for different areas.¹

2. DEFINITIONS

In this Act, unless the context otherwise requires,—

- (a) “environment” includes water, air and land and the inter- relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property;
- (b) “environmental pollutant” means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;
- (c) “environmental pollution” means the presence in the environment of any environmental pollutant;
- (d) “handling”, in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;

- (e) “hazardous substance” means any substance or preparation which, by reason of its chemical or physico-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plant, micro-organism, property or the environment;
- (f) “occupier”, in relation to any factory or premises, means a person who has, control over the affairs of the factory or the premises and includes in relation to any substance, the person in possession of the substance;
- (g) “prescribed” means prescribed by rules made under this Act.

CHAPTER II

GENERAL POWERS OF THE CENTRAL GOVERNMENT

3. POWER OF CENTRAL GOVERNMENT TO TAKE MEASURES TO PROTECT AND IMPROVE ENVIRONMENT

- (1) Subject to the provisions of this Act, the Central Government, shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing controlling and abating environmental pollution.
- (2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely:—
 - (i) co-ordination of actions by the State Governments, officers and other authorities—
 - (a) under this Act, or the rules made thereunder, or
 - (b) under any other law for the time being in force which is relatable to the objects of this Act;
 - (ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;
 - (iii) laying down standards for the quality of environment in its various aspects;
 - (iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;

- (v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

- (vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
 - (vii) laying down procedures and safeguards for the handling of hazardous substances;
 - (viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;
 - (ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;
 - (x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;
 - (xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;
 - (xii) collection and dissemination of information in respect of matters relating to environmental pollution;
 - (xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;
 - (xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.
- (3) The Central Government may, if it considers it necessary or expedient so to do for the purpose of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise and powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

4. APPOINTMENT OF OFFICERS AND THEIR POWERS AND FUNCTIONS

- (1) Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may appoint officers with such designation as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.
- (2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government or, if so directed by that Government, also of the authority or authorities, if any, constituted under sub-section (3) of section 3 or of any other authority or officer.

5. POWER TO GIVE DIRECTIONS

Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.³

Explanation—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) stoppage or regulation of the supply of electricity or water or any other service.

6. RULES TO REGULATE ENVIRONMENTAL POLLUTION

- (1) The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) the standards of quality of air, water or soil for various areas and purposes;⁴
 - (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas;
 - (c) the procedures and safeguards for the handling of hazardous substances;⁵
 - (d) the prohibition and restrictions on the handling of hazardous substances in different areas;⁶
 - (e) the prohibition and restriction on the location of industries and the carrying on process and operations in different areas;⁷
 - (f) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.⁸

CHAPTER III
PREVENTION, CONTROL, AND ABATEMENT OF ENVIRONMENTAL POLLUTION

7. PERSONS CARRYING ON INDUSTRY OPERATION, ETC., NOT TO ALLOW EMISSION OR DISCHARGE OF ENVIRONMENTAL POLLUTANTS IN EXCESS OF THE STANDARDS

No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutants in excess of such standards as may be prescribed.⁹

8. PERSONS HANDLING HAZARDOUS SUBSTANCES TO COMPLY WITH PROCEDURAL SAFEGUARDS

No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed.¹⁰

9. FURNISHING OF INFORMATION TO AUTHORITIES AND AGENCIES IN CERTAIN CASES

(1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the environmental pollution caused as a result of such discharge and shall also forthwith—

- (a) intimate the fact of such occurrence or apprehension of such occurrence; and
- (b) be bound, if called upon, to render all assistance, to such authorities or agencies as may be prescribed.¹¹

(2) On receipt of information with respect to the fact or apprehension on any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as necessary to prevent or mitigate the environmental pollution.

(3) The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.

10. POWERS OF ENTRY AND INSPECTION

- (1) Subject to the provisions of this section, any person empowered by the Central Government in this behalf¹² shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place—
 - (a) for the purpose of performing any of the functions of the Central Government entrusted to him;
 - (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;
 - (c) for the purpose of examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution.
- (2) Every person carrying on any industry, operation or process of handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.
- (3) If any person wilfully delays or obstructs any persons empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of an offence under this Act.
- (4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or an area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may be, apply to any search or seizures under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or as the case may be, under the corresponding provision of the said law.

11. POWER TO TAKE SAMPLE AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH

- (1) The Central Government or any officer empowered by it in this behalf,¹³ shall have power to take, for the purpose of analysis, samples of air, water,

soil or other substance from any factory, premises or other place in such manner as may be prescribed.¹⁴

- (2) The result of any analysis of a sample taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and (4) are complied with.
- (3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) shall—
 - (a) serve on the occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;
 - (b) in the presence of the occupier or his agent or person, collect a sample for analysis;
 - (c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;
 - (d) send without delay, the container or the containers to the laboratory established or recognised by the Central Government under section 12.
- (4) When a sample is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent or person, a notice under clause (a) of sub-section (3), then,—
 - (a) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and
 - (b) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the samples, and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised under section 12 and such person shall inform the Government Analyst appointed or recognised under section 12 in writing, about the wilfull absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

12. ENVIRONMENTAL LABORATORIES

- (1) The Central Government¹⁵ may, by notification in the Official Gazette,—
 - (a) establish one or more environmental laboratories;
 - (b) recognise one or more laboratories or institutes as environmental laboratories to carry out the functions entrusted to an environmental laboratory under this Act.¹⁶

- (2) The Central Government may, by notification in the Official Gazette, make rules specifying—
 - (a) the functions of the environmental laboratory;¹⁷
 - (b) the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form of the laboratory report thereon and the fees payable for such report;¹⁸
 - (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

13. GOVERNMENT ANALYSTS

The Central Government may by notification in the Official Gazette, appoint or recognise such persons as it thinks fit and having the prescribed qualifications¹⁹ to be Government Analysts for the purpose of analysis of samples of air, water, soil or other substance sent for analysis to any environmental laboratory established or recognised under sub-section (1) of section 12.

14. REPORTS OF GOVERNMENT ANALYSTS

Any document purporting to be a report signed by a Government analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

15. PENALTY FOR CONTRAVENTION OF THE PROVISIONS OF THE ACT AND THE RULES, ORDERS AND DIRECTIONS

- (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.
- (2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

16. OFFENCES BY COMPANIES

- (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge

of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purpose of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals;
- (b) “director”, in relation to a firm, means a partner in the firm.

17. OFFENCES BY GOVERNMENT DEPARTMENTS

- (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercise all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER IV

MISCELLANEOUS

18. PROTECTION OF ACTION TAKEN IN GOOD FAITH

No suit, prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

19. COGNIZANCE OF OFFENCES

No court shall take cognizance of any offence under this Act except on a complaint made by—

- (a) the Central Government or any authority or officer authorised in this behalf by that Government,²⁰ or
- (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

20. INFORMATION, REPORTS OR RETURNS

The Central Government may, in relation to its function under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it or any prescribed authority or officer any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so.

21. MEMBERS, OFFICERS AND EMPLOYEES OF THE AUTHORITY CONSTITUTED UNDER SECTION 3 TO BE PUBLIC SERVANTS

All the members of the authority, constituted, if any, under section 3 and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

22. BAR OF JURISDICTION

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under this Act.

23. POWERS TO DELEGATE

Without prejudice to the provisions of sub-section (3) of section 3, the

Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notifications, such of its powers and functions under this Act [except the powers to constitute an authority under sub-section (3) of section 3 and to make rules under section 25] as it may deem necessary or expedient, to any officer, State Government or other authority.

24. EFFECT OF OTHER LAWS

- (1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made therein shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.
- (2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

25. POWER TO MAKE RULES

- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—
 - (a) the standards in excess of which environmental pollutants shall not be discharged or emitted under section 7;²¹
 - (b) the procedure in accordance with and the safeguards in compliance with which hazardous substances shall be handled or caused to be handled under section 8;²²
 - (c) the authorities or agencies to which intimation of the fact of occurrence or apprehension of occurrence of the discharge of any environmental pollutant in excess of the prescribed standards shall be given and to whom all assistance shall be bound to be rendered under sub-section (1) of section 9;²³
 - (d) the manner in which samples of air, water, soil or other substance for the purpose of analysis shall be taken under sub-section (1) of section 11;²⁴
 - (e) the form in which notice of intention to have a sample analysed shall be served under clause (a) of sub section (3) of section 11;²⁵
 - (f) the functions of the environmental laboratories,²⁶ the procedure for the submission to such laboratories of samples of air, water, soil and other substances for analysis or test;²⁷ the form of laboratory report; the fees payable for such report and other matters to enable such laboratories to carry out their functions under sub-section (2) of section 12;

- (g) the qualifications of Government Analyst appointed or recognised for the purpose of analysis of samples of air, water, soil or other substances under section 13;²⁸
- (h) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 19;²⁹
- (i) the authority of officer to whom any reports, returns, statistics, accounts and other information shall be furnished under section 20;
- (j) any other matter which is required to be, or may be, prescribed.

26. RULES MADE UNDER THIS ACT TO BE LAID BEFORE PARLIAMENT

Every rule made under this Act 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 successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter 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.

• • •

Indian Penal Code

295A Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise insult or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

425. Mischief.

Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits "mischief".

Explanation - 1 :

It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation - 2 :

Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

428. Mischief by killing or maiming animal of the value of ten rupees -

Whoever commits mischief by killing, maiming or rendering useless any animal or animals of the value of ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

429. Mischief by killing or maiming, cattle, etc. of any value or any animal of the value of fifty rupees -

Whoever commits mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Code of Criminal Procedure

43. Arrest by private person and procedure on such arrest :

- (1) Any private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence, or any proclaimed offender, and without unnecessary delay, shall make over or cause to be made over any person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.
- (2) If there is reason to believe that such person comes under the provisions of Section 41, a police officer shall re-arrest him.
- (3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of Section 42; but if there is no sufficient reason to believe that he has committed any offence, he shall be at once released.

Corresponding Law : S. 132-A of Act V of 1898.

B. - Public nuisances

133. Conditional order for removal of nuisance. :

- (1) Whenever a District Magistrate or a Sub Divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers -
 - (a) that any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public; or
 - (b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated; or
 - (c) that the construction of any building, or, the disposal of any substance, as is likely to occasion conflagration or explosion, should be prevented or stopped; or
 - (d) that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary; or

- (e) that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public; or
- (f) that any dangerous animal should be destroyed, confined or otherwise disposed of,

Such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order -

- (i) to remove such obstruction or nuisance; or
- (ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or to remove such goods or merchandise, or to regulate, the keeping thereof in such manner as may be directed; or
- (iii) to prevent or stop the construction of such building, or to alter the disposal of such substance; or
- (iv) to remove, repair or support such building, tent or structure, or to remove or support such trees; or
- (v) to fence such tank, well or excavation; or
- (vi) to destroy, confine or dispose of such dangerous animal in the manner provided in the said order; or, if he objects so to do, to appear before himself or some other Executive Magistrate subordinate to him at a time and place to be fixed by the order, and show cause, in the manner hereinafter provided, why the order should not be made absolute.

- (2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation : A “public place” includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes.

Cossesponding Law : S. 133 of Act V of 1898.

134. Service of notification of order :

- (1) The order shall, if practicable, be served on the person against whom it is made, in the manner herein provided for service of a summons.
- (2) If such order cannot be so served, it shall be notified by proclamation, published in such manner as the State Government may, by rule, direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Corresponding Law : S. 134 of Act V of 1898

135. Person to whom order is addressed to obey of show cause :

The person against whom such order is made shall -

- (a) perform, within the time and in the manner specified in the order, the act directed thereby; or
- (b) appear in accordance with such order and show cause against the same.

Corresponding Law : S. 135 of Act V of 1898

136. Consequences of his failing to do so.

If such person does not perform such act or appear and show cause, he shall be liable to the penalty prescribed in that behalf in Section 188 of the Indian Penal Code, (45 of 1860) and the order shall be made absolute.

Corresponding Law : S 136 of Act V of 1898.

137. Procedure where existence of public right is denied. :

- (1) Where an order is made under Section 133 for the purpose of preventing obstruction, nuisance or danger to the public in the use of any way, river, channel or place, the Magistrate shall, on the appearance before him of the person against whom the order was made, question him as to whether he denies the existence of any public right in respect of the way, river, channel or place, and if he does so, the Magistrate shall, before proceeding under Section, 138, inquire into the matter.
- (2) If in such inquiry the Magistrate finds that there is any reliable evidence in support of such denial, he shall stay the proceedings until the matter of the existence of such right has been decided by a competent Court: and, if he finds that there is no such evidence, he shall proceed as laid down in Section 138.
- (3) A person who has, on being questioned by the Magistrate under sub-section (1), failed to deny the existence of a public right of a public right of the nature therein referred to, or who, having made such denial, has failed to adduce reliable evidence in support thereof, shall not in the subsequent proceedings be permitted to make any such denial.

Corresponding Law : S. 139-A of Act V of 1898.

138. Procedure where he appears to show cause :

- (1) If the person against whom an order under Section 133 is made appears and shows cause against the order, the Magistrate shall take evidence in the matter as in a summons case.
- (2) If the Magistrate is satisfied that the order, either as originally made or subject to such modification as he considers necessary, is reasonable and proper, the

order shall be made absolute without modification or, as the case may be, with such modification.

- (3) If the Magistrate is not so satisfied, no further proceedings shall be taken in the case.

Corresponding Law : S. 137 of Act V of 1898

139. Power of Magistrate to direct local investigation and examination of an expert -

The Magistrate may, for the purposes of an inquiry under Section 137 or Section 138-

- (a) direct a local investigation to be made by such person as he thinks fit; or
- (b) summon and examine an expert.

140. Power of Magistrate to furnish written instructions, etc :

- (1) Where the Magistrate directs a local investigation by any person under section 139, the Magistrate may -
 - (a) furnish such person with such written instructions as may seem necessary for his guidance;
 - (b) declare by whom the whole or any part of the necessary expenses of the local investigation shall be paid.
- (2) The report of such person may be read as evidence in the case.
- (3) Where the Magistrate summons and examines an expert under Section 139, the Magistrate may direct by whom the costs of such summoning and examination shall be paid.

141. Procedure on order being made absolute and consequences of disobedience. -

- (1) When an order has been made absolute under Section 136 or Section 138, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by Section 188 of the Indian Penal Code (45 of 1860)
- (2) If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other movable property of such person within or without such Magistrate's local jurisdiction and if such other property is without such jurisdiction, the order shall authorise its attachment and sale

when endorsed by the Magistrate within whose local jurisdiction the property to be attached is found.

- (3) No suit shall lie in respect of anything done in good faith under this section.

Corresponding Law : S1.40 of act V of 1898.

142. Injunction pending inquiry :

- (1) If a Magistrate making an order under Section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person against whom the order was made, as is required to obviate or prevent such danger or injury pending the determination of the matter.
- (2) In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.
- (3) No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Corresponding Law : S. 142 of Act V of 1898.

- 143.** Magistrate may prohibit repetition or continuance of public nuisance. A District Magistrate or Sub-Divisional Magistrate, or any other Executive Magistrate empowered by the State Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code (45 of 1860), or any special or local law.

Corresponding Law : S. 143 of Act V of 1898

C. Urgent cases of nuisance or apprehended danger

144. Power to issue order in urgent cases of nuisance or apprehended danger :

- (1) In cases where, in the opinion of a District Magistrate, a Sub-Divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by Section 134, direct any person to abstain from a certain act or to take certain order with, respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.

- (2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed ex parte.
- (3) An order under this section may be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.
- (4) No order under this section shall remain in force for more than two months from the making thereof:

Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification.

- (5) Any Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under this section, by himself or any Magistrate subordinate to him or by his predecessor-in-office.
- (6) The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under the proviso to sub-section (4).
- (7) Where an application under sub-section (5) or sub-section (6) is received, the Magistrate, or the State Government, as the case may be, shall afford to the applicant an early opportunity of appearing before him or it, either in person or by pleader and showing cause against the order ; and if the Magistrate or the State Government, as the case may be, rejects the application wholly or in part, he or it shall record in writing the reasons for so doing.

• • •

THE BIOLOGICAL DIVERSITY ACT, 2002

No. 18 OF 2003

(5th February, 2003)

An Act to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.

Whereas India is rich in biological diversity and associated traditional and contemporary knowledge system relating thereto;

And whereas India is a party to the United Nations Convention on Biological Diversity signed at Rio Janerio on the 5th day of June, 1992;

And whereas the said Convention came into force on the 29th December, 1993;

And whereas the said Convention reaffirms the sovereign rights of the States over their biological resources;

And whereas the said Convention has the main objective of conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilization of genetic resources;

And whereas it is considered necessary to provide for conservation, sustainable utilization and equitable sharing of the benefits arising out of utilization of genetic resources and also to give effect to the said Convention.

Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Biological Diversity Act, 2002.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:
Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.
2. **In this Act, unless the context otherwise requires:**
 - (a) “benefit claimers” means the conservers of biological resources, their by products, creators and holders of knowledge and information relating to the use of such biological resources, innovations and practices associated with such use and application;
 - (b) “biological diversity” means the variability among living organisms from all sources and the ecological complexes of which they are part and includes

- diversity within species or between species and of eco-systems;
- (c) “biological resources” means plants, animals and micro-organisms or parts thereof, their genetic material and by-products (excluding value added products) with actual or potential use or value, but does not include human genetic material;
 - (d) “bio-survey and bio-utilisation” means survey or collection of species, sub-species, genes, components and extracts of biological resource for any purpose and includes characterization, inventorisation and bioassay;
 - (e) “Chairperson” means the Chairperson of the national Biodiversity Authority or, as the case may be, of the State Biodiversity Board;
 - (f) “commercial utilization” means end uses of biological resources for commercial utilization such as drugs, industrial enzymes, food flavours, fragrance, cosmetics, emulsifiers, oleoresins, colours, extracts and genes used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping;
 - (g) “fair and equitable sharing” means sharing of benefits as determined by the National Biodiversity Authority under section 21;
 - (h) “local bodies” means Panchayats and Municipalities, by whatever name called, within the meaning of clause (1) article 243B and clause (1) of article 243Q of the Constitution and in the absence of any Panchayats or Municipalities, institutions of self-government constituted under any other provision of the Constitution or any Central Act or State Act;
 - (i) “member” means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson;
 - (j) “National Biodiversity Authority” means the National Biodiversity Authority established under section 8;
 - (k) “prescribed” means prescribed by rules made under this Act;
 - (l) “regulations” means regulations made under this Act;
 - (m) “research” means study or systematic investigation of any biological resource or technological application, that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for any use;
 - (n) “State Biodiversity Board” means the State Biodiversity Board established under section 22;
 - (o) “sustainable use” means the use of components of biological diversity in such manner and at such rate that does not lead to the decline of the

biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations;

- (p) “value added products” means products which may contain portions or extracts of plants and animals in unrecognizable and physical inseparable form.

CHAPTER II

Regulation of Access to Biological Diversity

3. (1) No person referred to in sub-section (2) shall, without previous approval of the National Biodiversity Authority, obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilisation.
- (2) The persons who shall be required to take the approval of the National Biodiversity Authority under sub-section (1) are the following, namely :-
- (a) a person who is not a citizen of India;
- (b) a citizen of India; who is a non-resident as defined in clause (30) of section 243 of 1961 of the Income-tax Act, 1961;
- (c) a body corporate, association or organization –
- (i) not incorporated or registered in India; or
- (ii) incorporated or registered in India under any law for the time being in force which has any non-Indian participation in its share capital or management.
4. No person shall, without the previous approval of the National Biodiversity Authority, transfer the results of any research relating to any biological resources occurring in, or obtained from, India for monetary consideration or otherwise to any person who is not a citizen of India who is non-resident as defined in clause (30) of the Income-tax Act, 1961 or a body corporate or organization which is not registered or incorporated in India or which has any non-Indian participation in its share capital or management.
- Explanation – For the purposes of this section, “transfer” does not include publication of research papers or dissemination of knowledge in any seminar or workshop, if such publication is as per the guidelines issued by the Central Government.
5. (1) The provisions of sections 3 and 4 shall not apply to collaborative research projects involving transfer or exchange of biological resources or information relating thereto between institutions, including Government sponsored institutions of India, and such institutions in other countries, if such collaborative research projects satisfy the conditions specified in sub-section (3).

- (2) All collaborative research projects, other than those referred to in sub-section (1) which are based on agreements concluded before the commencement of this Act and in force shall, to the extent the provisions of agreement are inconsistent with the provisions of this Act or any guidelines issued under clause (a) of sub-section (3), be void:
- (3) For the purposes of sub-section (1), collaborative research projects shall –
 - (a) conform to the policy guidelines issued by the Central Government in this behalf;
 - (b) be approved by the Central Government
- 6. (1) No person shall apply for any intellectual property right, by whatever name called, in or outside India for any invention based on any research or information on a biological resource obtained from India without obtaining the previous approval of the National Biodiversity Authority before making such application:

Provided that if a person applies for a patent, permission of the National Biodiversity Authority may be obtained after the acceptance of the patent but before the sealing of the patent by the patent authority concerned:

Provided further that the National Biodiversity shall dispose of the application for permission made to it within a period of ninety days from the date of receipt thereof.

 - (2) The National Biodiversity Authority may, while granting the approval under this section, impose benefit sharing fee or royalty or both or impose conditions including the sharing of financial benefits arising out of the commercial utilization of such rights.
 - (3) The provisions of this section shall not apply to any person making an application for any right under any law relating to protection of plant varieties enacted by Parliament.
 - (4) Where any right is granted under law referred to in sub-section (3), the concerned authority granting such right shall endorse a copy of such document granting the right to the National Biodiversity Authority.
- 7. No person, who is a citizen of India or a body corporate, association or organization which is registered in India, shall obtain any biological resource for commercial utilization, or bio-survey and bio-utilisation for commercial utilization except after giving prior intimation to the State Biodiversity Board concerned:

Provided that the provisions of this section shall not apply to the local people and communities of the area, including growers and cultivators of biodiversity, and vaidas and hakims, who have been practising indigenous medicine.

CHATER III

NATIONAL BIODIVERSITY AUTHORITY

8. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established by the Central Government for the purposes of this Act, a body to be called the National Biodiversity Authority.
- (2) The National Biodiversity Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.
- (3) The head office of the National Biodiversity Authority shall be at Chennai and the National Biodiversity Authority may, with the previous approval of the Central Government, establish offices at other places in India.
- (4) The National Biodiversity Authority shall consist of the following members, namely:-
- (a) a Chairperson, who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the Central Government;
- (b) three ex officio members to be appointed by the Central Government, one representing the Ministry dealing with Tribal Affairs and two representing the Ministry dealing with Environment and Forests of whom one shall be the Additional Director General of Forests or the Director General of Forests;
- (c) seven ex officio members to be appointed by the Central Government to represent respectively the Ministries of the Central Government dealing with
- (i) Agriculture Research and Education;
- (ii) Biotechnology;
- (iii) Ocean Development;
- (iv) Agriculture and Cooperation;
- (v) Indian Systems of Medicine and Homeopathy;
- (vi) Science and Technology;
- (vii) Scientific and Industrial Research;
- (d) five non-official members to be appointed from amongst specialists and scientists having special knowledge of, or experience in, matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources, representatives of industry, conservers, creators and knowledge-holders of biological resources.
9. The term of office and conditions of service of the Chairperson and the other members other than ex officio members of the National Biodiversity Authority shall

be such as may be prescribed by the Central Government.

10. The Chairperson shall be the Chief Executive of the National Biodiversity Authority and shall exercise such powers and perform such duties, as may be prescribed.
11. The Central Government may remove from the National Biodiversity Authority any member who, in its opinion, has –
 - (a) been adjudged as an insolvent; or
 - (b) been convicted of an offence which involves moral turpitude; or
 - (c) become physically or mentally incapable of acting as a member; or
 - (d) so abused his position as to render his continuance in office detrimental to the public interest; or
 - (e) acquired such financial or other interest as is likely to affect prejudicially his functions as a member.
12.
 - (1) The National Biodiversity Authority shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.
 - (2) The Chairperson of the National Biodiversity Authority shall preside at the meetings of the National Biodiversity Authority.
 - (3) If for any reason the Chairperson is unable to attend any meeting of the National Biodiversity Authority, any member of the National Biodiversity Authority chosen by the members present at the meeting shall preside at the meeting.
 - (4) All questions which come before any meeting of the National Biodiversity Authority shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting vote.
 - (5) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.
 - (6) No act or proceeding of the National Biodiversity Authority shall be invalidated merely by reason of –
 - (a) any vacancy in, or any defect in the constitution of, the National Biodiversity Authority; or
 - (b) any vacancy in, or any defect in the constitution of, any defect in the appointment of a person acting as a member; or
 - (c) any irregularity in the procedure of the National Biodiversity Authority not affecting the merits of the case.

- 13.** (1) The National Biodiversity Authority may constitute a committee to deal with agro-biodiversity.
Explanation – For the purposes of this sub-section, “agro-biodiversity” means biological diversity of agriculture related species and their wild relatives.
- (2) Without prejudice to the provisions of sub-section (1), the National Biodiversity Authority may constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its function under this Act.
- (3) A committee constituted under this section shall co-opt such number of persons, who are not the members of the National Biodiversity Authority, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.
- (4) The persons appointed as members of the committee under sub-section (2) shall be entitled to receive such allowances or fees for attending the meetings of the committee as may be fixed by the Central Government.
- 14.** (1) The National Biodiversity Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.
- (2) The terms and conditions of service of such officers and other employees of the National Biodiversity Authority shall be such as may be specified by regulations.
- 15.** All orders and decisions of the National Biodiversity Authority shall be authenticated by the signature of the Chairperson or any other member authorized by the National Biodiversity Authority in this behalf and all other instruments executed by the National Biodiversity Authority shall be authenticated by the signature of an officer of the National Biodiversity Authority authorized by it in this behalf.
- 16.** The National Biodiversity Authority may, by general or special order in writing, delegate to any member, officer of the National Biodiversity Authority or any other person subject to such conditions, if any, as may be specified in the order, such of the powers and functions under this Act (except the power to prefer an appeal under section 50 and the power to make regulations under section 64 as it may deem necessary).
- 17.** The salaries and allowances payable to the members and the administrative expenses of the National Biodiversity Authority including salaries, allowances and pension payable to, or in respect of, the officers and other employees of the National Biodiversity Authority shall be defrayed out of the Consolidated Fund of India.

CHAPTER IV
FUNCTIONS AND POWERS OF THE NATIONAL BIODIVERSITY
AUTHORITY

- 18.** (1) It shall be the duty of the National Biodiversity Authority to regulate activities referred to in section 3, 4 and 6 and by regulations issue guidelines for access to biological resources and for fair and equitable benefit sharing.
- (2) The National Biodiversity Authority may grant approval for undertaking any activity referred to in section 3, 4 and 6.
- (3) The National Biodiversity Authority may –
- (a) advise the Central Government on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of the utilization of biological resources;
- (b) advise the State Governments in the selection of areas of biodiversity importance to be notified under sub-section (1) of section 37 as heritage sites and measures for the management of such heritage sites;
- (c) perform such other functions as may be necessary to carry out the provisions of this Act.
- (4) The National Biodiversity Authority may, on behalf of the Central Government, take any measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource obtained from India or knowledge associated with such biological resource which is derived from India.

CHAPTER V
APPROVAL BY THE NATIONAL BIODIVERSITY AUTHORITY

- 19.** (1) Any person referred to in sub-section (2) of section 3 who intends to obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilisation or transfer the results of any research relating to biological resources occurring in, or obtained from, India, shall make application in such form and payment of such fees as may be prescribed, to the National Biodiversity Authority.
- (2) Any person who intends to apply for a patent or any other form of intellectual property protection whether in India or outside India referred to in sub-section (1) of section 6, may make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.
- (3) On receipt of an application under sub-section (1) or sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to any regulations made in

this behalf and subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application.

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

- (4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.
- 20.** (1) No person who has been granted approval under section 19 shall transfer any biological resource or knowledge associated thereto which is the subject matter of the said approval except with the permission of the National Biodiversity Authority.
- (2) Any person who intends to transfer any biological resource or knowledge associated thereto referred to in sub-section (1) shall make an application in such manner as may be prescribed to the National Biodiversity Authority.
 - (3) On receipt of an application under sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee for this purpose, by order, grant approval subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:
Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.
 - (4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.
- 21.** (1) The National Biodiversity Authority shall while granting approvals under section 19 or section 20 ensure that the terms and conditions subject to which approval is granted secures equitable sharing of benefits arising out of the use of accessed biological resources, their by-products, innovations and practices associated with their use and applications and knowledge relating thereto in accordance with mutually agreed terms and conditions between the person applying for such approval, local bodies concerned and the benefits claimers.
- (2) The National Biodiversity Authority shall, subject to any regulations made in this behalf, determine the benefit sharing which shall be given effect in all or any of the following manner, namely:-
 - (a) grant of joint ownership of intellectual property rights to the National Biodiversity Authority, or where benefit claimers are identified, to such benefit claimers;
 - (b) transfer of technology;

- (c) location of production, research and development units in such areas which will facilitate better living standards to the benefit claimers;
 - (d) association of Indian scientists, benefit claimers and the local people with research and development in biological resources and bio-survey and bio-utilisation;
 - (e) setting up of venture capital fund for aiding the cause of benefit claimers;
 - (f) payment of monetary compensation and other non-monetary benefits to the benefit claimers as the National Biodiversity Authority may deem fit.
- (3) Where any amount of money is ordered by way of benefit sharing, the National Biodiversity Authority may direct the amount to be deposited in the National Biodiversity Fund:
- Provided that where biological resource or knowledge was a result of access from specific individual or group of individuals or organizations, the National Biodiversity Authority may direct the amount to be paid directly to such individual or group of individuals or organizations in accordance with the terms of any agreement and in such manner as it deems fit.
- (4) For the purposes of this section, the National Biodiversity Authority shall, in consultation with the Central Government, bi regulations, frame guidelines.

CHAPTER VI

STATE BIODIVERSITY BOARD

22. (1) With effect from such dates as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established by that Government for the purposes of this Act, a Board for the State to be known as the _____ (name of the State) Biodiversity Board.
- (2) Notwithstanding anything contained in this section, no State Biodiversity Board shall be constituted for a Union territory and in relation to a Union territory, the National Biodiversity Authority shall exercise the powers and perform the functions of a State Biodiversity Board for that Union territory:
- Provided that in relation to any Union territory, the National Biodiversity Authority may delegate all or any of its powers or functions under this subsection to such person or group of persons as the Central Government may specify.
- (3) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.
- (4) The Board shall consist of the following members, namely:-
- (a) a Chairperson who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by

- the State Government;
- (b) not more than five ex officio members to be appointed by the State Government to represent the concerned Departments of the State Government;
 - (c) not more than five members to be appointed from among the experts in matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources.
 - (5) The head office of the State Biodiversity Board shall be at such place as the State Government may, by notification in the Official Gazette, specify.
- 23. The functions of the State Biodiversity Board shall be to –**
- (a) advise the State Government, subject to any guidelines issued by the Central Government, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilization of biological resources;
 - (b) regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilisation of any biological resource by Indians;
 - (c) perform such other functions as may be necessary to carry out the provisions of this Act or as may be prescribed by the State Government.
- 24.** (1) Any citizen of India or a body corporate, organization or association registered in India intending to undertake any activity referred to in section 7 shall give prior intimation in such form as may be prescribed by the State Government to the State Biodiversity Board.
- (2) On receipt of an intimation under sub-section (1), the State Biodiversity Board may, in consultation with the local bodies concerned and after making such enquiries as it may deem fit, by order, prohibit or restrict any such activity if it is of opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity:
- Provided that no such order shall be made without giving an opportunity of being heard to the person affected.
- (3) Any information given in the form referred to in sub-section (1) for prior intimation shall be kept confidential and shall be disclosed, either intentionally or unintentionally, to any person not concerned thereto.
- 25.** The provisions of sections 9 to 17 shall apply to a State Biodiversity Board and shall have effect subject to the following modifications, namely:-
- (a) references to the Central Government shall be construed as references to

the State Government:

- (b) references to the National Biodiversity Authority shall be construed as references to the State Biodiversity Board;
- (c) reference to the Consolidated Fund of India shall be construed as reference to the Consolidated Fund of the State.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT OF NATIONAL BIODIVERSITY AUTHORITY

- 26.** The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Biodiversity Authority by way of grants or loans such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.
- 27.** (1) There shall be constituted a Fund to be called the National Biodiversity Fund and there shall be credited thereto –
- (a) any grants and loans made to the National Biodiversity Authority under section 26;
 - (b) all charges and royalties received by the National Biodiversity Authority under this Act; and
 - (c) all sums received by the National Biodiversity Authority from such other sources as may be decided upon by the Central Government.
- (2) The Fund shall be applied for –
- (a) channeling benefits to the benefit claimers;
 - (b) conservation and promotion of biological resources and development of areas from where such biological resources or knowledge associated thereto has been accessed;
 - (c) socio-economic development of areas referred to in clause (b) in consultation with the local bodies concerned.
- 28.** The National Biodiversity Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditors' report thereon.
- 29.** (1) The National Biodiversity Authority shall prepare a budget, maintain proper accounts and other relevant records (including the accounts and other relevant records of the National Biodiversity Fund) and prepare an annual statement of account in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

- (2) The accounts of the National Biodiversity Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Biodiversity Authority to the Comptroller and Auditor-General of India.
 - (3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the National Biodiversity Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Biodiversity Authority.
 - (4) The accounts of the National Biodiversity Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government.
- 30.** The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER VIII

FINANCE, ACCOUNTS AND AUDIT OF STATE BIODIVERSITY BOARD

- 31.** The State Government may, after due appropriation made by the State Legislature by law in this behalf, as the State Government may think to fit for being utilized for the purposes of this Act.
- 32.** (1) There shall be constituted a Fund to be called the State Biodiversity Fund and there shall be credited thereto;
- (a) any grants and loans made to the State Biodiversity Board under section 31;
 - (b) any grants or loans made by the National Biodiversity Authority;
 - (c) all sums received by the State Biodiversity Board from such other sources as may be decided upon by the State Government
- (2) The State Biodiversity Fund shall be applied for –
- (a) the management and conservation of heritage sites;
 - (b) compensating or rehabilitating any section of the people economically affected by notification under sub-section (1) of section 37;
 - (c) conservation and promotion of biological resources;
 - (d) socio-economic development of areas from where such biological resources or knowledge associated thereto has been accessed subject to any order made under section 24, in consultation with the local bodies concerned;
 - (e) meeting the expenses incurred for the purposes authorized by this Act

33. The State Biodiversity Board shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.
34. The accounts of the State Biodiversity Board shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the State Biodiversity Board shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.
35. The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the House of State Legislature.

CHAPTER IX

DUTIES OF THE CENTRAL AND THE STATE GOVERNMENTS

36. (1) The Central Government shall develop national strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources, promotion of in situ, and ex situ, conservation of biological resources, incentives for research, training and public education to increase awareness with respect to biodiversity.
- (2) Where the Central Government has reason to believe that any rich in biological diversity, biological resources and their habitats is being threatened by overuse, abuse or neglect, it shall issue directives to the concerned State Government to take immediate ameliorative measures; offering such State Government any technical and other assistance that is possible to be provided or needed.
- (3) The Central Government shall, as far as practicable wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.
- (4) The Central Government shall undertake measures, -
 - (i) wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological diversity, with a view to avoid or minimize such effects and where appropriate provide for public participation in such assessment;
 - (ii) to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology likely to have adverse impact on the conservation and sustainable use of biological diversity and human health.

- (5) The Central Government shall endeavour to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority through such measures, which may include registration of such knowledge at the local, State or national levels, and other measures for protection, including sui generic system.
- Explanation – For the purposes of this section,-
- (a) “ex situ conservation” means the conservation of biological diversity outside their natural habitats;
- (b) “in situ conservation” means the conservation of ecosystems and natural habitat and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.
- 37.** (1) Without prejudice to any other law for the time being in force, the State Government may, from time to time in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act.
- (2) The State Government, in consultation with the Central Government, may frame rules for the management and conservation of all the heritage sites.
- (3) The State Government shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.
- 38.** Without prejudice to the provisions of any other law for the time being in force, the Central Government, in consultation with the concerned State Government, may from time to time notify any species which is on the verge of extinction or likely to become extinct in the near future as a threatened species and prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species.
- 39.** (1) The Central Government may, in consultation with the National Biodiversity Authority, designate institutions as repositories under this Act for different categories of biological resources.
- (2) The repositories shall keep in safe custody the biological material including voucher specimens deposited with them.
- (3) Any new taxon discovered by any person shall be notified to the repositories or any institution designated for this purpose and he shall deposit the voucher specimens with such repository or institution.
- 40.** Notwithstanding anything contained in this Act, the Central Government may, in consultation with the National Biodiversity Authority, by notification in the Official Gazette, declare that the provisions of this Act shall not apply to any items, including biological resources normally traded as commodities.

CHAPTER X

BIODIVERSITY MANAGEMENT COMMITTEES

41. (1) Every local body shall constitute a Biodiversity Management Committee within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and micro organisms and chronicling of knowledge relating to biological diversity.
- Explanation – For the purposes of this sub-section,
- (a) “cultivar” means a variety of plant that has originated and persisted under cultivation or was specifically bred for the purpose of cultivation;
 - (b) “folk variety” means a cultivated variety of plant that was developed, grown and exchanged informally among farmers;
 - (c) “landrace” means primitive cultivar that was grown by ancient farmers and their successors.
- (2) The National Biodiversity Authority and the State Biodiversity Boards shall consult the Biodiversity Management Committees while taking any decision relating to the use of biological resources and knowledge associated with such resources occurring within the territorial jurisdiction of the Biodiversity Management Committee.
- (3) The Biodiversity Management Committees may levy charges by way of collection fees from any person for accessing or collecting any biological resources for commercial purposes from areas falling within its territorial jurisdiction.

CHAPTER XI

LOCAL BIODIVERSITY FUND

42. The State Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Local Biodiversity Funds by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.
43. (1) There shall be constituted a Fund to be called the Local Biodiversity Fund at every area notified by the State Government where any institution of self-government is functioning and there shall be credited thereto –
- (a) any grants and loans made under section 42;
 - (b) any grants or loans made by the National Biodiversity Authority;
 - (c) any grants or loans made by the State Biodiversity Boards;
 - (d) fees referred to in sub-section (3) of section 41 received by the Biodiversity Management Committees;

- (e) all sums received by the Local Biodiversity Fund from such other sources as may be decided upon by the State Government
- 44. (1) Subject to the provisions of sub-section (2), the management and the custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied, be in the manner as may be prescribed by the State Government.
- (2) The Fund shall be used for conservation and promotion of biodiversity in the areas falling within the jurisdiction of the concerned local body and for the benefit of the community in so far such use is consistent with conservation of biodiversity.
- 45. The person holding the custody of the Local Biodiversity Fund shall prepare, in such form and during each financial year at such time as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the concerned local body.
- 46. The accounts of the Local Biodiversity Fund shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the person holding the custody of the Local Biodiversity Fund shall furnish, to the concerned local body, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.
- 47. Every local body constitution a Biodiversity Management Committee under sub-section (1) of section 41, shall cause, the annual report and audited copy of accounts relating to such Committee to be submitted to the District Magistrate having jurisdiction over the area of the local body.

CHAPTER XII

MISCELLANEOUS

- 48. (1) Without prejudice to the foregoing provisions of this Act, the National Biodiversity Authority shall, in the discharge of its functions and duties under this Act, be writing to it from time to time:
Provided that the National Biodiversity Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.
- (2) The decision of the Central Government whether a question is one of policy or not shall be final.
- 49. (1) Without prejudice to the foregoing provisions of this Act, the State Biodiversity Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:
Provided that the State Biodiversity Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under

this sub-section.

- (2) The decision of the State Government whether a question is one of policy or not shall be final.
- 50.** (1) If a dispute arises between the National Biodiversity Authority and a State Biodiversity Board, the said Authority or the Board, as the case may be, may prefer an appeal to the Central Government within such time as may be prescribed.
- (2) Every appeal made under sub-section (1) shall be in such form as may be prescribed by the Central Government.
 - (3) The procedure for disposing of an appeal shall be such as may be prescribed by the Central Government;
Provided that before disposing of an appeal, the parties shall be given a reasonable opportunity of being heard.
 - (4) If a dispute arises between the State Biodiversity Boards, the Central Government shall refer the same to the National Biodiversity Authority.
 - (5) While adjudicating any dispute sub-section (4), the National Biodiversity Authority shall be guided by the principles of natural justice and shall follow such procedure as may be prescribed by the Central Government.
 - (6) The National Biodiversity Authority shall have, for the purpose of discharging its functions under this section, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavits;
 - (d) issuing commissions for the examination of witness or documents;
 - (e) reviewing its decisions;
 - (f) dismissing an application for default or deciding it ex parte;
 - (g) setting aside any order of dismissal of any application or any order passed by it ex parte;
 - (h) any other matter which may be prescribed.
 - (7) Every proceeding before the National Biodiversity Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code and the National Biodiversity Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

- 51.** All members, officers and other employees of the National Biodiversity Authority or the State Biodiversity Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.
- 52.** Any person, aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, may file an appeal to the High Court within thirty days from the date of communication to him, of the determination or order of the National Biodiversity Authority or the State Biodiversity Board, as the case may be:
Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.
- 53.** Every determination of benefit sharing or order made by the National Biodiversity Authority or a State Biodiversity Board under this Act or the order made by the High Court in any appeal against any determination or order of the National Biodiversity Authority or a State Biodiversity Board shall, on a certificate issued by any officer of the National Biodiversity Authority or a State Biodiversity Board or the Registrar of the High Court, in the same manner as a decree of that court.
Explanation – For the purposes of this section and section 52, the expression “State Biodiversity Board” includes the person or group of persons to whom the powers or functions under sub-section (2) of section 22 have been delegated under the proviso to that sub-section and the certificate relating to such person or group of persons under this section shall be issued by such person or group of persons, as the case may be.
- 54.** No suit, prosecution or other legal proceedings shall lie against the Central Government or the State Government or any officer of the Central Government or the State Government or any member, officer or employee of the National Biodiversity Authority or the State Biodiversity Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made there under:
- 55.** (1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten lakh rupees and where the damage caused exceeds ten lakh rupees such fine may commensurate with the damage caused, or with both.
- (2) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 7 or any order made under sub-section (2) of section 24 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

56. If any person contravenes any direction given or order made by the Central Government, the State Government, the National Biodiversity Authority or the State Biodiversity Board for which no punishment has been separately provided under this Act, he shall be punished with a fine which may extend to one lakh rupees and in case of a second subsequent offence, with fine which may extend to two lakh rupees and in the case of continuous contravention with additional fine may extend to two lakh rupees everyday during which the default continues.
57. (1) Where an offence or contravention under this Act has been committed by a company, every person who at the time the offence or contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or contravention was committed without the knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.
- (2) Notwithstanding anything contained in this sub-section (1), where an offence or contravention under this Act has been committed by a company and it is proved that the offence or contravention has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly.
- Explanation – For the purposes of this section, -
- (a) “company” means any body corporate and includes a firm or other association of individuals: and
- (b) “director” in relation to a firm, means a partner in the firm
58. The offences under this Act shall be cognizable and non-bailable.
59. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to forests or wildlife.
60. The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or any rule or regulation or order made thereunder.
61. No Court shall take cognizance of any offence under this Act except on a complaint made by –
- (a) the Central Government or any authority or officer authorized in this behalf by that Government; or
- (b) any benefit claimer who has given notice of not less than thirty days in the prescribed manner, of such offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as

aforesaid.

- 62.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) terms and conditions of service of the Chairperson and members under section 9;
 - (b) powers and duties of the Chairperson under section 10;
 - (c) procedure under sub-section (1) of section 12 in regard to transaction of business at meetings;
 - (d) form of application and payment of fees for undertaking certain activities under sub-section (1) of section 19;
 - (e) the form and manner of making an application under sub-section (2) of section 19;
 - (f) form of application and the manner for transfer of biological resource or knowledge under sub-section (2) of section 20;
 - (g) form in which, and the time of each financial year at which, the annual report of the National Biodiversity Authority shall be prepared and the date before which its audited copy of accounts together with auditor's report thereon shall be furnished under section 28;
 - (h) form in which the annual statement of account shall be prepared under sub-section (1) of section 29;
 - (i) the time within which and the form in which, an appeal may be preferred, the procedure for disposing of an appeal and the procedure for adjudication, under section 50;
 - (j) the additional matter in which the National Biodiversity Authority may exercise powers of the civil court under clause (h) of sub-section (6) of section 50;
 - (k) the manner of giving notice under clause (b) of section 61;
 - (l) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.
- (3) Every rule made under this section and every regulation made under this Act 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 successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter 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.

- 63.** (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the other functions to be performed by the State Biodiversity Board under clause (c) of section 23;
 - (b) the form in which the prior intimation shall be given under sub-section (1) of section 24;
 - (c) the form in which, and the time of each financial year at which, the annual report shall be prepared under section 33;
 - (d) the manner of maintaining and auditing the accounts of the State Biodiversity Board and the data before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 34;
 - (e) management and conservation of national heritage sites under section 37;
 - (f) the manner of management and custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied under sub-section (1) of section 44;
 - (g) the form of annual report and the time at which such report shall be prepared during each financial year under section 45;
 - (h) the manner of maintaining and auditing the accounts of the Local Biodiversity Fund and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 46;
 - (i) any other matter which is to be, or may be, specified.
- (3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.
- 64.** The National Biodiversity Authority shall, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations for carrying out the purposes of this Act.
- 65.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty;
- Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

• • •

THE INDIAN FOREST ACT, 1927 ACT NO. 16 OF 1927

1* [21st September, 1927.] An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce. WHEREAS it is expedient to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce; It is hereby enacted as follows:—

CHAP PRELIMINARY CHAPTER I PRELIMINARY

1. Short title and extent.

- (1) This Act may be called the Indian Forest Act, 1927.
- 2*[(2) It extends to the whole of India except the territories which, immediately before the 1st November, 1956 were comprised in Part B States.
- (3) It applies to the territories which, immediately before the 1st November, 1956, were comprised in the States of Bihar, Bombay, Coorg, Delhi, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and West Bengal; but the Government of any State may by notification in the Official Gazette bring this Act into force 3*** in the whole or any specified part of that State to which this Act extends and where it is not in force.]

2. Interpretation clause.

In this Act, unless there is anything repugnant in the subject or context,

- (1) “cattle” includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;
- (2) “Forest-officer” means any person whom 1*** the State Government or any officer empowered by 1*** the State Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest-officer;
- (3) “forest-offence” means an offence punishable under this Act or under any rule made thereunder;
- (4) “forest-produce” includes - (a) the following whether found in, or brought from, a forest or not, that is to say:- timber, charcoal, caoutchouc, catechu, wood- oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds 2*[, kuth] and myrabolams, and (b) the following when found in, or brought from, a forest, that is to say:— (i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees, (ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or

produce of such plants, (iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and (iv) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries);

3*[(4A) “owner” includes a Court of Wards in respect of property under the superintendence or charge of such Court;] ————— 1. The words “the G. G. in C. or” rep. by the A. O. 1937. 2. Ins. by Act 26 of 1930, s. 2. 3. Ins. by Act 3 of 1933, s. 2. 9

- (5) “river” includes any stream, canal, creak or other channels, natural or artificial;
- (6) “timber” includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and
- (7) “tree” includes palms, bamboos, stumps, brush-wood and canes.

CHAPTER II

OF RESERVED FORESTS

3. Power to reserve forests.

The State Government may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

4. Notification by State Government.

- (1) Whenever it has been decided to constitute any land a reserved forest, the State Government shall issue a notification in the Official Gazette— (a) declaring that it has been decided to constitute such land a reserved forest; (b) specifying, as nearly as possible, the situation and limits of such land; and (c) appointing an officer (hereinafter called “the Forest Settlement-officer”) to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest- produce, and to deal with the same as provided in this Chapter. Explanation.—For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.
- (2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer.

- (3) Nothing in this section shall prevent the State Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act. 10

5. Bar of accrual of forest-rights.

After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the State Government in this behalf.

6. Proclamation by Forest Settlement-officer.

When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation— (a) specifying, as nearly as possible, the situation and limits of the proposed forest; (b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and (c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

7. Inquiry by Forest Settlement-officer.

The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

8. Powers of Forest Settlement-officer.

For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say: (a) power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and (b) the powers of a Civil Court in the trial of suits.11

9. Extinction of rights.

Rights in respect of which no claim has been preferred under section 6 and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

10. Treatment of claims relating to practice of shifting cultivation.

- (1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the State Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.
- (2) On receipt of the statement and opinion, the State Government may make an order permitting or prohibiting the practice wholly or in part.
- (3) If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise- (a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or (b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.
- (4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the State Government.
- (5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the State Government.

11. Power to acquire land over which right is claimed.

- (1) In the case of a claim to a right in or any land, other than a right-of-way or right of pasture, or a right to forest-produce or a water-course, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.
- (2) If such claim is admitted in whole or in part, the Forest Settlement-officer shall either— (i) exclude such land from the limits of the proposed forest; or 12 (ii) come to an agreement with the owner thereof for the surrender of his rights; or (iii) proceed to acquire such land in the manner provided by the

Land Acquisition Act, 1894 (1 of 1894).

- (3) For the purpose of so acquiring such land— (a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 (1 of 1894); (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act; (c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and (d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

12. Order on claims to rights of pasture or to forest-produce.

In the case of a claim to rights of pasture or to forest-produce, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

13. Record to be made by Forest Settlement-officer.

The Forest Settlement-officer, when passing any order under section 12, shall record, so far as may be practicable,— (a) the name, father's name, caste, residence and occupation of the person claiming the right; and (b) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

14. Record where he admits claim.

If the Forest Settlement-officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest-produce which he is from time to time authorized to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered. 13

15. Exercise of rights admitted.

- (1) After making such record the Forest Settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.
- (2) For this purpose the Forest Settlement-officer may— (a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for

the purposes of such claimants, and record and order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or (b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or (c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the State Government.

16. Commutation of rights.

In case the Forest Settlement -officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the State Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

17. Appeal from order passed under section 11, section 12, section 15 or section 16.

Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the State Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Collector, as the State Government may, by notification in the Official gazette, appoint to hear appeals from such orders: Provided that the State Government may establish a Court (hereinafter called the Forest Court) composed of three persons to be 14 appointed by the State Government, and, when the Forest Court has been so established, all such appeals shall be presented to it.

18. Appeal under section 17.

- (1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement-officer, who shall forward it without delay to the authority competent to hear the same.
- (2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

- (3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties and shall hear such appeal accordingly.
- (4) the order passed on the appeal by such officer or Court, or by the majority of the members of such Court, as the case may be, shall, subject only to revision by the State Government, be final.

19. Pleadings.

The State Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

20. Notification declaring forest reserved.

- (1) When the following events have occurred, namely: (a) the period fixed under section 6 for preferring claims has elapsed, and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement-officer; (b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and (c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have become vested in the Government under section 16 of that Act, the State Government shall publish a notification in the Official Gazette, specifying definitely, according to boundary-marks erected 15 or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.
- (2) From the date so fixed such forest shall be deemed to be a reserved forest.

21. Publication of translation of such notification in neighbourhood offorest

The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest.

22. Power to revise arrangement made under section 15 or section 18.

The State Government may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under sec-

tion 15 or section 18, and direct that any one of the proceedings, or that the rights admitted under section 12 be commuted under section 16.

23. No right acquired over reserved forest, except as here provided.

No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the Government or some person in whom such right was vested when the notification under section 20 was issued.

24. Rights not to be alienated without sanction.

(1) Notwithstanding anything contained in section 23, right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease mortgage or otherwise, without the sanction of the State Government: Provided that, when any such right is appendant to any and or house, it may be sold or otherwise alienated with such land or house. (2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

25. Power to stop ways and water-courses in reserved forests.

The Forest-officer may, with the previous sanction of the State Government or of any officer duly authorized by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the State Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof. 16

26. Acts prohibited in such forests.

(1) Any person who— (a) makes any fresh clearing prohibited by section 5, or (b) sets fire to a reserved forest, or, in contravention of any rules made by the State Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest; or who, in a reserved forest— (c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf; (d) trespasses or pastures cattle, or permits cattle to trespass; (e) causes any damage by negligence in felling any tree or cutting or dragging any timber; (f) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same; (g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce; (h) clears or breaks up any land for cultivation or any other purpose; (I) in contravention of any rules made in this behalf by the State Government hunts, shoots,

fishes, poisons water or sets traps or snares; or (j) in any area in which the Elephants' Preservation Act, 1879 (6 of 1879), is not in force, kills or catches elephants in contravention of any rules so made; shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

- (2) Nothing in this section shall be deemed to prohibit— (a) any act done by permission in writing of the Forest- officer, or under any rule made by the State Government; or (b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.
- (3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the State Government may (notwithstanding that 17 any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

27. Power to declare forest no longer reserved.

- (1) The State Government may, 1*** by notification in the Official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.
- (2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

**CHAPTER III
OF VILLAGE-FORESTS**

28. Formation of village-forests.

- (1) The State Government may assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village- forests.
- (2) The State Government may make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

- (3) All the provisions of this Act relating to reserved forests shall (so far as they re not inconsistent with the rules so made) apply to village-forest.

CHAPTER IV OF PROTECTED FORESTS

29. Protected forests.

- (1) The State Government may, by notification in the Official gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled. — 1. The words “subject to the control of the G. G. in C.” rep. by the A. O. 1937.

18 (2) The forest-land and waste-lands comprised in any such notification shall be called a “protected forest”.

- (3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the State Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest-land or waste-land, the State Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the mean time to endanger the rights of Government, the State Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

30. Power to issue notification reserving trees, etc.

The State Government may, by notification in the Official Gazette,— (a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification; (b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the State Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or (c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the

collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

31. Publication of translation of such notification in neighbourhood.

The Collector shall cause a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

19

32. Power to make rules for protected forests.

The State Government may make rules to regulate the following matters, namely:— (a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests; (b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons; (c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licences by such persons; (d) the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce; (e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made; (f) the examination of forest-produce passing out of such forests; (g) the clearing and breaking up of land for cultivation or other purposes in such forests; (h) the protection from fire of timber lying in such forests and of trees reserved under section 30; (i) the cutting of grass and pasturing of cattle in such forests; (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, and the killing or catching of elephants in such forests in areas in which the elephants' Preservation Act, 1879 (6 of 1879), is not in force; (k) the protection and management of any portion of a forest closed under section 30; and (l) the exercise of rights referred to in section 29.

33. Penalties for acts in contravention of notification under section 30 or of rules under section 32.

- (1) Any person who commits any of the following offences, namely:
 - (a) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;

- 20 (b) contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce;
- (c) contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;
- (d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent it spreading to any tree reserved under section 30, whether standing, fallen or felled, or to any closed portion of such forest;
- (e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;
- (f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;
- (g) permits cattle to damage any such tree;
- (h) infringes any rule made under section 32; shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.
- (2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the State Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.

34. Nothing in this Chapter to prohibit acts done in certain cases.

Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with rules made under section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

CHAPTER V

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT

35. Protection of forests for special purposes.

- (1) The State Government may, by notification in the Official Gazette, regulate or prohibit in any forest or waste-land— (a) the breaking up or clearing of land for cultivation; 21 (b) the pasturing of cattle; or (c) the firing or clearing of the vegetation; when such regulation or prohibition appears necessary for

any of the following purposes:— (i) for protection against storms, winds, rolling stones, floods and avalanches; (ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslips or of the formation of ravines and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel; (iii) for the maintenance of a water-supply in springs, rivers and tanks; (iv) for the protection of roads, bridges, railways and other lines of communication; (v) for the preservation of the public health.

- (2) The State Government may, for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit.
- (3) No notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may produce in support of the same, have been heard by an officer duly appointed in that behalf and have been considered by the State Government.

36. Power to assume management of forests.

- (1) In case of neglect of, or wilful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be constructed under that section so require, the State Government may, after notice in writing to the owner of such forest or land and after considering his objections, if any, place the same under the control of a Forest-officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.
- (2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner. 22

37. Expropriation of forests in certain cases.

- (1) In any case under this Chapter in which the State Government considers that, in lieu of placing the forest or land under the control of a Forest-officer, the same should be acquired for public purposes, the State Government may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).
- (2) the owner of any forest or land comprised in any notification under section 35 may, at any time not less than three or more than twelve years from the

date thereof, require that such forest or land shall be acquired for public purposes, and the State Government shall acquire such forest or land accordingly.

38. Protection of forests at request of owners.

- (1) The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-third thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector their desire— (a) that such land be managed on their behalf by the Forest-officer as a reserved or a protected forest on such terms as may be mutually agreed upon; or (b) that all or any of the provisions of this Act be applied to such land.
- (2) In either case, the State Government may, by notification in the Official Gazette, apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

CHAPTER VI

OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE

39. Power to impose duty on timber and other forest-produce.

- (1) The 1*[Central Government] may levy a duty in such manner, at such places and at such rates as it may declare by notification in the Official Gazette on all timber or other forest-produce— (a) which is produced in 2*[the territories to which this Act extends], and in respect of which the Government has any right; — 1. Subs. by the A. O. 1937, for “L. G.”. 2. Subs. by the Adaptation of Laws (No. 3) Order, 1956, for “Part A States and Part C States”. 23 (b) which is brought from any place outside 1*[the territories to which this Act extends]: 2* * * * (2) In every case in which such duty is directed to be levied ad valorem, the 3*[Central Government] may fix by like notification the value on which such duty shall be assessed. (3) All duties on timber or other forest-produce which, at the time when this Act comes into force in any territory, are levied therein under the authority of the State Government, shall be deemed to be and to have been duly levied under the provisions of this Act. 4*[(4) Notwithstanding anything in this section, the State Government may, until provision to the contrary is made by 5*[Parliament], continue to levy any duty which it was lawfully levying before the commencement 6*** of 7*[the Constitution], under this section as then in force: Provided that nothing in this sub-section authorizes the levy of any duty which as between timber or other forest-produce of the State and similar produce of the locality outside the State discriminates in favour of the former, or which, in the case of timber or other forest- produce of localities outside the State, discriminates

between timber or other forest-produce of one locality and similar timber or other forest-produce of another locality.]

40. Limit not to apply to purchase-money or royalty.

Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VII
OF THE CONTROL OF TIMBER AND OTHER
FOREST-PRODUCE IN TRANSIT

41. Power to make rules to regulate transit of forest produce.

- (1) The control of all rivers and their banks as regard the floating of timber, as well as the control of all timber and other — forest-produce in transit by land or water, is vested in the State Government, and it may make rules to regulate the transit of all timber and other forest-produce. 1. Subs. by the Adaptation of Laws (No. 3) Order, 1956, for “Part A States and Part C States”. 2. The proviso rep. by the A. O. 1937. 3. Subs., *ibid.*, for “L. G.” 4. Ins., *ibid.* 5. Subs. by the A. O. 1950, for “the Central Legislature”. 6. That is, 26th January, 1950. 7. Subs. by the A. O. 1950, for “Part III of the Govt. of India Act, 1935”. 24
- (2) In particular and without prejudice to the generality of the foregoing power such rules may— (a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within the State; (b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass; (c) provide for the issue, production and return of such passes and for the payment of fees therefor; (d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark; (e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it

for examination, or for the payment of such money, or in order that such marks may be affixed to it; and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots; (f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed; (g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same; (h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, 25 cutting, burning, concealing or making of timber, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber; (i) regulate the use of property marks for timber, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

- (3) The State Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area. 41A. Powers of Central Government as to movements of timber across customsfrontiers.

1*[41A. Powers of Central Government as to movements of timber across customs frontiers. Notwithstanding anything in section 41, the Central Government may make rules to prescribe the route by which alone timber or other forest-produce may be imported, exported or moved into or from 2*[the territories to which this Act extends] across any customs frontier 3*** as defined by the Central Government, and any rules made under section 41 shall have effect subject to the rules made under this section.]

42. Penalty for breach of rules made under section 41.

- (1) The State Government may by such rules prescribe penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.
- (2) Such rules may provide that penalties which are double of those mentioned in sub-section (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

43. Government and Forest-officers not liable for damage to forest-produce at depot.

The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act; and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently. —
— 1. Ins. by the A. O. 1937. 2. Subs. by the Adaptation of Laws (No. 3) Order, 1956, for “Part A States and Part C States”. 3. For definition of customs frontier, see the Sea Customs Act. 1878 (8 of 1878), s. 3A and Gazette of India, 1955, Pt. II, Sec. 3, p. 1521. 26

44. All persons bound to aid in case of accident at depot.

In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the Government or by any private person, shall render assistance to any Forest-office or Police-officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER VIII

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

45. Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.

- (1) All timber found adrift, beached, stranded or sunk; all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the State Government directs, all unmarked wood and timber; shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.
- (2) Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber. (3) The State Government may, by notification in the Official gazette, exempt any class of timber from the provisions of this section.

46. Notice to claimants of drift timber.

Public notice shall from time to time be given by the Forest-office of timber

collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim. 27

47. Procedure on claim preferred to such timber.

- (1) When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.
- (2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.
- (3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government, or against any Forest-officer, on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.
- (4) No such timber shall be subject process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

48. Disposal of unclaimed timber.

If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him.

49. Government and its officer not liable for damage to such timber.

The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

50. Payments to be made by claimant before timber is delivered to him.

No person shall be entitled to recover possession of any timber collected or

delivered as aforesaid until he has paid to the Forest- officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 51. 28

51. Power to make rules and prescribe penalties.

- (1) The State Government may make rules to regulate the following matters, namely:— (a) the salving, collection and disposal of all timber mentioned in section 45; (b) the use and registration of boats used in salving and collecting timber; (c) the amounts to be paid for salving, collecting, moving, storing or disposing of such timber; and (d) the use and registration of hammers and other instruments to be used for marking such timber.
- (2) The State Government may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

**CHAPTER IX
PENALTIES AND PROCEDURE**

52. Seizure property liable to confiscation.

- (1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts or cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.
- (2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made: Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

53. Power to release property seized under section 52.

Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, carts or cattle under section 52, may release the same on the execution by the owner thereof of a bond for the production of the property so released, 29 if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

54. Procedure thereupon.

Upon the receipt of any such report, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

55. Forest-procedure, tools, etc., when liable to confiscation.

- (1) All timber or forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, carts and cattle used in committing any forest-offence, shall be liable to confiscation.
- (2) Such confiscation may be in addition to any other punishment prescribed for such offence.

56. Disposal, on conclusion of trial for forest-offence, of produce in respect of which it was committed.

When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest-officer, and, in any other case, may be disposed of in such manner as the Court may direct.

57. Procedure when offender not known, or cannot be found.

When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest-officer, or to be made over to the person whom the Magistrate deems to be entitled to the same: Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

58. Procedure as to perishable property seized under section 52.

The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

59. Appeal from orders under section 55, section 56 or section 57.

The officer who made the seizure under section 52, or any of his official superiors, or any person claiming to be interested in the property so seized, may within one month from the date of any order 30 passed under section 55, section 56 or section 57, appeal therefrom to the Court to which orders made by such

Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

60. Property when to vest in Government.

When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

61. Saving of power to release property seized.

Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the State Government from directing at any time the immediate release of any property seized under section 52.

62. Punishment for wrongful seizure.

Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary-marks.

Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code (45 of 1860): (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or (b) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or (c) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both. 31

64. Power to arrest without warrant.

(1) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

- (2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police-station.
- (3) Nothing in this section shall be deemed to authorize such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of section 30.

65. Power to release on a bond a person arrested.

Any Forest- officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provisions of section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer in charge of the nearest police-station.

66. Power to prevent commission of offence.

Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

67. Power to try offences summarily.

The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the State Government may try summarily, under the Code of Criminal Procedure, 1898 (5 of 1898), any forest-offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

68. Power to compound offences.

- (1) The State Government may, by notification in the Official Gazette, empower a Forest-officer— (a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest- offence, other than an offence specified in section 62 or section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed, and (b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

32 (2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

- (3) A Forest-officer shall not be empowered under this section unless he is a

Forest-officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of fifty rupees.

69. Presumption that forest-produce belongs to Government.

When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

**CHAPTER X
CATTLE-TRESPASS**

70. Cattle-trespass Act, 1871, to apply.

Cattle-trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-trespass Act, 1871 (1 of 1871), and may be seized and impounded as such by any Forest-officer or Police-officer.

71. Power to alter fines fixed under that Act.

The State Government may, by notification in the Official Gazette, direct that, in lieu of the fines fixed under section 12 of the Cattle-trespass Act, 1871 (1 of 1871), there shall be levied for each head of cattle impounded under section 70 of this Act such fines as it thinks fit, but not exceeding the following, that is to say:— For each Elephant ten rupees. For each buffalo or camel two rupees. For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer . . . one rupee. For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid eight annas. 33

**CHAPTER XI
OF FOREST-OFFICERS**

72. State Government may invest Forest-officers with certain powers.

- (1) The State Government may invest any Forest-officers with all or any of the following powers, that is to say:— (a) power to enter upon any land and to survey, demarcate and make a map of the same; (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects; (c) power to issue a search-warrant under

the Code of Criminal Procedure, 1898 (5 of 1898); and (d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

- (2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

73. Forest-officers deemed public servants.

All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

74. Indemnity for acts done in good faith.

No suit shall lie against any public servant for anything done by him in good faith under this Act.

75. Forest-officers not to trade.

Except with the permission in writing of the State Government, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in or outside 1*[the territories to which this Act extends].

CHAPTER XII

SUBSIDIARY RULES

76. Additional powers to make rules.

The State Government may make rules— (a) to prescribe and limit the powers and duties of any Forest-officer under this Act; ——— 1. Subs. by the Adaptation of Laws (No. 3) Order, 1956, for “Part A States and Part C States”. 34 (b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act; (c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and (d) generally, to carry out the provisions of this Act.

77. Penalties for breach of rules.

Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

78. Rules when to have force of law.

All rules made by the State Government under this Act shall be published in

the Official Gazette, and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

CHAPTER XIII

MISCELLANEOUS

79. Persons bound to assist Forest-officers and Police-officers.

- (1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest- offence, and shall forthwith take steps, whether so required by any Forest-officer or Police-officer or not,— (a) to extinguish any forest fire in such forest of which he has knowledge or information; (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest, 35 and shall assist any Forest-officer or Police-officer demanding his aid— (c) in preventing the commission in such forest of any forest-offence; and (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.
- (2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person fails— (a) to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information required by sub-section (1); (b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest; (c) to prevent, s required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or (d) to assist any Forest-officer or Police-officer demanding his aid in preventing the commission in such forest of any forest-offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender; shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

80. Management of forests the joint property of Government and other persons.

- (1) If the Government and any person be jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the State Government may either— (a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or (b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.
- (2) When the State Government undertakes under clause (a) of sub- section (1) the management of any forest, waste-land or produce, it may, by notification in the Official Gazette, declare that any of the provisions contained in Chapters II and IV shall apply to such 36 forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

81. Failure to perform service for which a share in produce of Government forest is enjoyed.

If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights or to any part of the forest-produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the State Government that such service is no longer so performed: Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the State Government.

82. Recovery of money due to Government.

All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

83. Lien on forest-produce for such money.

- (1) When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer until such

amount has been paid.

- (2) If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount. (3) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereof, shall be forfeited to Government.

84. Land required under this Act to be deemed to be needed for a public purposes under the Land Acquisition Act, 1894.

Whenever it appears to the State Government that any land is required for any of the purpose of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894 (1 of 1894). 37

85. Recovery of penalties due under bond.

When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872 (9 of 1872), be recovered from him in case of such breach as if it were an arrear of land-revenue. 85A. Saving for rights of Central Government.

1*[85A. Saving for rights of Central Government. Nothing in this Act shall authorize a Government of any State to make any order or do anything in relation to any property not vested in that State or otherwise prejudice any rights of the Central Government or the Government of any other State without the consent of the Government concerned.]

86. Repeals

Rep. by the Repealing and Amending Act, 1948 (2 of 1948), s. 2 and Sch.

• • •

GUJARAT AMENDMENTS TO INDIAN FOREST ACT

1. Gujarat. – In sec.1 of the Indian Forest Act, 1927,-

- (i) to sub – section (2), the following proviso shall be added, namely :-

“Provided that on the commencement of the Indian Forest (Gujarat Unification and Amendment) Act, 1960 (Guj. XV of 1960), this act shall also extend to the Saurashtra area of the State of Gujarat.”
- (ii) to sub – section (3), the following proviso shall be added, namely :-

“Provided that on the commencement of the Indian Forest (Gujarat Unification and Amendment) Act, 1960 (Guj. XV of 1960); this Act shall come into force in the Saurashtra area of State of Gujarat.”³

2. Gujarat. –

- (i) In its application to the State of Gujarat, in Sec. 2 (4) (a) for the words “*rauwolfia serpentina*” the words, “*rauwolfia serpentina* Kadayagum” should be substituted.
- (ii) In Sec.2 after Cl.(40A), the following clauses shall be inserted, namely, -

“(4-B) “Police Officer” means a Police Officer as defined in the Bombay Police Act, 1951 (Bom.XXII) of 1951

(4-C) “Revenue Officer” means a Revenue Officer as defined in the Bombay Land Revenue Code, 1879), or, where that Code is not in force, as defined in a law corresponding to that Code,”;
- (iii) after Sec.2, the following section shall be inserted, namely:-

“2-A. Construction of certain references to Central Or Bombay Acts. – In the application of this Act to any area of the State of Gujarat other than Bombay area any reference to a provision of a Central or Bombay Act, shall, where no such Act is in force in that area, be construed as a reference to the provision of the corresponding law, if any, in force in that area.”

12. Gujarat. – Section 12 shall be re-numbered as sub – section (1) of that section and after the sub – section so re-numbered, the following sub – section shall be inserted namely :

“(2) A copy of the order passed under sub – section (1) shall be furnished to the claimant by the Forest Settlement Officer and another copy of that order shall be forwarded to the Forest Officer who attended to the Divisional Forest Officer.”²

26. Gujarat. – In Sec. 26, -

- (i) in sub – section (1), for the words beginning with the letter and brackets “(b)” and ending with the words, “ or who in a reserved forest” the following shall be substituted, namely :-

“(b) sets fire to reserved forest or to a forest in a land in respect of which a notification declaring the decision of the State Government to constitute it a reserved forest has been issued under Sec. 4, or in contravention of any rules made by the State Government in this behalf, kindles in such forest any fire or leaves any fire burning in such manner as to endanger such a forest;

Or who, in a reserved forest or a forest in land notified as aforesaid under Sec. 4.”

- (ii) after sub – section (3), the following sub – section (4), shall be inserted, namely :-

- (4) When a person is convicted under Cl. (d) or (h) of sub – section (1)

(a) a Forest Officer not below the rank of a Ranger,

(b) a Police Officer not below the rank of sub – inspector, or

(c) a Revenue Officer not below the rank of a Mahalkari,

may evict him from the forest or land in relation to which he has committed the offence.”

33. Gujarat. – In Sec. 33, after sub – section (2), the following sub – section shall be inserted. namely :-

“(3) When a person is convicted of an offence under sub – section (1) :

(a) a Forest Officer not below the rank of a Ranger

(b) a Police Officer not below the rank of a Sub – Inspector, or

(c) a Revenue Officers not below the rank of a Mahalkari,

may evict him from the protected forest in relation to which he has committed the offence.”

34. Gujarat. – Section 34 – A of the Forest Act shall stand repealed.

35. Gujarat. – Section 35 of the Forest Act shall stand repealed.

36. Gujarat. – Section 36 of the Indian Forest Act, 1927, as amended in this State is now repealed.

37. Gujarat. – Section 37 of the Indian Forest Act, 1927, is now repealed.

41. Gujarat –

- (1) In sub – section (2) of Sec. 41 of the principal Act,-
 - (a) in Cl. (c) the words “and for the payment of fees, therefore” shall be deleted.
 - (b) in Cl. (h), for the words “ or subject to conditions”, the words “ or regulate by grant of licences”, and
 - (c) in Cl. (i), the words “ and provide for the levy of fees for such registration”, shall be deleted.
- (2) After sub – section (2) the following new sub – section (2 – A) shall be inserted, namely :-

“(2 – A) Any rules made under this section may provide for levy of fees for the issue of passes, grant of licences and registration property marks referred to in Cls. (e), (h), and (i) of sub – section (2).”³

52. Gujarat. –

- (1) In Sec. 52 of the principal Act, for the words “carts” wherever it occurs, the word “vehicle” shall be substituted.⁴
- (2) In the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Gujarat hereinafter referred to as (the principal Act), in Sec. 52. –
 - (1) After sub – section (1), the following sub – section shall be inserted, namely :-

“(1 – A) Any Forest officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of forest – produce in respect of which there is reason to believe that a forest offence has been or is being committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary for examination of the contents in the vehicle and inspection of all records relating to the forest – produce and in possession of such driver or other person in charge of the vehicle or any other person in the vehicle.”
 - (2) In sub – section (2), for the words “make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made” the following shall be substituted, namely :-

- (a) where the offence on account of which the seizure has been made is in respect of the forest – produce which is the property of the State Government or in respect of which the State Government has any interest, to the concerned authorised officer under Sec. 61 – A;
- (b) in other cases to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made

53. Gujarat. – In Sec. 53 of the principal Act,-

- (1) For the word, “carts” the word “vehicles” shall be substituted.⁷
- (2) For the words and figures “under Sec. 52, may release”, the words and figures and letter,” under Sec. 52, may, subject to Sec. 61 – G, release”, shall be substituted.⁶

54. Gujarat. – In the principal Act, Sec. 54 shall be deleted.³

55. Gujarat. –

- (1) In Sec. 55 of the principal Act, for the word “carts” wherever it occurs, the word “vehicles” shall be substituted.⁸
- (2) In the principal Act, in Sec. 55, in sub – section (1), for the words “shall be liable” the words, figures and letter “shall, subject to Sec. 61 – G, be liable” shall be substituted.⁹

56. Gujarat. –

In the principal Act, in Sec. 56, for the words “in any other case may be disposed” the words, figures and letter “in any other case may, subject to Sec. 61 – G, be disposed” shall be substituted.⁴

57. Gujarat.

In the principal Act, in Sec. 57, for the words “that an offence has been committed” the words, figures and letter “that an offence has been committed, subject to Sec. 61 – G”, shall be substituted.²

58. Gujarat.

In the principal Act, in Sec. 58,-

- (1) For the words “The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of” the words and figures. “The Forest Officer who made the seizure under Sec. 52 may, notwithstanding anything contained in this Act or any other law, sell” shall be substituted;

- (2) The following shall be added at the end, namely :-
“and shall report about every such sale to his official superior”.⁷

61. Gujarat.

In the principal Act, after Sec. 61, the following sections shall be inserted, namely :-

“61–A. Confiscation by Forest Officers in certain cases.

- (1) Notwithstanding anything contained in foregoing provisions of this Chapter or in any other law for the time being in force, where a forest offence is believed to have been committed in respect of any forest – produce which is the property of the State Government, the officer seizing the property under sub – section (1) of Sec. 52 shall without any unreasonable delay produce it, together with all tools, ropes, chains, boats, vehicles, and cattle used in committing such offence before an officer authorized by the State Government in this behalf by notification in the Official Gazette, not being below the rank of an Assistant Conservator of Forest (hereinafter referred to as “the authorised officer”)
- (2) Where the authorized officer seizes under sub – section (1) of Sec. 52 any forest – produce which is the property of the State Government or where any such property is produced before the authorised officer under sub – section (1) and he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles and cattle used in commission of such offence.
- (3) (a) Where the authorized officer, after passing an order of confiscation under sub – section (2), is of the opinion that it is expedient in the public interest so to do, he may, order the confiscated property or any part thereof to be sold by public auction.
- (b) Where any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses, relating thereto, shall, where the order of confiscation made under Sec. 61 – A is set aside or annulled by an order under Sec. 61 – C or 61 – D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

61 – B. Issue of show – cause notice before confiscation under Sec. 61 – A. –

- (1) No order confiscating any forest – produce or tools, ropes, chains, boats, vehicles or cattle shall be made under Sec. 61 – A except after notice in writing to the person from whom it is seized informing him of the grounds on which it is proposed to confiscate it and considering his objection, if any :

Provided that no order confiscating a motor vehicle shall be made except after giving notice in writing to the registered owner thereof, if in the opinion of the authorized officer it is practicable to do so and considering his objections, if any.

- (2) Without prejudice to the provisions of sub – section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under Sec. 61 – a if the owner of the tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorised officer that if it was used in carrying forest – produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of tool, rope, chain, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.

“61 – C. Revision. –

Any Forest Officer not below the rank of Conservator of Forests specially empowered by the State Government in this behalf by notification in the Official Gazette may, before the expiry of thirty days from the date of the order of the authorised officer under Sec. 61 – A, suo motu call for and examine the records of that order and may make such inquiry or cause such inquiry to be made and may pass such orders as he deems fit :

Provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

“61 – D. Appeal. –

- (1) Any person aggrieved by any order passed under Sec. 61 – A or Sec. 61 – C may, within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity of being heard to the appellant and the authorised officer or the officer specially empowered under Sec. 61 – C, as the case may be, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

- (2) An order of Sessions Judge under Sub-section (1) shall be final and shall not be questioned in any Court of law.

“61 – E. Award of confiscation not to interfere with other punishment. –

The award of any confiscation under Sec. 61 – A or 61 – C or 61 – D shall not prevent the infliction of punishment which the person affected thereby is liable under this Act.

“61 – F. Property confiscated when to vest in Government. –

When an order for confiscation of any property has been passed under Sec. 61 – A OR 61 – C OR 61 – D and such order has become final in respect of the whole or any portion of such property, such property or portion thereof or it has been sold under sub-section (3) of Sec. 61 – A of the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances.

61 – G. Bar of jurisdiction in certain cases. –

Whenever any forest-produce belonging to the State Government or any tool, rope, chain, vehicle or cattle used in committing any offence is seized under sub-section (1) of Sec. 52, the authorised officer under Sec. 61 – A or the officer specially empowered under Sec. 61 – C or the Sessions Judge hearing an appeal under Sec. 61 – D shall have and, notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974), or in any other law for the time being in force, any other officer, Court, Tribunal or Authority shall not have jurisdiction to make order with regard to the custody, possession, delivery, disposal or distribution of such property.”¹

64. Gujarat. –

In sub-section (1) of Sec. 64 of the principal Act, for the words “Any Forest Officer or Police – Officer”, the words “ Any Forest Officer, Police Officer or Revenue Officer” shall be substituted.⁴

65. Gujarat. –

In Sec. 65 for the word “a Ranger”, the words” a Ranger, any Police Officer of a rank not inferior to that of Sub – Inspector or any Revenue Officer of a rank not inferior to that of a Mahalkari” shall be substituted.²

66. Gujarat. –

In Sec. 66, for the words “Every Forest Officer and Police Officer”, the words “Every Forest Officer, Police Officer and Revenue Officer” shall be substituted.³

67 Gujarat. –

In Sec. 67 of the principal Act, for words “the District Magistrate or any Magistrate of the first class specially empowered in this behalf by the State Government”, the following words” any Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court.”⁵

68. Gujarat. –For Sec. 68, the following section shall be substituted, namely :-

“68. Power to compound offences. –

- (1) The State Government may, by notification in the Official Gazette, empower a Forest Officer –
 - (a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in Sec. 62 or Sec. 63, payment of a sum of money, or, at his discretion, an undertaking in writing to pay a sum of money, by way of compensation for the offence which such person is suspected to have committed, and
 - (b) When any property has been seized as liable to confiscation, [subject to Sec. 61 – G] to release the same on the payment of, or at his discretion, on acceptance of an undertaking in writing to pay, the value thereof as named by such Officer.
- (2) On the payment of, or on acceptance of an undertaking in writing to pay, such sum of money, or such named value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be release, and no further proceedings, other than those under Sec. 82 where necessary, shall be taken against such person or property.
- (3) A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Ranger⁴ [* * *] and the sum of money accepted or agreed to be accepted as compensation under Cl. (a) of sub – section (1) shall in no case exceed the sum of⁵ [two thousand rupees.”

71. Gujarat.

In Sec. 71 for the words “eight annas” the words “fifty naya paise” shall be substituted.⁵

78. Gujarat.

Section 78 shall be renumbered as sub – section (1) of that section and after the sub – section so renumbered the following sub – section shall be inserted, namely :-

“(2) All rules made by the State Government under this Act shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the sessions in which they are so laid, or the sessions immediately following.”

80. Gujarat. –

After Sec. 80 of principal Act, the following new Sec. 80 – A, shall be inserted, namely :-

“80 – A. Power of Government to apply provisions of this Act to certain lands of Government or local authority. – The State Government may, by notification in the Official Gazette declare that any of provisions of this Act shall apply to all or any lands on the banks of canals or the sided of roads which are the property of State Government or a local authority and thereupon such provisions shall apply to such lands accordingly.”

82. Gujarat. –

In Sec. 82, after the words, “such produce”, the words and figures” or on account of compensation or value of property undertaken to be paid under Sec. 68” shall be inserted.³

85. Gujarat. –

Same as Maharashtra.⁶

Maharashtra. – (1) Section 85 of the Indian Forest Act, 1927 (XVI Of 1927), shall be re – numbered as sub – section (1) of that section, and after sub – section (1) so re – numbered the following sub – section shall be added, namely :-

• • •

THE CATTLE-TRESPASS ACT, 1871 ACT NO. 1 OF 1871 1*

[13th January, 1871.]

An Act to consolidate and amend the law relating to Trespasses by Cattle.

CHAP PRELIMINARY CHAPTER I PRELIMINARY

1. Title and extent.

- (1) This Act may be called the Cattle- trespass Act, 1871; and
- (2) It extends to the whole of India except 3*[the territories which, immediately before the 1st November, 1956, were comprised in Part B States], and the presidency-towns and such local areas as the State Government, by notification in the Official Gazette, may from time to time exclude from its operation.

2. Repeal of Acts. References to repealed Acts.

Rep. by the Repealing Act, 1938 (1 of 1938).

3. Interpretation clause.

In this Act,— “officer of police” includes also village-watchman, and “cattle” includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, and kids, 1*[and 2*] “local authority” means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area, and “local fund” means any fund under the control or management of a local authority.] CHAP POUNDS AND POUND-KEEPERS CHAPTER II POUNDS AND POUND-KEEPERS

4. Establishment of pounds.

Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the State Government, from time to time directs. The village by which every pound is to be used shall be determined by the Magistrate of the District.

5. Control of pounds, Rates of charge for feeding impounded cattle.

The pounds shall be under the control of the Magistrate of the District; and he shall fix, and may from time to time alter, the rates of charge for feeding and watering impounded cattle.

6. Appointment of pound-keepers. Pound-keepers may hold other offices. Pound-keepers to be public servants.

The State Government shall appoint a pound-keeper for every pound. Any pound-keeper may hold simultaneously any other office under the Government.

————— 1 Ins. by Act 1 of 1891, s. 2. 2 Cf. definition in s. 3 (28) of the Gen-

eral Clauses Act, 1897 (10 of 1897), which applies to all Acts passed after the 14th January, 1887. 3 Subs by the A. O. 1937. 8A Every pound-keeper shall be deemed to be a public servant within the meaning of the Indian Penal Code.] DUTIES OF POUND-KEEPERS

7. To keep registers and furnish returns.

Every pound-keeper shall keep such registers and furnish such returns as the State Government from time to time directs.

8. To register seizures.

When cattle are brought to a pound, the pound-keeper shall enter in his register,— (a) the number and description of the animals, (b) the day and hour on and at which they were so brought, (c) the name and residence of the seizer, and (d) the name and residence of the owner, if known, and shall give the seizer or his agent a copy of the entry.

9. To take charge of and feed cattle.

The pound-keeper shall take charge of, feed and water the cattle until they are disposed of as hereinafter directed. CHAP IMPOUNDING CATTLE
CHAPTER III IMPOUNDING CATTLE

10. Cattle damaging land.

The cultivator or occupier of any land, or any person who has advanced cash for the cultivation of the crop or produce on any land, or the vendee or mortgagee of such crop or produce or any part thereof, may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and 1*[send them or cause them to be sent within twenty-four hours] to the pound established for the village in which the land is situate. Police to aid seizures. All officers of police shall, when required, aid in preventing (a) resistance to such seizures, and (b) rescues from persons making such seizures.

11. Cattle damaging public roads, canals and embankments.

Persons in charge of public roads, pleasure-grounds, plantations, canals, drainage-works, embankments and the like and officers of police, may seize or cause to be seized any cattle doing damage to such roads, grounds, plantations, canals, drainage-works, embankments and the like, or the sides or slopes of such roads, canals, drainage-works or embankments or found straying thereon, and shall 3*[send them or cause them to be sent within twenty- four hours] to the nearest pound.

12. Fines for cattle impounded.

For every head of cattle impounded as aforesaid, the pound-keepers shall levy a fine in accordance with the scale for the time being prescribed by the State

Government in this behalf by notification in the Official Gazette. Different scales may be prescribed for different local areas. ——— 1 Subs. by Act 1 of 1891, s. 3, for “take them or cause them to be taken without unnecessary delay”. 2 As to the application of s. 11 to forests, see the Indian Forest Act, 1927 (17 of 1927), s. 70; to railways, see the Indian Railways Act, 1890 (9 of 1890), s. 125 (4). 3 Subs. by Act 1 of 1891, s. 4, for “take them without unnecessary delay”. 4 Subs. by Act 17 of 1921, s. 2, for the original s. 12. See s. 71 of the Indian Forest Act, 1927 (17 of 1927) under which the State Government may fix a different scale of fines for cattle impounded under s. 70 of that Act. 10 All fines so levied shall be sent to the Magistrate of the District through such officer as the State Government may direct. List of fines and charges for feeding. A list of the fines and of the rates of charge for feeding and watering cattle shall be posted in a conspicuous place on or near to every pound.]

CHAPTER IV

DELIVERY OR SALE OF CATTLE

13. Procedure when owner claims the cattle and pays fines and charges.

If the owner of the impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the fines and charges incurred in respect of such cattle. The owner or his agent, on taking back the cattle, shall sign a receipt for them in the register kept by the pound-keeper.

14. Procedure if cattle be not claimed within a week.

If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police-station, or to such other officer as the Magistrate of the District appoints in this behalf. Such officer shall thereupon stick up in a conspicuous part of his office a notice stating— (a) the number and description of the cattle, (b) the place where they were seized, (c) the place where they are impounded, and shall cause proclamation of the same to be made by beat of drum in the village and at the market-place nearest to the place of seizure. If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said officer, or an officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time directs: Provided that, if any such cattle are, in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

15. Delivery to owner disputing legality of seizure but making deposit.

If the owner or his agent appear and refuse to pay the said fines and expenses, on the ground that the seizure was illegal and that the owner is about to make a complaint under section 20, then, upon deposit of the fines and charges in-

curred in respect of the cattle, the cattle shall be delivered to him. 11

16. Procedure when owner refuses or omits to pay the fines and expenses.

If the owner or his agent appear and refuse or omit to pay or (in the case mentioned in section 15) to deposit the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by such officer at such place and time, and subject to such conditions, as are referred to in section 14. Deduction of fines and expenses. The fines leviable and the expenses of feeding and watering, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale. Delivery of unsold cattle and balance of proceeds. The remaining cattle and the balance of the purchase-money, if any, shall be delivered to the owner or his agent, together with an account showing— (a) the number of cattle seized, (b) the time during which they have been impounded, (c) the amount of fines and charges incurred, (d) the number of cattle sold, (e) the proceeds of sale, and (f) the manner in which those proceeds have been disposed of. Receipts. The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase-money (if any) paid to him according to such account.

17. Disposal of fines, expenses and surplus proceeds of sales.

The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted. The charges for feeding and watering deducted under section 16 shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under section 13. The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months, and, if no claim thereto be preferred and established within that period, shall, at its expiry, 1*[be deemed to hold them as part of the revenues of the State].

18. Application of fines and unclaimed proceeds of sale.

Rep. by the A. O. 1937.

19. Officers and pound-keepers not to purchase cattle at sales under Act.

No officer of police or other officer or pound-keeper appointed under the provisions herein contained shall, directly or indirectly, purchase any cattle at a sale under this Act. — 12 Pound-keepers when not to release impounded cattle. No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the former part of this Chapter, unless such release or delivery is ordered by a Magistrate or Civil Court. 1 Subs. by the A. O. 1937, for “dispose of them as hereinafter provided”.

CHAPTER V
COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION

20. Power to make complaints.

Any person whose cattle have been seized under this Act, or, having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

21. Procedure on complaint.

The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate. If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

22. Compensation for illegal seizure or detention.

If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle, Release of cattle. and, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

23. Recovery of compensation.

The compensation, fines and expenses mentioned in section 22 may be recovered as if they were fines imposed by the Magistrate.]2* ——— 1 Subs. for the original Ch. V by Act 1 of 1891, s. 6. 2 See ss. 63 to 70 of the Indian Penal Code (45 of 1860), and s. 386 of the Code of Criminal Procedure, 1898 (5 of 1898); cf. also, s. 25 of the General Clauses Act, 1897 (10 of 1897). 13

CHAPTER VI
PENALTIES

24. Penalty for forcibly opposing the seizure of cattle or rescuing the same.

Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever rescues the same after seizure, either from a pound, or from any person taking or about to take them to a pound, such person being near at hand

and acting under the powers conferred by this Act, shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

25. Recovery of penalty for mischief committed by causing cattle totrespass.

Any fine imposed 2*[under the next following section or] for the offence of mischief by causing cattle to trespass on any land may be recovered by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

26. Penalty for damage caused to land or crops or public roads by pigs.

Any owner or keeper of pigs who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees. 3*[The State Government, by notification in the Official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words “fifty rupees” were substituted for the words “ten rupees,” or as if there were both such reference and such substitution.] 4* * * * *

27. Penalty on pound-keeper failing to perform duties.

Any pound- keeper releasing or purchasing or delivering cattle contrary to the provisions of section 19, or omitting to provide any impounded cattle with sufficient food and water, or failing to perform any of the other duties imposed upon him by this Act, shall, over and above any other penalty to which he may be liable, be punished, on conviction before a Magistrate, with fine not exceeding fifty rupees.

1 As to the application of s. 25 in the case of cattle-trespassing on a railway, see the Indian Railways Act, 1890 (9 of 1890), s. 125 (3). 2 Ins. by Act 1 of 1891, s. 7. 3 Ins. by s. 8, *ibid.* 4 The last paragraph of s. 26 rep. by Act 10 of 1914. 14 Such fines may be recovered by deductions from the pound-keeper’s salary.

28. Application of fines recovered under section 25, 26 or 27.

All fines recovered under section 25, section 26 or section 27 may be appropriated in whole or in part as compensation for loss or damage proved to the satisfaction of the convicting Magistrate.

CHAPTER VII
SUITS FOR COMPENSATION

29. Saving of right to sue for compensation.

Nothing herein contained prohibits any person whose crops or other produce of land have been damaged by trespass of cattle from suing for compensation in any competent Court.

30. Set-off. 30.

Any compensation paid to such person under this Act by order of the convicting Magistrate shall be set-off and deducted from any sum claimed by or awarded to him as compensation in such suit.

CHAPTER VIII
SUPPLEMENTAL

31. Power for State Government to transfer certain functions to local authority.

The State Government may, from time to time by notification in the Official Gazette,— (a) transfer to any local authority within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the State Government or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority. 2* * * * SCHE Rep. by the Repealing Act, 1938 (1 of 1938). [SCHEDULE.] Rep. by the Repealing Act, 1938 (1 of 1938).

• • •

THE CARRIAGE BY ROAD ACT, 2007

NO. 41 OF 2007

[29th September, 2007.]

An Act to provide for the regulation of common carriers, limiting their liability and declaration of value of goods delivered to them to determine their liability for loss of, or damage to, such goods occasioned by the negligence or criminal acts of themselves, their servants or agents and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

- (1) This Act may be called the Carriage by Road Act, 2007.
- (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.

2. Definitions.

In this Act, unless the context otherwise requires,-

- (a) “common carrier” means a person engaged in the business of collecting, storing, forwarding or distributing goods to be carried by goods carriages under a goods receipt or transporting for hire of goods from place to place by motorised transport on road, for all persons indiscriminatingly and includes a goods booking company, contractor, agent, broker and courier agency engaged in the door-to-door transportation of documents, goods or articles utilising the services of a person, either directly or indirectly, to carry or accompany such documents, goods or articles, but does not include the Government;
- (b) “consignee” means the person named as consignee in the goods forwarding note;
- (c) “consignment” means documents, goods or articles entrusted by the consignor to the common carrier for carriage, the description or details of which are given in the goods forwarding note;
- (d) “consignor” means a person, named as consignor in the goods forwarding note, by whom or on whose behalf the documents, goods or articles covered by such forwarding note are entrusted to the common carrier for carriage thereof;
- (e) “goods” includes-
 - (i) containers, pallets or similar articles of transport used to consolidate goods; and
 - (ii) animals or livestock;
- (f) “goods forwarding note” means the document executed under section 8;

- (g) “goods receipt” means the receipt issued under section 9;
- (h) “person” includes any association or body of persons, whether incorporated or not, a road transport booking company, contractor and an agent or a broker carrying on the business of a common carrier;
- (i) “prescribed” means prescribed by rules made under this Act;
- (j) “registering authority” means a State Transport Authority or a Regional Transport Authority constituted under section 68 of the Motor Vehicles Act, 1988;
- (k) “registration” means the registration granted or renewed under sub-section (5) of section 4.

3. Persons not to engage in business of common carrier without registration.

- (1) No person shall engage in the business of a common carrier, after the commencement of this Act, unless he has been granted a certificate of registration.
- (2) Any person who is engaged, whether wholly or partly, in the business of a common carrier, immediately before the commencement of this Act, shall,-
 - (a) apply for a registration within ninety days from the date of such commencement;
 - (b) cease to engage in such business on the expiry of one hundred and eighty days from the date of such commencement unless he has applied for registration and the certificate of registration has been granted by the registering authority.

4. Application for grant or renewal of registration.

- (1) Any person, who is engaged or intends to engage in the business of a common carrier, shall apply for the grant or renewal of a certificate of registration for carrying on the business of common carrier to the registering authority.
- (2) An application under sub-section (1) shall be made, to the registering authority having jurisdiction in the area in which the applicant resides or has his principal place of business stating that the application is for the main office, in such form and manner and accompanied by such fees payable to the registering authority as may be prescribed.
- (3) An application for grant or renewal of certificate of registration for the main office shall contain the details of branch office, if any, to be operated outside the jurisdiction of the State or Union territory in which the main office is to be registered in such form and manner as may be prescribed:
 Provided that an application for the purpose to open or close a branch office shall be made to the registering authority having jurisdiction over the main office.

- (4) A registering authority shall, before granting or renewing a certificate of registration, satisfy itself that the applicant fulfills such conditions as may be prescribed.
- (5) The registering authority may, on receipt of an application under sub-section (2) or sub-section (3) and after satisfying itself that the applicant fulfills the requirements of sub-section (4), grant the certificate of registration or renew it, as the case may be, for carrying on the business of a common carrier, in such form and subject to such conditions as may be prescribed:
- Provided that no application for the grant or renewal of a certificate of registration shall be refused by the registering authority unless the applicant has been given an opportunity of being heard and the reasons for such refusal are given in writing by the registering authority within sixty days from the date of receipt of such application:
- Provided further that if such refusal has not been communicated within sixty days of the date of application, the registering authority shall grant or renew certificate of registration within a further period of thirty days.
- (6) A certificate of registration granted or renewed under sub-section (5) shall contain the details of branch offices to be operated in various States and Union territories, and shall be valid for a period of ten years from the date of such grant or renewal, as the case may be:
- Provided that in the case of registration in respect of branch offices referred to in sub-section (3), the validity of such registration shall be restricted to the validity of the registration granted in respect of the main office.
- (7) The holder of a certificate of registration shall-
- (a) maintain a register in such form and manner as may be prescribed;
- (b) for shifting the main office mentioned in the certificate of registration submit an application to the registering authority which granted the certificate of registration:
- Provided that such registering authority shall grant or refuse permission for shifting the main office within thirty days from the date of receipt of such application and that no application for shifting the main office shall be refused unless the applicant has been given an opportunity of being heard and reasons for such refusal are given in writing by the registering authority:
- Provided further that in case the registering authority has not either granted or refused the permission within thirty days it shall be deemed that the permission for shifting has been granted.
- (c) submit to the registering authority under whose jurisdiction the main office is located and the Transport Research Wing of the Ministry or

Department of the Central Government dealing with road transport and highways such information and return as may be prescribed within one hundred and twenty days after the thirty-first day of March every year;

- (d) display at a prominent place in its or its main office and each branch office, if any, a certificate of registration in original or certified copy thereof attested by the concerned registering authority, a notary or a Gazetted Officer of the Central or State Government.
- (8) A common carrier shall not load the motor vehicle beyond the gross vehicle weight mentioned in the registration certificate whose registration number is mentioned in the goods forwarding note or goods receipt, and the common carrier shall not allow such vehicle to be loaded beyond the gross vehicle weight.

5. Suspension or cancellation of registration.

- (1) If the registering authority is satisfied that the holder of certificate of registration has failed to comply with any of the provisions of sub-section (7) of section 4, it may give a notice by registered post or through electronic media or by any verifiable means to the holder of certificate of registration to rectify within a period of thirty days and in case such a holder fails to do so, it may revoke the certificate of registration on completion of enquiry.
- (2) If a complaint is received by the registering authority against a common carrier from a consignor in respect of,-
 - (i) non-issuance of receipt of goods;
 - (ii) non-disclosure of the whereabouts of the goods in transit when asked by the consignor or consignee; or
 - (iii) detention of goods for delivery without valid reasons; or
 - (iv) demand for unreasonable additional charges at the time of delivery, which were neither disclosed nor agreed upon between the consignor and the consignee earlier; or
 - (v) non-payment of charges agreed and payable to truck-owners, it may give a notice by registered post or through electronic media or by any other verifiable means to the holder of certificate of registration to rectify the same within a period of thirty days and in case such holder fails to do so, it may revoke certificate of registration for a period as may be prescribed under the rules on completion of that enquiry.
- (3) If the registering authority or any other authority so authorised under the Motor Vehicles Act, 1988 has received proof of violation of provision of sub-section (8) of section 4, it shall be competent to impose the penalty prescribed under section 194 of the Motor Vehicles Act, 1988 on the common carrier, notwithstanding the fact that such penalty have been already imposed on and

realised from the driver or the owner of the goods vehicle or the consignor, as the case may be.

- (4) Any action for revocation of certificate of registration shall not be taken under sub-sections (1) and (2) unless the holder of the certificate of registration is given an opportunity of being heard in the enquiry and reasons for such action are given in writing by the registering authority.
- (5) The registering authority in whose jurisdiction the main office of the common carrier is located shall be competent to take action under sub-sections (1) and (2) and any other registering authority who has noticed the violations or has received complaints under the said sub-sections, shall report such matter to the registering authority having jurisdiction over the main office.
- (6) When the certificate of registration is revoked, the holder of the certificate of registration shall surrender the certificate of registration to the registering authority within a period of thirty days and it would be incumbent on the holder of the certificate of registration to complete the delivery and transactions in respect of the consignments already accepted by the common carrier from any consignor prior to the revocation of the certificate of registration.
- (7) The holder of a certificate of registration may, at any time, surrender the certificate to the registering authority which granted the registration and on such surrender the registering authority shall, after obtaining declaration from the holder of the certificate of registration that no liability is outstanding against him and that he shall discharge such liability, if held liable, revoke the certificate of registration: Provided that if the surrender is in respect of a branch office, the endorsement in respect of the branch office shall be deleted from the certificate of registration and such deletion shall be notified by the registering authority having jurisdiction over the main office to such other authorities as may be prescribed.

6. Appeal.

- (1) Any person aggrieved by an order of the registering authority refusing to grant or renew a certificate of registration or suspending or revoking a registration under this Act, may, within sixty days from the date of such order, appeal to the State Transport Appellate Tribunal constituted under sub-section (2) of section 89 of the Motor Vehicles Act, 1988.
- (2) An appeal under sub-section (1) shall be preferred in duplicate in the form of a memorandum setting forth the grounds of objection to the order of the registering authority and shall be accompanied by such fee as may be prescribed.
- (3) Without prejudice to the provisions of sub-sections (1) and (2), the provisions of sub-sections (1) and (2) of section 89 of the Motor Vehicles Act, 1988, as in force immediately before the commencement of this Act, with regard to appeal, shall, as far as may, apply to every appeal as if the provisions aforesaid

were enacted by this Act subject to the modification that any reference therein to the “permit” shall be construed as a reference to the “registration”.

7. Submission of annual return.

The State Transport Authority in respect of each State or Union territory shall submit annually to the Ministry or Department of the Central Government dealing with road transport and highways a consolidated annual return giving the details of the goods carried by the common carriers in that State or the Union territory, as the case may be, on the basis of the returns received from the holders of the registration as specified under clause (c) of sub-section (7) of section 4.

8. Goods forwarding note

- (1) Every consignor shall execute a goods forwarding note, in such form and manner as may be prescribed, which shall include a declaration about the value of the consignment and goods of dangerous or hazardous nature.
- (2) The consignor shall be responsible for the correctness of the particulars furnished by him in the goods forwarding note.
- (3) The consignor shall indemnify the common carrier against any damage suffered by him by reason of incorrectness or incompleteness of the particulars on the goods forwarding note.

9. Goods receipt.

- (1) A common carrier shall,
 - (a) in case where the goods are to be loaded by the consignor, on the completion of such loading; or
 - (b) in any other case, on the acceptance of the goods by him, issue a goods receipt in such form and manner as may be prescribed.
- (2) The goods receipt shall be issued in triplicate and the original shall be given to the consignor.
- (3) The goods receipt shall be prima facie evidence of the weight or measure and other particulars of the goods and the number of packages stated therein.
- (4) The goods receipt shall include an undertaking by the common carrier about the liability under section 10 or section 11.

10. Liability of common carrier.

- (1) The liability of the common carrier for loss of, or damage to any consignment, shall be limited to such amount as may be prescribed having regard to the value, freight and nature of goods, documents or articles of the consignment, unless the consignor or any person duly authorized in that behalf have expressly undertaken to pay higher risk rate fixed by the common carrier under section 11.
- (2) The liability of the common carrier in case of any delay up to such period as

may be mutually agreed upon by and between the consignor and the common carrier and specifically provided in the goods forwarding note including the consequential loss or damage to such consignment shall be limited to the amount of freight charges where such loss, damage or delay took place while the consignment was under the charge of such carrier:

Provided that beyond the period so agreed upon in the goods forwarding note, compensation shall be payable in accordance with sub-section (1) or section 11:

Provided further that the common carrier shall not be liable if such carrier proves that such loss of, or damage to, the consignment or delay in delivery thereof, had not taken place due to his fault or neglect or that of his servants or agents thereof.

11. Rates of charge to be fixed by common carrier for carriage of consignment at a higher risk rate. -

Every common carrier may require payment for the higher risk undertaken by him in carrying a particular consignment at such rate of charge as he may fix and correspondingly, his liability would be in accordance with the terms as may be agreed upon with the consignor:

Provided that to entitle such carrier to claim payment at a rate higher than his ordinary rate of charge, he should have exhibited a printed or written notice, in English and the vernacular language of the State, of the higher rate of charge in the place or premises where he carries on the business of common carrier.

12. Conditions limiting exonerating the liability of the common carrier.

- (1) Every common carrier shall be liable to the consignor for the loss or damage to any consignment in accordance with the goods forwarding note, where such loss or damage has arisen on account of any criminal act of the common carrier, or any of his servants or agents.
- (2) In any suit brought against the common carrier for the loss, damage or non-delivery of consignment, it shall not be necessary for the plaintiff to prove that such loss, damage or non-delivery was owing to the negligence or criminal act of the common carrier, or any of his servants or agents.
- (3) Where any consignment has been detained for examination or scrutiny by a competent authority and upon such examination or scrutiny it is found that certain prohibited goods or goods on which due tax was not paid or insufficiently paid have been entrusted to the common carrier by the consignor which have not been described in the goods forwarding note, the cost of such examination or scrutiny shall be borne by the consignor and the common carrier shall not be liable for any loss, damage or deterioration caused by such detention of the consignment for examination or scrutiny:

Provided that the onus of proving that such incorrect description of goods in the goods forwarding note was received from the consignor shall be on the common carrier.

Explanation.-For the purposes of this section, “competent authority” means any person or authority who is empowered to examine or scrutinise goods by or under any law for the time being in force to secure compliance of provisions of that law.

13. Provision for carriage of goods of dangerous or hazardous nature to human life.

- (1) No goods of dangerous or hazardous nature to human life shall be carried by a common carrier except in accordance with such procedure and after complying with such safeguards as may be prescribed.
- (2) The Central Government may, by rules made in this behalf, specify the goods of dangerous or hazardous nature to human life and the label or class of labels to be carried in, or displayed on, the motor vehicle or such goods in the course of transportation.
- (3) Notwithstanding anything contained in any other law for the time being in force, every common carrier shall scrutinise and ensure before starting transportation of any consignment containing goods of dangerous or hazardous nature to human life that the consignment is covered by, one or more insurance policies under a contract of insurance in respect of such goods providing relief in case of death or injury to a person or damage to any property or the consignment, if an accident takes place.

14. Power of Central Government to prohibit carriage of certain class of goods.

The Central Government may, by notification in the Official Gazette, specify, in public interest, the goods or class or classes of goods which shall not be carried by a common carrier.

15. Right of common carrier in case of consignee’s default.

- (1) If the consignee fails to take delivery of any consignment of goods within a period of thirty days from the date of notice given by the common carrier, such consignment may be deemed as unclaimed:
Provided that in case of perishable consignment, the period of thirty days shall not apply and the consignment shall be deemed unclaimed after a period of twenty-four hours of service of notice or any lesser period as may be mutually agreed to by and between the common carrier and the consignor.
- (2) In the case of an unclaimed consignment under sub-section (1), the common carrier may,-
 - (a) if such consignment is perishable in nature, have the right to sell the consignment; or

- (b) if such consignment is not perishable in nature, cause a notice to be served upon the consignee or upon the consignor if the consignee is not available, requiring him to remove the goods within a period of fifteen days from the date of receipt of the notice and in case of failure to comply with the notice, the common carrier shall have the right to sell such consignment without any further notice to the consignee or the consignor, as the case may be.
- (3) The common carrier shall, out of the sale proceeds received under sub-section (2), retain a sum equal to the freight, storage and other charges due including expenses incurred for the sale, and the surplus, if any, from such sale proceeds shall be returned to the consignee or the consignor, as the case may be.
- (4) Unless otherwise agreed upon between the common carrier and consignor, the common carrier shall be entitled to detain or dispose off the consignment in part or full to recover his dues in the event of the consignee failing to make payment of the freight and other charges payable to the common carrier at the time of taking delivery.

16. Notice for institution of a suit.

No suit or other legal proceeding shall be instituted against a common carrier for any loss of, or damage to, the consignment, unless notice in writing of the loss or damage to the consignment has been served on the common carrier before the institution of the suit or other legal proceeding and within one hundred and eighty days from the date of booking of the consignment by the consignor.

17. General responsibility of common carrier.

Save as otherwise provided in this Act, a common carrier shall be responsible for the loss, destruction, damage or deterioration in transit or non-delivery of any consignment entrusted to him for carriage, arising from any cause except the following, namely:-

- (a) act of God;
- (b) act of war or public enemy;
- (c) riots and civil commotion;
- (d) arrest, restraint or seizure under legal process;
- (e) order or restriction or prohibition imposed by the Central Government or a State Government or by an officer or authority subordinate to the Central Government or a State Government authorised by it in this behalf:

Provided that the common carrier shall not be relieved of its responsibility for the loss, destruction, damage, deterioration or non-delivery of the consignment if the common carrier could have avoided such loss, destruction, damage or

deterioration or non-delivery had the common carrier exercised due diligence and care in the carriage of the consignment.

18. Punishment for contravention in relation to non-registra-tion, carrying goods of dangerous or hazardous nature, or prohibited goods.

(1) Whoever contravenes the provisions of section 3, section 13 or a notification issued under section 14 shall be punishable for the first offence with fine which may extend to five thousand rupees, and for the second or subsequent offence with fine which may extend to ten thousand rupees.

(2) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be proceeded against and punished accordingly.

Explanation.-For the purpose of this section,-

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

19. Composition of offences.

(1) Any offence committed under section 18, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify.

(2) Where an offence has been compounded under sub-section (1), the offender shall be discharged and no further proceedings shall be taken against him in respect of such offence.

20. Power to make rules.

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the form and manner of making an application for grant or renewal of a certificate of registration for main office or branch office and the fee thereof under sub-sections (2) and (3) of section 4;
 - (b) the other conditions of eligibility which are required to be fulfilled by an applicant under clause (d) of sub-section (4) of section 4;
 - (c) the form in which and the conditions subject to which certificate of registration or renewal may be granted under sub-section (5) of section 4;
 - (d) the form and manner of maintaining a register under clause (a) of sub-section (7) of section 4;
 - (e) the information and return which may be furnished to the registering authority and the transport research wing under clause (c) of sub-section (7) of section 4;
 - (f) fee for submitting the memorandum of appeal under sub-section (2) of section 6;
 - (g) the form and manner in which a goods forwarding note shall be executed by the consignor under sub-section (1) of section 8;
 - (h) the form and manner in which a common carrier shall issue goods receipt under sub-section (1) of section 9;
 - (i) liability of the common carrier for loss of, or damage to any consignment under sub-section (1) of section 10;
 - (j) the procedure and safeguards to be complied with for carrying goods of dangerous or hazardous nature under sub-section (1) of section 13;
 - (k) the specification of the goods of dangerous or hazardous nature to human life and the label or class of labels to be carried or displayed in or on the motor vehicle or on such goods in the course of their transportation under sub-section (2) of section 13; and
 - (l) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made under this section and every notification issued under section 14 shall be laid, as soon as may be after it is made or issued, 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 successive sessions aforesaid, both Houses agree in making any modification in the rule or the notification, or both Houses agree that the rule or the notification should not be made or issued, the rule or the notification shall thereafter 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 notification.

21. Power to remove difficulties.

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

- (2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of Parliament.

22. Repeal and saving.

- (1) The Carriers Act, 1865, is hereby repealed.
- (2) Notwithstanding the repeal of the Carriers Act, 1865, anything done or any action taken under the said Act shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act and shall continue in force accordingly until superseded by anything done or any action taken under this Act.
- (3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeals.

• • •

Coastal Aquaculture Authority Act, 2005

Number: 24 of 2005

Date: 23/06/2005

CHAPTER I. PRELIMINARY

1. Short Title and Commencement
2. Definition

CHAPTER II. GENERAL POWERS OF CENTRAL GOVERNMENT

3. Powers of Central Government to Take Measures to Protect Environment

CHAPTER III. THE COASTAL AQUACULTURE AUTHORITY

4. Establishment of Authority and Appointment of Chairperson and Members
5. Disqualifications for Appointment as Members
6. Eligibility of member for reappointment
7. Meeting of Authority
8. Vacancy in Authority not to invalidate proceeding
9. Appointments of Officers Consultants and other Employees of Authority
10. Authentication for orders and other instrument of Authority

CHAPTER IV. POWERS AND FUNCTIONS OF AUTHORITY

11. Function of Authority
12. Power to Enter
13. Registration for Coastal Aquaculture
14. Punishment for carrying on coastal aquaculture without registration
15. Cognizance of Offence

CHAPTER V. FINANCE, ACCOUNTS AND AUDIT

16. Payment to Authority
17. Fund of Authority
18. Budget
19. Annual Report
20. Account and Audit

CHAPTER VI. MISCELLANEOUS

21. Chairpersons and other members officers and other employees of Authority etc .to be public servants
22. Protection Of Action in Good Faith
23. Power to Remove Difficulties

- 24. Power of the central Government to make rules
- 25. Power of Authority to Make Regulations
- 26. Rules and Regulations to be laid before Parliament
- 27. Validation

Coastal Aquaculture Authority Act, 2005

An Act to provide for the establishment of a Coastal Aquaculture Authority for regulating the activities connected with coastal aquaculture in the coastal areas and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows: -

CHAPTER I PRELIMINARY

1. Short Title and Commencement. -

- (1) This Act may be called the Coastal Aquaculture Authority Act, 2005
- (2) Provisions of section 27 shall come into force at once and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definition. -

- (1) In this Act, unless the context otherwise requires,-
 - (a) “Authority” means the Coastal Aquaculture Authority established under sub-section (1) of section 4;
 - (b) “Chairperson” means the Chairperson of the Authority;
 - (c) “coastal aquaculture” means culturing, under controlled conditions in ponds, pens, enclosures or otherwise, in coastal areas, of shrimp, prawn, fish or any other aquatic life in saline or brackish water; but does not include fresh water aquaculture;
 - (d) “coastal area” means the area declared as the Coastal Regulation Zone, for the time being, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 and includes such other area as the Central Government may, by notification in the Official Gazette, specify;
 - (e) “member” means the member of the Authority appointed under sub-section (5) of section 4 and includes the Chairperson and the member-secretary;
 - (f) “prescribed” means prescribed by rules made under this Act;
 - (g) “regulations” means the regulations made by the Authority under this Act.

- (2) Words and expressions used herein and not defined but defined in the Environment (Protection) Act, 1986 shall have the meanings respectively assigned to them in that Act,

CHAPTER II

GENERAL POWERS OF CENTRAL GOVERNMENT

3. Powers of Central Government to Take Measures to Protect Environment. -

The Central Government shall take all such measures as it deems necessary or expedient for regulation of coastal aquaculture by prescribing guidelines, to ensure that coastal aquaculture does not cause any detriment to the coastal environment and the concept of responsible coastal aquaculture contained in such guidelines shall be followed in regulating the coastal aquaculture activities to protect the livelihood of various sections of the people living in the coastal areas.

CHAPTER III

THE COASTAL AQUACULTURE AUTHORITY

4. Establishment of Authority and Appointment of Chairperson and Members.

- (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act an Authority to be called the Coastal Aquaculture Authority.
- (2) The head office of the Authority shall be at such place as the Central Government may decide,
- (3) The Authority shall consist of the following members who shall be appointed by the Central Government, namely: -
 - (a) the Chairperson who is, or has been, a Judge of a High Court;
 - (b) one member who is an expert in the field of coastal aquaculture;
 - (c) one member who is an expert in the field of coastal ecology nominated by the Department of Ocean Development of the Central Government;
 - (d) one member who is an expert in the field of environment protection or pollution control nominated by the Ministry of Environment and Forests of the Central Government;
 - (e) one member to represent the Ministry of Agriculture of the Central Government;
 - (f) one member to represent the Ministry of Commerce of the Central Government;
 - (g) four members to represent the coastal States on rotation basis; (h) one member secretary.
- (4) The term of office of the Chairperson and every other member shall be three years.
- (5) The salaries and allowances payable to, and the other terms and conditions of service of, the members shall be such as may be prescribed.

5. Disqualification for Appointment as Members. -

A person shall be disqualified for being appointed as a member if he-

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (b) is an undischarged insolvent; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or
- (e) has, in the opinion of the Central Government, such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.

6. Eligibility of member for reappointment. -

Subject to sub-section (5) of section 4, any person ceasing to be a member shall be eligible for reappointment as such member for not more than two consecutive terms.

7. Meeting of Authority.-

- (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum thereat) as may be specified by regulations.
- (2) If for any reason the Chairperson is unable to attend any meeting of the Authority any other member chosen by the members present at the meeting shall preside at the meeting.
- (3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairperson or in his absence the person presiding, shall have and exercise a second or casting vote.

8. Vacancy in Authority not to invalidate proceeding. -

No act or proceeding of the Authority shall be invalidated merely by reason of-

- (a) any vacancy in, or any defect in the constitution of, the Authority; or
- (b) any defect in the appointment of a person acting as a member of the Authority; or
- (c) any irregularity in the procedure adopted by the Authority not affecting the merits of the case.

9. Appointment of Officers Consultants and other Employees of Authority. -

- (1) For the purposes of discharging its functions, the Authority shall appoint such number of officers and other employees as it may consider necessary on such

terms and conditions as may be specified by the regulations.

- (2) The Authority may appoint, from time to time, any person as adviser or consultant as it may consider necessary on such terms and conditions as may be specified by the regulations.

10. Authentication for orders and other instrument of Authority.-

All orders, decisions and other instruments of the Authority shall be authenticated under the signature of the Chairperson or any other member or any officer of the Authority authorised by the Chairperson in this behalf.

CHAPTER IV

POWERS AND FUNCTIONS OF AUTHORITY

11. Function of Authority :

- (1) Subject to any guidelines issued by the Central Government under section 3, the Authority shall exercise the following powers and perform the following functions, namely:-
 - (a) to make regulations for the construction and operation of aquaculture farms within the coastal areas;
 - (b) to inspect coastal aquaculture farms with a view to ascertaining their environmental impact caused by coastal aquaculture;
 - (c) to register coastal aquaculture farms;
 - (d) to order removal or demolition of any coastal aquaculture farms which is causing pollution after hearing the occupier of the farm; and
 - (e) to perform such other functions as may be prescribed.
- (2) Where the Authority orders removal or demolition of any coastal aquaculture farm under clause (d) of sub-section (1), the workers of the said farm shall be paid such compensation as may be settled between the workers and the management through an authority consisting of one person only to be appointed by the Authority and such authority may exercise such powers of a District Magistrate for such purpose, as may be prescribed.

12. Power to Enter :

Subject to any rule made in this behalf, any person generally or specially authorised by the Authority in this behalf, may, wherever it is necessary to do so for any purposes of this Act, at all reasonable times, enter on any coastal aquaculture land, pond, pen or enclosure and-

- (a) make any inspection, survey, measurement, valuation or inquiry;
- (b) remove or demolish any structure therein; and
- (c) do such other acts or things as may be prescribed:

Provided that no such person shall enter on any coastal aquaculture land, pond, pen or enclosure without giving the occupier of such aquaculture land, pond, pen or enclosure at least twenty-four hours' notice in writing of his intention to do so.

13. Registration for Coastal Aquaculture :

- (1) Save as otherwise provided in this section, no person shall carry on, or cause to be carried on, coastal aquaculture in coastal area or traditional coastal aquaculture in the traditional coastal aquaculture farm which lies within the Coastal Regulation Zone referred to in sub-section (9) and is not used for coastal aquaculture purposes on the appointed day unless he has registered his farm with the Authority under sub-section (5) or in pursuance of sub-section (9), as the case may be.
- (2) Notwithstanding anything contained in sub-section (1), a person engaged in coastal aquaculture, immediately before the appointed day, may continue to carry on such activity without such registration for a period of three months from that day and if he makes an application for such registration under sub-section (4) within the said period of three months, till the communication to him of the disposing of such application by the Authority.
- (3) The registration made under sub-section (5) or in pursuance of sub section (9)-
 - (a) shall be valid for a period of five years;
 - (b) may be renewed from time to time for a like period; and
 - (c) shall be in such form and shall be subject to such conditions as may be specified by the regulations.
- (4) A person who intends to carry on coastal aquaculture shall make an application for registration of his farm before the Authority in such form accompanied with such fees as may be prescribed for the purpose of registration under sub-section (5).
- (5) On receipt of an application for registration of a farm under sub-section (4), the Authority shall consider the application in the prescribed manner and after considering the application either register the farm or reject the application: Provided that the Authority shall not reject the application without recording the reason for such rejection.
- (6) The Authority shall, after registering a farm under sub-section (5), issue a certificate of registration in the prescribed form to the person who has made the application for such registration.
- (7) In the case of a farm comprising more than two hectares of water spread area, no application for registration to commence any activity connected with coastal aquaculture shall be considered under sub-section (5) unless the Authority, after making such inquiry as it thinks fit, is satisfied that registration of such farm shall not be detrimental to the coastal environment.

- (8) Notwithstanding anything contained in this section, -
- (a) no coastal aquaculture shall be carried on within two hundred metres from High Tide Lines; and
 - (b) no coastal aquaculture shall be carried on in creeks, rivers and backwaters within the Coastal Regulation Zone declared for the time being under the Environment (Protection) Act, 1986:

Provided that nothing in this sub-section shall apply in the case of a coastal aquaculture farm which is in existence on the appointed day and to the non-commercial and experimental coastal aquaculture farms operated or proposed to be operated by any research institute of the Government or funded by the Government:

Provided further that the Authority may, for the purposes of providing exemption under the first proviso, review from time to time the existence and activities of the coastal aquaculture farms and the provisions of this section shall apply on coastal aquaculture farms in view of such review.

Explanation:-For the purposes of this sub-section, “High Tide Line” means the line on the land up to which the highest water line reaches during the spring tide.

- (9) Notwithstanding anything contained in this section, any traditional coastal aquaculture farm which lies within the Coastal Regulation Zone declared by the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 and is not used for coastal aquaculture purposes on the appointed day shall be registered under sub-section (3) by producing before the Authority, by the person who is the owner of such farm, the documentary proof of such ownership failing which such farm shall not be registered under sub-section (5) and if such person after such registration does not utilise such farm, within one year, for coastal aquaculture purposes, the registration shall be cancelled by the Authority.
- (10) A person, who intends to renew the registration of a farm made under sub-section (5) or in pursuance of sub-section (9), may make an application within two months before the expiry of such registration to the Authority in the prescribed form accompanied with the prescribed fees and the Authority shall, after receiving such application, renew the registration and for such purpose make an entry with its seal on the registration certificate relating to such form issued under sub-section (6)
- (11) The Authority may refuse to renew the registration of a farm under sub-section (10) if the Authority is satisfied that the person to whom such registration is made has failed to utilise such farm for coastal aquaculture purposes or without any reasonable cause has violated any provision of this Act or the rules or regulations made there under or any direction or order made by the Authority in pursuance of section 11:

Provided that such refusal to renew the registration shall not be made without providing such person an opportunity of being heard.

Explanation 1 :-For the purposes of this section, “appointed day” means the date of establishment of the Authority.

Explanation 2 :-For the removal of doubts, it is hereby declared that the expression “to renew the registration” used in sub-sections (10) and (77) shall be construed to include further renewal of the registration.

14. Punishment for carrying on coastal aquaculture without registration.-

If any person carries on coastal aquaculture or traditional coastal aquaculture or causes the coastal aquaculture or traditional coastal aquaculture to be carried on in contravention of sub-section (1) of section 13, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees, or with both.

15. Cognizance of Offence :

No court shall take cognizance of an offence under section 14 without a written complaint filed by an officer of the Authority authorised in this behalf by it.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

16. Payment to Authority :

The Central Government may, after due appropriation made by Parliament, by law, in this behalf, pay to the Authority in each financial year such sums as may be considered necessary for the performance of functions of the Authority under this Act.

17. Fund of Authority :

- (1) The Authority shall have its own fund and all sums which may, from time to time, be paid to it by the Central Government and all the receipts of the Authority (including any sum which any State Government or any other authority or person may hand over to the Authority) shall be credited to the fund and all payments by the Authority shall be made there from.
- (2) All moneys belonging to the fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Authority.
- (3) The Authority may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Authority.

18. Budget :

The Authority shall prepare, in such form and at such time each year as may be prescribed, a budget, in respect of the financial year next ensuing, showing the estimated receipts and expenditure and copies thereof shall be forwarded to the Central Government.

19. Annul Report :

The Authority shall prepare once in every calendar year, in such form and at such time as may be prescribed an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

20. Account and Audit :

- (1) The Authority shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.
- (2) The Authority shall, as soon as may be, after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General of India by such date, as the Central Government may, in consultation with the Comptroller and Auditor-General of India, determine.
- (3) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such times and in such manner as he thinks fit.
- (4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER VI

MISCELLANEOUS

21. Chairpersons and other members officers and other employees of Authority etc. to be public servants :

The Chairperson and other members and the officers and other employees of the Authority and the -authority appointed by the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

22. Protection Of Action in Good Faith :

No suit, prosecution or other legal proceeding shall lie against the Central Government or the Authority or the Chairperson and other members of the Authority or the authority appointed by the Authority or any person authorised by the Authority or any officer authorised by the Chairperson for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation or order made there under.

23. Power to Remove Difficulties :

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to

be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

24. Power of the central Government to make rules :

- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-
- (a) the guidelines under section 3;
 - (b) the salaries and allowances payable to, and the other terms and conditions of service of, the members under sub-section (J) of section 4;
 - (c) the other functions of the Authority under clause (e) of sub-section (7) of section 11;
 - (d) the powers of a District Magistrate to be exercised by the authority under sub-section (2) of section 11;
 - (e) the rules subject to which any person referred to in section 12 may enter upon any coastal aquaculture land, pond, pen or enclosure under that section;
 - (f) the other acts or things under clause (e) of section 12;
 - (g) the form of application and the fees to be accompanied therewith under sub-section (4) of section 13;
 - (h) the manner of considering application under sub-section (5) of section 13;
 - (i) the form of certificate of registration under sub-section (6) of section 13;
 - (j) the form of application and the fees to be accompanied therewith under sub-section (10) of section 13;
 - (k) the form and time of preparing budget under section 18;
 - (l) the form and time of preparing annual report under section 19;
 - (m) the books of account and other books to be maintained in relation to the accounts of the Authority and the form and manner of maintaining such books of account and other books under sub-section (7) of section 20;
 - (n) any other matter which is required to be, or may be, prescribed.

25. Power of Authority to Make Regulations :

- (1) The Authority may, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made there under to carry out the purposes of this Act.

- (2) In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely: -
 - (a) the times and places of the meetings of the Authority and the rules of procedure to be observed in regard to the transaction of business at its meetings (including quorum thereat) under sub-section (7) of section 7;
 - (b) the terms and conditions of appointment of the officers and other employees under sub-section (7) of section 9;
 - (c) the terms and conditions of appointment of adviser or consultant under sub-section (2) of section 9;
 - (d) for the construction and operation of coastal aquaculture farms within the coastal areas under clause (a) of sub-section (7) of section 11;
 - (e) the form and conditions of registration under clause (c) of sub-section (3) of section 13;
 - (f) generally for better regulation of the coastal aquaculture.

26. Rules and Regulations to be laid before Parliament :

Every rule and every regulation made under this Act 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 successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter 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.

27. Validation :

- (1) Notwithstanding anything contained in clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 or clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O.114 (E)., dated the 19th February, 1991 (hereafter referred to in this section as the said notification), in paragraph 2. after sub-paragraph (xiii), the following sub-paragraph shall be inserted and shall always be deemed to have been inserted with effect from the 19th day of February, 1991, namely:-

“(xiv) nothing contained in this paragraph shall apply to coastal aquaculture.”.

- (2) The said notification shall have and shall be deemed always to have effect for all purposes as if the foregoing provisions of this section had been in force at all material times and accordingly notwithstanding anything contained in any

judgment, decree or order of any court, tribunal or other authority, no coastal aquaculture carried on or undertaken or purporting to have been carried on or undertaken shall be deemed to be in contravention of the said notification and shall be deemed to be and to have always been for all purposes in accordance with law, as if the foregoing provisions of this section had been in force at all material times and notwithstanding anything as aforesaid and without prejudice to the generality of the foregoing provisions, no suit or other proceeding shall be maintained or continued in any court for the enforcement of any direction given by any court of any decree or order directing the removal or closure of any coastal aquaculture farm's activity or demolition of any structure connected there under which would not have been so required to be removed, closed or demolished if the foregoing provisions of this section had been in force at all material times.

• • •

Customs Act, 1962 (52 of 1962)

CHAPTER XIII

SEARCHES, SEIZURE AND ARREST

100. Power to search suspected persons entering or leaving India, etc.

- (1) If the proper officer has reason to believe that any person to whom this section applies has secreted about his person, any goods liable to confiscation or any documents relating thereto, he may search that person.
- (2) This section applies to the following persons, namely : –
 - (a) any person who has landed from or is about to board, or is on board any vessel within the Indian customs waters;
 - (b) any person who has landed from or is about to board, or is on board a foreign-going aircraft;
 - (c) any person who has got out of, or is about to get into, or is in, a vehicle, which has arrived from, or is to proceed to any place outside India;
 - (d) any person not included in clauses (a), (b) or (c) who has entered or is about to leave India;
 - (e) any person in a customs area.

101. Power to search suspected persons in certain other cases :

- (1) Without prejudice to the provisions of section 100, if an officer of customs empowered in this behalf by general or special order of the [Commissioner of Customs], has reason to believe that any person has secreted about his person any goods of the description specified in sub-section (2) which are liable to confiscation, or documents relating thereto, he may search that person.
- (2) The goods referred to in sub-section (1) are the following : –
 - (a) gold;
 - (b) diamonds;
 - (c) manufactures of gold or diamonds;
 - (d) watches;
 - (e) any other class of goods which the Central Government may, by notification in the Official Gazette, specify.

102. Persons to be searched may require to be taken before gazetted officer of customs or magistrate :

- (1) When any officer of customs is about to search any person under the provisions of section 100 or section 101, the officer of customs shall, if such person so requires, take him without unnecessary delay to the nearest gazetted officer of customs or magistrate.

- (2) If such requisition is made, the officer of customs may detain the person making it until he can bring him before the gazetted officer of customs or the magistrate.
- (3) The gazetted officer of customs or the magistrate before whom any such person is brought shall, if he sees no reasonable ground for search, forthwith discharge the person but otherwise shall direct that search be made.
- (4) Before making a search under the provisions of section 100 or section 101, the officer of customs shall call upon two or more persons to attend and witness the search and may issue an order in writing to them or any of them so to do; and the search shall be made in the presence of such persons and a list of all things seized in the course of such search shall be prepared by such officer or other person and signed by such witnesses.
- (5) No female shall be searched by any one excepting a female.

103. Power to screen or X-ray bodies of suspected persons for detecting secreted goods :

- (1) Where the proper officer has reason to believe that any person referred to in sub-section (2) of section 100 has any goods liable to confiscation secreted inside his body, he may detain such person and produce him without unnecessary delay before the nearest magistrate.
- (2) A magistrate before whom any person is brought under sub-section (1) shall, if he sees no reasonable ground for believing that such person has any such goods secreted inside his body, forthwith discharge such person.
- (3) Where any such magistrate has reasonable ground for believing that such person has any such goods secreted inside his body and the magistrate is satisfied that for the purpose of discovering such goods it is necessary to have the body of such person screened or X-rayed, he may make an order to that effect.
- (4) Where a magistrate has made any order under sub-section (3), in relation to any person, the proper officer shall, as soon as practicable, take such person before a radiologist possessing qualifications recognized by the Central Government for the purpose of this section, and such person shall allow the radiologist to screen or X-ray his body.
- (5) A radiologist before whom any person is brought under sub-section (4) shall, after screening or X-raying the body of such person, forward his report, together with any X-ray pictures taken by him, to the magistrate without unnecessary delay.
- (6) Where on receipt of a report from a radiologist under sub-section (5) or otherwise, the magistrate is satisfied that any person has any goods liable to

confiscation secreted inside his body, he may direct that suitable action for bringing out such goods be taken on the advice and under the supervision of a registered medical practitioner and such person shall be bound to comply with such direction :

Provided that in the case of a female no such action shall be taken except on the advice and under the supervision of a female registered medical practitioner.

- (7) Where any person is brought before a magistrate under this section, such magistrate may for the purpose of enforcing the provisions of this section order such person to be kept in such custody and for such period as he may direct.
- (8) Nothing in this section shall apply to any person referred to in sub-section (1), who admits that goods liable to confiscation are secreted inside his body, and who voluntarily submits himself for suitable action being taken for bringing out such goods.

Explanation. - For the purposes of this section, the expression “registered medical practitioner” means any person who holds a qualification granted by an authority specified in the Schedule to the Indian Medical Degrees Act, 1916 (7 of 1916), or notified under section 3 of that Act, or by an authority specified in any of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956).

104. Power to arrest. –

- (1) If an officer of Customs empowered in this behalf by general or special order of the Commissioner of Customs has reason to believe that any person in India or within the Indian customs waters has committed an offence punishable under section 132 or section 133 or section 135 or section 135A or section 136, he may arrest such person and shall, as soon as may be, inform him of the grounds for such arrest.]
- (2) Every person arrested under sub-section (1) shall, without unnecessary delay, be taken to a magistrate.
- (3) Where an officer of customs has arrested any person under sub-section (1), he shall, for the purpose of releasing such person on bail or otherwise, have the same powers and be subject to the same provisions as the officer-in-charge of a police-station has and is subject to under the Code of Criminal Procedure, 1898 (5 of 1898).
- (4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), an offence under this Act shall not be cognizable.

105. Power to search premises :

- (1) If the [Assistant Commissioner of Customs or Deputy Commissioner of Customs], or in any area adjoining the land frontier or the coast of India an officer of customs specially empowered by name in this behalf by the Board, has reason to believe that any goods liable to confiscation, or any documents or things which in his opinion will be useful for or relevant to any proceeding under this Act, are secreted in any place, he may authorise any officer of customs to search or may himself search for such goods, documents or things.
- (2) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), relating to searches shall, so far as may be, apply to searches under this section subject to the modification that sub-section (5) of section 165 of the said Code shall have effect as if for the word “Magistrate”, wherever it occurs, the words [Commissioner of Customs] were substituted.

106. Power to stop and search conveyances :

- (1) Where the proper officer has reason to believe that any aircraft, vehicle or animal in India or any vessel in India or within the Indian customs waters has been, is being, or is about to be, used in the smuggling of any goods or in the carriage of any goods which have been smuggled, he may at any time stop any such vehicle, animal or vessel or, in the case of an aircraft, compel it to land, and -
 - (a) rummage and search any part of the aircraft, vehicle or vessel;
 - (b) examine and search any goods in the aircraft, vehicle or vessel or on the animal;
 - (c) break open the lock of any door or package for exercising the powers conferred by clauses (a) and (b), if the keys are withheld.
- (2) Where for the purposes of sub-section (1) -
 - (a) it becomes necessary to stop any vessel or compel any aircraft to land, it shall be lawful for any vessel or aircraft in the service of the Government while flying her proper flag and any authority authorised in this behalf by the Central Government to summon such vessel to stop or the aircraft to land, by means of an international signal, code or other recognized means, and thereupon, such vessel shall forthwith stop or such aircraft shall forthwith land; and if it fails to do so, chase may be given thereto by any vessel or aircraft as aforesaid and if after a gun is fired as a signal the vessel fails to stop or the aircraft fails to land, it may be fired upon;
 - (b) it becomes necessary to stop any vehicle or animal, the proper officer may use all lawful means for stopping it, and where such means fail, the vehicle or animal may be fired upon.

106A. Power to inspect :—

Any proper officer authorised in this behalf by the [Commissioner of Customs] may, for the purpose of ascertaining whether or not the requirements of this Act have been complied with, at any reasonable time, enter any place intimated under Chapter IVA or Chapter IVB, as the case may be, and inspect the goods kept or stored therein and require any person found therein, who is for the time being in charge thereof, to produce to him for his inspection the accounts maintained under the said Chapter IVA or Chapter IVB, as the case may be, and to furnish to him such other information as he may reasonably require for the purpose of ascertaining whether or not such goods have been illegally imported, exported or are likely to be illegally exported.]

107. Power to examine persons :

Any officer of customs empowered in this behalf by general or special order of the [Commissioner of Customs] may, during the course of any enquiry in connection with the smuggling of any goods, -

- (a) require any person to produce or deliver any document or thing relevant to the enquiry ;
- (b) examine any person acquainted with the facts and circumstances of the case.

108. Power to summon persons to give evidence and produce documents :

- (1) Any Gazetted officer of Customs [* * *] shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making under this Act.

[The words ‘duly empowered by the Central Government in this behalf’ were omitted by Finance Bill 2008 and shall be deemed to have been omitted w.e.f. 13th July 2006.]

- (2) A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned.
- (3) All persons so summoned shall be bound to attend either in person or by an authorised agent, as such officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements and produce such documents and other things as may be required :

Provided that the exemption under section 132 of the Code of Civil Procedure, 1908 (5 of 1908), shall be applicable to any requisition for attendance under this section.

- (4) Every such inquiry as aforesaid shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code, 1860 (45 of 1860).

109. Power to require production of order permitting clearance of goods imported by land :

Any officer of customs appointed for any area adjoining the land frontier of India and empowered in this behalf by general or special order of the Board, may require any person in possession of any goods which such officer has reason to believe to have been imported into India by land, to produce the order made under section 47 permitting clearance of the goods :

Provided that nothing in this section shall apply to any imported goods passing from a land frontier to a land customs station by a route appointed under clause (c) of section 7.

110. Seizure of goods documents and things.

- (1) If the proper has reason to believe that any goods are liable to confiscation under this Act, he may seize such goods : Provided that where it is not practicable to seize any such goods, the proper officer may serve on the owner of the goods an order that he shall not remove, part with, or otherwise deal with the goods except with the previous permission of such officer.
- (1A) The Central Government may, Having regard to the perishable or hazardous nature of any goods, depreciation in the value of the goods with the passage of time, constraints of storage space for the goods or any other relevant considerations, by notification in the Official Gazette, specify the goods or class of goods which shall, as soon as may be after its seizure under sub-section (1), be disposed of by the proper officer in such manner as the Central Government may, from time to time, determine after following the procedure hereinafter specified.
- (1B) Where any goods, being goods specified under sub-section (1A), have been seized by a proper officer under sub-section (1), he shall prepare an inventory of such goods containing such details relating to their description, quality, quantity, mark, numbers, country of origin and other particulars as the proper officer may consider relevant to the identity of the goods in any proceeding under, this Act and shall make an application to a Magistrate for the purpose of- (a) certifying the correctness of the inventory so prepared; or (b) taking, in the presence of the Magistrate, photographs of such goods, and certifying such photographs as true; or (c) allowing to draw representative samples of such goods, in the presence of the Magistrate, and certifying the correctness of any list of samples so drawn.

- (1C) Where an application is made under sub-section (1B), the Magistrate shall, as soon as may be, allow the application.]
- (2) Where any goods are seized under sub-section (1) and no notice in respect thereof is given under clause (a) of section 124 within six months of the seizure of the goods, the goods shall be returned to the person from whose possession they were seized: _____
 _____ 1. Ins. by Act 80 of 1985, s.8. _____
 _____ 1219 Provided that the aforesaid period of six months may, on sufficient cause being shown, be extended by the [Commissiner of Cust- oms] for a period not exceeding six months.
- (3) The proper officer may seize any documents or things which, in his opinion, will be useful for, or relevant to, any proceeding under this Act.
- (4) The person from whose custody any documents are seized under sub-section (3) shall be entitled to make copies thereof or take extracts therefrom in the presence of an officer of customs.

110A Provisional release of goods, documents and things seized pending adjudication :

Any goods, documents or things seized under section 110, may, pending the order of the adjudicating officer, be released to the owner on taking a bond from him in the proper form with such security and conditions as the Commissioner of Customs may require.

CHAPTER XIV

CONFISCATION OF GOODS AND CONVEYANCES AND IMPOSITION OF PENALTIES

111. Confiscation of improperly imported goods, etc.

The following goods brought from a place outside India shall be liable to confiscation;-

- (a) any goods imported by sea or air which are unloaded or attempted be unloaded at any place other than a customs port or customs airport appointed under clause (a) of section 7 for the unloading of such goods ;
- (b) any goods imported by land or inland water through any route other , than a route specified in a notification issued under clause (c) of section 7for the import of such goods;
- (c) any dutiable or prohibited goods brought into any bay, gulf, creek or tidal river for the purpose of being landed at a place other than a customs port;
- (d) any goods which are imported or attempted to be imported or are brought within the Indian customs waters for the purpose of being imported, con-

trary to any prohibition imposed by or under this Act or any other law for the time being in force;

- (e) any dutiable or prohibited goods found concealed in any manner in any conveyance;
- (f) any dutiable or prohibited goods required to be mentioned, under the regulations in an import manifest or import report which are not so mentioned;
- (g) any dutiable or prohibited goods which are unloaded from a conveyance in contravention of the provisions of section 1220 32, other than goods inadvertently unloaded but included in the record kept under sub-section (2) of section 45 ;
- (h) any dutiable or prohibited goods unloaded or attempted to be unloaded in contravention of the provisions of section 33 or section 34 ;
- (i) any dutiable or prohibited goods found concealed in any manner in any package either before or after the unloading thereof;
- (j) any dutiable or prohibited goods removed or attempted to be removed from a customs area or a warehouse without the permission of the proper officer or contrary to the terms of such permission;
- (k) any dutiable or prohibited goods imported by land in respect of which the order permitting clearance of the goods required to be produced under section 109 is not produced or which do not correspond in any material particular with the specification contained therein;
- (l) any dutiable or prohibited goods which are not included or are in excess of those included in the entry made under this Act, or in the case of baggage in the declaration made under section 77 ;
- (m) 2[any goods which do not correspond in respect of value or in any other particular] with the entry made under this Act or in the case of baggage with the declaration made under section 77 in respect thereof;
- (n) any dutiable or prohibited goods transitted with or without transhipment or attempted to be so transitted in contravention of the provisions of Chapter VIII;
- (o) any goods exempted, subject to any condition, from duty or any prohibition in respect of the import thereof under this Act or any other law for the time being in force, in respect of which the condition is not observed unless the non- observance of the condition was sanctioned by the proper officer.
- 1[(p) any notified goods in relation to which any provisions of Chapter IVA or of any rule made under this Act for carrying out the purposes of that Chapter have been contravened.] ————— 1 Ins., by Act 12 of 1969, s. 4 (w.e.f. 3-1-1969). 2 Subs. by Act 36 of 1973, s. 2 ————— 1221

112. Penalty for improper importation of goods, etc.

Any person,-

- (a) who, in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 111, or abets the doing or omission of such an act, or
- (b) who acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing, or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111.

shall be liable-

- (i) in the case of goods in respect of which any prohibition is in force under this Act or any other law for the time being in force, to a penalty not exceeding five times the value of the goods or one thousand rupees, whichever is the greater;
- (ii) in the case of dutiable goods, other than prohibited goods, to a penalty not exceeding five times the duty sought to be evaded on such goods or one thousand rupees, whichever is the greater; 1
- (iii) in the case of goods in respect of which the value stated in entry, made, under this Act or in the case of baggage, in the declaration made under section 77 (in either case hereafter in this section referred to as the declared value) is higher than the value thereof, to a penalty not exceeding five times the difference between the declared value and the value thereof or one thousand rupees, whichever is the greater;
- (iv) in the case of goods falling both under clauses (i) and (iii), to a penalty not exceeding five times the value of the goods & or five times the difference between the declared value and the value thereof or one thousand rupees, whichever is the highest;
- (v) in the case of goods falling both under clauses (ii) and (iii) to a penalty not exceeding five times the duty sought to be evaded on such goods or five times the difference between the declared value and the value thereof or one thousand rupees, whichever is the highest.]

113. Confiscation of goods attempted to be improperly exported, etc.

The following export goods shall be liable to confiscation

- (a) any goods attempted to be exported by sea or air from any place other than a customs port or a customs airport appointed for the loading of such goods;
- (b) any goods attempted to be exported by land or inland water through any route other than a route specified in a notification issued under clause (c) of

section 7 for, the export of such goods;

- (c) any dutiable Or prohibited goods brought near the land frontier or the coast of India or near any bay, gulf, creek or tidal river for the purpose of being exported from a place other than a land-customs station or a customs port appointed for the loading of such goods;
- (d) any goods attempted to be exported or brought within the limits of an customs area for the purpose of being exported, contrary to any prohibition imposed by or under this Act or any other-law for the time being in force; —
————— 1 Ins. by Act 3 of 1973, S. 3 —————1222
- (e) any dutiable or prohibited goods found concealed in a package which is brought within the limits of a customs area for the purpose of exportation ;
- (f) any dutiable or prohibited goods which are loaded or attempted to be loaded in contravention of the provisions of section 33 or section 34 ;
- (g) any dutiable or prohibited goods loaded or attempted to be loaded on any conveyance, or water-borne, or attempted to be water-borne for being loaded on any vessel, the eventual destination of which is a place outside India, without the permission of the proper officer;
- (h) any dutiable or prohibited goods which are not included or are in excess of those included in the entry made under this Act, or in the, case of *baggage in the declaration made under section 77
- (i) any dutiable or prohibited goods 2[or goods entered for exportation under claim for drawback] which do not correspond in any material particular with the entry made under this Act or in the case of baggage with the declaration made under section 77 in respect thereof ;
- 3[“(ii) any goods entered for exportation under claim for drawback which do not correspond in any material particular with any information furnished by the exporter or manufacturer under this Act in relation to the fixation of rate of drawback under section 75”.]
- (j) any goods on which import duty has not been paid and which are entered for exportation under a claim for drawback under section 74;
- (k) any goods cleared for exportation under a claim for draw back which are not loaded for exportation on account of any wilful act, negligence or default of the exporter, his agent or employee, or which after having been loaded for exportation are unloaded without the permission of the proper Officer.
- 1((l) any specified goods in relation to which any provisions of Chapter IVB or of any rule made under this Act for carrying out the purposes of that Chapter have been contravened.]

114. Penalty for attempt to export goods improperly, etc.

Any person who in relation to any goods, does or omits to do any act which act or omission would render such goods liable to confiscation under section 113, or abets the doing or omission of such an act, shall be liable,-

- (i) in the case of goods in respect of which any prohibition is — 1 Ins. by Act 12 of 1969 s. 5 (w.e.f 3-1-1969). 2 Ins. by Act 25 of 1978, s. 11 (w.e.f. 1.7. 1978) 3 Ins. by Act 49 of 1991, S. 120. ————— 1222A in force, to a penalty not exceeding five times the value of the goods or one thousand rupees, whichever is the greater;
- (ii) in the case of dutiable goods, other than prohibited goods. to a penalty not exceeding five times the duty sought to be evaded on such goods or one thousand rupees, whichever is the greater ;
- (iii) in the case of goods under claim for drawback, to a penalty not exceeding five times the amount of drawback claimed or one thousand rupees, whichever is the greater.

115. Confiscation of conveyances.

- (1) The following conveyances shall be liable to confiscation:-
 - (a) any vessel which is or has been within the Indian customs waters, any aircraft which is or has been in India, or any vehicle which is or has been in a customs area, while constructed, adapted, altered or fitted in any manner for the purpose of concealing goods 1223
 - (b) any conveyance from which the whole or any part of the goods is thrown overboard, staved or destroyed so as to prevent seizure by an officer of customs ;
 - (c) any conveyance which having been required to stop or land under section 106 fails to do so, except for good and sufficient cause ;
 - (d) any conveyance from which any warehoused goods cleared for exportation, or any other goods cleared for exportation under a claim for drawback, are unloaded, without the permission of the proper officer ;
 - (e) any conveyance carrying imported goods which has entered India and is afterwards found with the whole or substantial portion of such goods missing, unless the master of the vessel or aircraft is able to account for the loss of, or deficiency in, the goods.
- (2) Any conveyance or animal used as a means of transport in the smuggling of any goods or in the carriage of any smuggled goods shall be liable to confiscation, unless the owner of the conveyance or animal proves that it was so used without the knowledge or connivance of the owner himself, his agent, if any, and the person-in-charge of the conveyance or animal

(1 * * * Provided that where any such conveyance is used for the carriage of goods or passengers for hire, the owner of any conveyance shall be given an option to pay In lieu of the confiscation of the conveyance a fine not exceeding the market price of the goods which are sought to be smuggled or the smuggled goods, as the case may be.

Explanation.-In this section. “ market price “ means market price at the date when the goods are seized.

116. Penalty for not accounting for goods.

If any goods loaded in a conveyance for importation into India, or any goods transhipped under the provisions of this Act or coastal goods carried in a conveyance, are not unloaded at their place of destination in India, or if the quantity unloaded is short of the quantity to be unloaded at that destination, and if the failure to unload or the deficiency is not accounted for to the satisfaction ———
—— 1 Omitted by Act 26 of 1988, S. 79. ————— 1224. of the [Assistant Commissioner of Customs,] the person-in-charge of the conveyance shall be liable,-

- (a) in the case of goods loaded in., a conveyance for importation into India or goods transhipped under the provisions of this Act, to a penalty not exceeding twice the amount of duty that would have been chargeable on the goods not unloaded or the deficient goods, as the case may be, had such goods been imported ;
- (b) in the case of coastal goods, to a penalty not exceeding twice the amount of export duty that would have been chargeable on the goods not unloaded or the deficient goods, as the case may be, had such goods been exported.

117. Penalties for contravention, etc., not expressly mentioned.

Any person who contravenes any provision of this Act or abets any such contravention or who fails to comply with any provision of this Act with which it was his duty to comply, where no express penalty is elsewhere provided for such contravention or failure, shall be liable to a penalty not exceeding one thousand rupees.

118. Confiscation of packages and their contents.

- (a) Where any goods imported in a package are liable to confiscation, the package and any other goods imported in that package shall also be liable to confiscation.
- (b) Where any goods are brought in a package within the limits of a customs area for the purpose of exportation and are liable to confiscation, the package and any other goods contained therein shall also be liable to confiscation.

119. Confiscation of goods used for concealing smuggled goods.

Any goods used for concealing smuggled goods shall also be liable to confiscation.

Explanation.-In this section, “goods” does not include a conveyance used as a means of transport.

120. Confiscation of smuggled goods notwithstanding any change in form, etc.

- (1) Smuggled goods may be confiscated notwithstanding any change in their form.
- (2) Where smuggled goods are mixed with other goods in such manner that the smuggled goods cannot be separated from such other goods, the whole of the goods shall be liable to confiscation: Provided that where the owner of such goods proves that he had no knowledge or reason to believe that they included any smuggled goods, only such part of the goods the value of which is equal to the value of the smuggled goods shall be liable to confiscation.

121. Confiscation of sale-proceeds of smuggled goods.

Where any smuggled goods are sold by a person having knowledge or reason to believe that the goods are smuggled goods, the sale-proceeds thereof shall be liable to confiscation.

122. Adjudication of confiscations and penalties.

In every case under this Chapter in which anything is liable to confiscation or any person is liable to a penalty, such confiscation or penalty may be adjudged,-

- (a) without limit, by a [Collector of Customs] or a [Deputy Collector of Customs;]
- 2[(b) where the value of the goods liable to confiscation does not exceed [fifty thousand]4, rupees by an [Assistant collector of Customs.”]
- (c) where the value of the goods liable to confiscation does not exceed two thousand five hundred rupees, by a gazetted officer of customs lower in rank than an [Assistant Collector of Customs.]

123. Burden of proof in certain cases.

- (1) Where any goods to which this section applies are seized under this Act in the reasonable belief that they are smuggled goods, the burden of proving that they are not smuggled goods shall be—
 - (a) in a case where such seizure is made from the possession of any person—
 - (i) on the person from whose possession the goods were seized; and (ii) if any person, other than the person from whose possession the goods were seized, claims to be the owner thereof, also on such other person;
 - (b) in any other case, on the person, if any, who claims to be the owner of, the goods so seized.”]

- (2) This section shall apply to gold [and manufactures thereof]³ watches, and any, other class of goods which the Central Government may by notification in the Official Gazette specify.

124. Issue of show-cause notice before confiscation of goods, etc.

No order confiscating any goods or imposing any penalty on any person shall be made under this Chapter unless the owner of the goods or such person-

- (a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the goods or to impose a penalty;
- (b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation or imposition of penalty mentioned therein ; and ———of 1973, S. 4. 2 Subs. by Act 25 of 1978 , S. 12 3 Subs. by Act 40 of 1989, S. 2. 4 Subs. by Act 18 of 1992, s. 109 ——— 1226
- (c) is given a reasonable opportunity of being heard in the matter: Provided that the notice referred to in clause (a) and the representation referred to in clause (b) may, at the request of the person concerned be oral.

125. Option to pay fine in lieu of confiscation.

- (1) Whenever confiscation of any goods is authorised by this Act, the officer adjudging it may, in the case of any goods, the importation or exportation whereof is prohibited under this Act or under any other law for the time being in force and shall in the case of any other goods, give to the owner of the goods 8[or, where such owner is not known the person from whose possession or custody such goods have been seized, ”]an option to pay in lieu of confiscation such fine as the said officer thinks fit:

Provided that, without prejudice to the provisions of the provision to sub-section (2) of section 115, such fine shall not exceed the price of the goods confiscated, less in the case of imported goods duty chargeable thereon.

- 8[(2) Where any fine in lieu of confiscation of goods is imposed under sub-section (1), the owner of such goods or the person referred to in sub-section (1) shall, in addition, be liable to any duty and charges payable in respect of such goods.”]

126. On confiscation, property to vest in Central Government:

- (1) When any goods are confiscated under this Act, such goods shall thereupon vest in the Central Government.
- (2) The officer adjudging confiscation shall take and hold possession of the confiscated goods.

127. Award of confiscation or penalty by customs officers not to interfere with other punishments.

The award of any confiscation or penalty under this Act by an officer of customs shall not prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of Chapter XVI of this Act or under any other law.

131C. Definitions:

In this Chapter-

- (a) "Appointed day" means the date of coming into force of the amendments to this Act specified in Part I of the Fifth Schedule to the Finance (No. 2) Act, 1980;
- (b) "High Court" means,-
 - (i) in relation to any State, the Court for that State;
 - (ii) in relation to a Union Territory to which the jurisdiction of the High Court of a State has been extended by law, that High Court;
 - (iii) in relation to the Union Territories of Dadra and Nagar Haveli and Goa, Daman and Diu, the High Court at Bombay;
 - (iv) in relation to any other Union Territory, the highest court of civil appeal for that territory other than the Supreme Court of India;
- (c) "President" means the President of the Appellate Tribunal.

132. False declaration, false documents, etc.

Whoever makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document in the transaction of any business relating to the customs, knowing or having reason to believe that such declaration statement or document is false in any material particular, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

133. Obstruction of officer of customs.

If any person intentionally obstructs any officer of customs in the exercise of any powers conferred under this Act, such person shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

134. Refusal to be X-rayed.

If any person-

- (a) resists or refuses to allow a radiologist to screen or to take X-ray picture of his body in accordance with an order made by a magistrate under section 103, or (b) resists or refuses to allow suitable action being taken on the advice and under the supervision of a registered medical practitioner for bringing out goods liable to confiscation secreted inside his body, as provided in section 103 ; he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

135. Evasion of duty or prohibitions.

1[(1)] Without prejudice to any action that may be taken under this Act, if any person—

- (a) is in relation to any goods in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any duty chargeable thereon or of any prohibition for the time being imposed under this Act or any other law for the time being in force with respect to such goods, or
- (b) acquires possession of or is in any way concerned in carrying, removing, depositing, harbouring, keeping, conceal- ing, selling or purchasing or in any other manner dealing with any goods which he knows or has reason to believe are liable to confiscation under section 111, he shall be punishable,
- (i) in the case of an offence relating to any of the goods which section 123 applies and the market price where of exceeds one lakh of rupees, with imprisonment for a term which may extend to 2[seven years] and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the court, such imprisonment shall not be for less than 3[three year]

- (ii) in any other case, with imprisonment for a term which may extend to 4[Three year], or with fine, or with both.

5[“(2) If any Person convicted of an offence under this section or under sub-section (1) of section 136 is again convicted of an offence under this section, then, he shall be Punishable for the second and for every subsequent Offence With imprisonment for a term which may extend to seven years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the court such imprisonment shall not be for less than 6[one year].

- (3) For the Purposes of sub-section (1) and (2), the following shall not be considered as special and adequate reasons for awarding a sentence of imprisonment for a term of less than 6[one year] namely:-
 - (i) the fact that the accused has been convicted for the first time for an offence under this Act;
 - (ii) the fact that in any proceeding under this Act, other than a prosecution, the accused has been ordered to pay a penalty or the goods which are the subject matter of such proceedings have been ordered to be confiscated or any other action has been taken against him for the same act which constitutes the offence;

- (iii) the fact that the accused was not the principal offender and was acting merely as a carrier of goods or otherwise was a secondary party to the commission of the offence;
- (iv) the age of the accused.”] 1. S. 135 renumbered as sub-section (1) thereof by Act 36 of 1973, s. 5. 2. Subs. by s. 5, *ibid.*, for “five years”. 3. Subs. by Act 40 of 1989, s. 3, for “one year”. 4. Subs. by Act 36 of 1973, s. 5, for “two years”. 5. Ins. by s. 5, *ibid.* 6. Subs. by Act 25 of 1978, s. 16, for “six months” (w.e.f. 1-7-1978).

2[135A. Preparation.

If a person makes preparation to export any goods in contravention of the provisions of this Act, and from the circumstances of the case it may be reasonably inferred that if not prevented by circumstances independent of his will, he is determined to carry out his intention to commit the offence, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

135B. Power of court to publish name, place of business, etc.,

of persons convicted under the Act.

- (1) Where any person is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the court convicting the person to cause the name and place of business or residence of such person, nature of the contravention, the fact that the person has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of such person in such newspapers or in such manner as the court may direct.
- (2) No Publication under sub-section (1) shall be made until the period for preferring an appeals against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.
- (3) The expenses of any publication under sub-section (1) shall be recoverable from the convicted person as if it were were a fine imposed by the court.]

136. Offences by officers of customs.

- (1) If any officer of customs enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any duty of custom leviable on any goods, or any prohibition for the time being in force under this Act or any other law for the time being in force with respect to any goods is or may be evaded, he shall be punishable with imprisonment for a term which may extend to 3[three year], or with fine, or with both.

- (2) If any officer of customs,-
 - (a) requires any person to be searched for goods liable to confiscation or any document relating thereto, without having reason to believe that he has such goods or document secreted about his person ; or ————— 1 Renumbered, Subs. & ins. by Act 36 of 1973, S. S. 2 Ins. by S. 6, ibid. 3 Subs. by S. 7, ibid. 4 Subs. by Act 25 of 1978, S. 16 (w.e.f. 1.7. 1978). 5 Subs. by Act 40 of 1989, S. 3. ——— 1231
 - (b) arrests any person without having reason to believe that he has been guilty of an offence punishable under section 135 ; or
 - (c) searches or authorises any other officer of customs to search any place without having reason to believe that any goods, documents or things of the nature referred to in section 105 are secreted in that place, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
- (3) If any officer of customs, except in the discharge in good faith of his duty as such officer or in compliance with any requisition made under any law for the time being in force, discloses any particulars learnt by him in his official capacity in respect of any goods, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

137. Cognizance of offences.

- (1) No court shall take cognizance of any offence under section 132, section 133. section 134 or section 135, except with the previous sanction of the 1[Commissioner of Customs.]
- (2) No court shall take cognizance of any offence under section 136,-
 - (a) where the offence is alleged to have been committed by an officer of customs not lower in rank than 2[Assistant Commissioner of Customs,] except with the previous sanction of the Central Government;
 - (b) Where the offence is alleged to have been committed by, an of customs lower in rank than 2[Assistant Commissioner Customs], except with the previous sanction of the 1[Commissioner of Customs.]

138. Offences to be tried summarily.

Notwithstanding anything contained in the 3Code of Criminal procedure, 1898 (5 of 1898), an offence under this Chapter other than an offence punishable 4[un- der clause (i) of sub-section (1) of section 135 or under sub-section (2) of that section] may be tried summarily by a magistrate.

5[138A. (1) In any prosecution for an offence under this Act which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he

had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation.-In this section, “culpable mental state” includes intention, motive, knowledge of a fact and belief in, or reason to believe, a fact.

(2) For the purposes of this section, a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established Preponderance of probability

138B.Relevancy of statements under certain circumstances.

- (1) A statement made and signed by a person before any gazetted officer of customs during the course of any inquiry or proceeding under this Act shall be relevant, for the purpose of proving, in any prosecution for an offence under this Act, the truth of the facts which it contains,-
 - (a) when the person who made the statement is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or whose presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the court considers unreasonable; or
 - (b) when the person who made the statement is examined as a witness in the case before the court and the court is of opinion that, having regard to the circumstances of the case, the statement should be admitted in evidence in the interests of justice.
- (2) The provisions of sub-section (1) shall, so far as may be, apply, in relation to any proceeding under this Act, other than a proceeding before a court, as they apply in relation to a proceeding court.]

6[138C.Admissibility of micro films,fascimile copies of documents and computer printouts as documents and as evidence.

- (1) Notwithstanding anything contained in any other time being in force,-
 - (a) a micro film of a document or the reproduction of the image or images embodied in such micro film (whether enlarged or not) ; or 1. Subs. by Act 22 of 1995, s. 50, for “Collector of Customs”. 2. Subs. by s. 50, ibid for “Assistant Collector of Customs”. 3. See now the Code of Criminal Procedure, 1973 (Act 2 of 1974). 4. Subs. by Act 36 of 1973, s. 8, for “under clause (i) of section 135”. 5. Ss. 138A and 138B ins. by s. 9, ibid. 6. Ins. by Act 29 of 1988, s. 6(w.e.f. 1-7-1988).
 - (b) a facsimile copy of a document; or
 - (c) a statement contained in a document and included in a printed material produced by a computer (hereinafter referred to as a “computer print out”), if the conditions mentioned in sub-section (2) and the other provisions contained in this section are satisfied in relation to the statement and the computer in question,

shall be deemed to be also a document for the purposes of this Act and the rules made thereunder and shall be admissible in any proceedings thereunder, without further proof or production of the original, ‘-as evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible.

- (2) The conditions referred to in sub-section (1) in respect of a computer print out shall be the following, namely: -
 - (a) the computer print out containing the statement was Produced by the computer during the period over which. the computer was used regularly to store or process information for the Purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer;
 - (b) during the said period, there was regularly supplied to the computer in the ordinary course of the said activities, information of the kind contained in the statement or of the kind from which the information so contained is derived;
 - (c) throughout the material part of the said period, the computer was operating properly or, if not, then any respect in which it was not operating properly or was out of operation during that part of that period was not such as to affect the production of the document or the accuracy of the contents; and
 - (d) the information contained in the statement reproduces or is derived from information supplied to the computer in the ordinary course of the said activities.
- (3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (a) of sub-section (2) was regularly Performed by computers, whether-
 - (a) by a combination of computers, operating over that period; or
 - (b) by different Computers operating in succession over that period; or
 - (c) by different combinations of computers operating in succession over that period; or
 - (d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers, all the computers used for that purpose during that period shall be treated for the purposes of this section as constituting a single com- puter; and references in this section to a computer shall be construed accordingly.
- (4) In any proceedings under this Act and the rules made there- under where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say,-

- (a) identifying the document containing the statement and describing the manner in which it was produced;
 - (b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;
 - (c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate, and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.
- (5) For the purposes of this section,-
- (a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;
 - (b) whether in the, course of activities carried on by any official, information is supplied with a view to its being, stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;
 - (c) a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.
- Explanation.-For the purposes of this section,-
- (a) “computer” -means any device that receives, stores and processes data, applying stipulated processes to the information and supplying results of these processes; and
 - (b) any reference to information being derived from other information shall be a reference to its being derived therefrom by calculation, comparison or any other process.]

139. Presumption as to documents in certain cases.

1 Where any do- cument-

- (i) is produced by any person or has been seized from the custody or control of any person, in either case, under this Act or under any other law, or
- (ii) has been received from any place outside India in the course of investigation of any offence alleged to have been committed by any person under this Act, and such document is tendered by the prosecution in evidence against him or against him and any other person who is tried jointly with him, the court shall—

- (a) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting, and in the case of a document executed or attested, that it was executed or attested by the person by whom it purports to have been so executed or attested;
- (b) admit the document in evidence, notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence;
- (c) in a case falling under clause (i) also presume, unless the contrary is proved, the truth of the contents of such document.]

2[Explanation.—For the purposes of this section, “document” includes inventories, photographs and lists certified by a Magistrate sub-section (1C) of section 110.] 1. Subs. by Act 36 of 1973, s. 10, s. 139. 2. Ins. by Act 80 of 1985, S 11 1232

140. Offences by companies.

- (1) If the person committing an offence under this Chapter is a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to such punishment provided in this Chapter if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Chapter has been committed. by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,-

- (a) “company” means a body corporate and includes a firm or other association of individuals ; and 1233.
- (b) “director”, in relation to a firm, means a partner in the firm. 140A Application of section 562 of the Code of Criminal Procedure, 1898, and of the the Probation of Offenders Act, 1958.

• • •

THE FOREIGN TRADE (DEVELOPMENT AND REGULATION) ACT, 1992

NO. 22 OF 1992. [7th August, 1992.]

An Act to provide for the development and regulation of foreign trade by facilitating imports into, a, A augmenting exports from, India and for matters connected therewith or incidental thereto. BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows: -

CHAPTER I PRELIMINARY

1. Short title and commencement.

This Act may be called the Foreign Trade (Development and Regulation) Act, 1992. Sections 11 to 14 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 19th day of June, 1992.

2. Definitions.

In this Act, unless the context otherwise requires,—

- (a) “Adjudicating Authority” means the authority specified in, or under, section 13;
- (b) “Appellate Authority” means the authority specified in, or under, sub-section (1) of section 15;
- (c) “conveyance” means any vehicle, vessel, aircraft or any other means of transport including any animal;
- (d) “Director General” means the Director General of Foreign Trade appointed under section 6;
- (e) “import” and “export” means respectively bringing into, or taking out of, India any goods by land, sea or air;
- (f) “Importer-exporter Code Number” means the Code Number granted under section 7;
- (g) “licence” means a licence to import or export and includes a customs clearance permit and any other permission issued or granted under this Act;
- (h) “Order” means any Order made by the Central Government under section 3; and (i) “prescribed” means prescribed by rules made under this Act.

CHAPTER II POWER OF CENTRAL GOVERNMENT TO MAKE ORDER AND ANNOUNCE EXPORT AND IMPORT POLICY

3. Powers to make provisions relating to imports and exports

- (1) The Central Government may, by Order published in the Official Gazette, make provision for the development and regulation of foreign trade by facilitating imports and increasing exports,

- (2) The Central Government may also, by Order published in the Official Gazette, make provision for prohibiting, restricting or otherwise regulating, in all cases or in specified classes of cases and subject to such exceptions, if any, as may be made by or under the Order, the import or export of goods.
- (3) All goods to which any Order under sub-section (2) applies shall be deemed to be goods the import or export of which has been prohibited under section 11 of the Customs Act, 1962 (52 of 1962) and all the provisions of that Act shall have effect accordingly.

4. Continuance of existing Orders.

All Orders made under the Imports and Exports (Control) Act, 1947 (18 of 1947), and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, to be in force and shall be deemed to have been made under this Act.

5. Export and import policy.

The Central Government may, from time to time, formulate and announce by notification in the Official Gazette, the export and import policy and may also, in like manner, amend that policy.

6. Appointment of Director General and his functions.

- (1) The Central Government may appoint any person to be the Director General of Foreign Trade for the purposes of this Act,
- (2) The Director General shall advise the Central Government in the formulation of the export and import policy and shall be responsible for carrying out that policy.
- (3) The Central Government may, by Order published in the Official Gazette, direct that any power exercisable by it under this Act (other than the powers under sections 3, 5, 15, 16 and 19) may also be exercised, in such cases and subject to such conditions, by the Director General or such other officer subordinate to the Director General, as may be specified in the Order.

CHAPTER III

IMPORTER-EXPORTER CODE NUMBER AND LICENCE

7. Importer-exporter Code Number.

No person shall make any import or export except under an Importer-exporter Code Number granted by the Director General or the officer authorised by the Director General in this behalf, in accordance with the procedure specified in this behalf by the Director General. 179

8. Suspension and cancellation of Importer-exporter Code Number.

- (1) Where- (a) any person has contravened any law relating to Central excise or customs or foreign exchange or has committed any other economic offence under any other law for the time being in force as may be specified by the Central Government by notification in the Official Gazette, or (b) the Director General has reason to believe that any person has made an export or import in a manner gravely prejudicial to the trade relations of India with any foreign country or to the interests of other persons engaged in imports or exports or has brought disrepute to the credit or the goods of the country, the Director General may call for the record or any other information from that person and may, after giving to that person a notice in writing informing him of the grounds on which it is proposed to suspend or cancel the Importer-exporter Code Number and giving him a reasonable opportunity of making a representation in writing within such reasonable time as may be specified in the notice and, if that person so desires, of being heard, suspend for a period, as may be specified in the order, or cancel the Importer-exporter Code Number granted to that person.
- (2) Where any Importer-exporter Code Number granted to a person has been suspended or cancelled under sub-section (1), that person shall not be entitled to import or export any goods except under a special licence, granted, in such manner and subject to such conditions as may be prescribed, by the Director General to that person.

9. Issue, suspension and cancellation of licence.

- (1) The Central Government may levy fees, subject to such exceptions, in respect of such person or class of persons making an application for licence of in respect of any licence granted or renewed in such manner as may be prescribed.
- (2) The Director General or an officer authorised by him may, on an application and after making such inquiry as he may think fit, grant or renew or refuse to grant or renew a licence to import or export such class or classes of goods as may be prescribed, after recording in writing his reasons for such refusal.
- (3) A licence granted or renewed under this section shall- (a) be in such form as may be prescribed; (b) be valid for such period as may be specified therein; and (c) be subject to such terms, conditions and restrictions as may be prescribed or as specified in the licence with reference to the terms, conditions and restrictions so prescribed.
- (4) The Director General or the officer authorised under sub-section (2) may, subject to such conditions as may be prescribed, for good and sufficient reasons, to be recorded in writing, suspend or cancel any licence granted under this Act: Provided that no such suspension or cancellation shall be

made except after giving the holder of the licence a reasonable opportunity of being heard. 180

- (5) An appeal against an order refusing to grant, or renew or suspending or cancelling, a licence shall lie in like manner as an appeal against an order would lie under section 15.

CHAPTER IV

SEARCH, SEIZURE, PENALTY AND CONFISCATION

10. Power relating to search and seizure.

- (1) The Central Government may, by notification in the Official Gazette, authorise any person for the purposes of exercising such powers with respect to entering such premises and searching, inspecting and seizing of such goods, documents, things and conveyances, subject to such requirements and conditions, as may be prescribed.
- (2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to searches and seizures shall, so far as may be, apply to every search and seizure made under this section.

11. Contravention of provisions of this Act, rules, orders and export and import policy.

- (1) No export or import shall be made by any person except in accordance with the provisions of this Act, the rules and orders made thereunder and the export and import policy for the time being in force.
- (2) Where any person makes or abets or attempts to make any export or import in contravention of any provision of this Act or any rules or orders made thereunder or the export and import policy, he shall be liable to a penalty not exceeding one thousand rupees or five times the value of the goods in respect of which any contravention is made or attempted to be made, whichever is more.
- (3) Where any person, on a notice to him by the Adjudicating Authority, admits any contravention, the Adjudicating Authority may, in such class or classes of cases and in such manner as may be prescribed, determine, by way of settlement, an amount to be paid by that person.
- (4) A penalty imposed under this Act may, if it is not paid, be recovered as an arrear of land revenue and the Importer-exporter Code Number of the person concerned, may, on failure to pay the penalty by him, be suspended by the Adjudicating Authority till the penalty is paid.
- (5) Where any contravention of any provision of this Act or any rules or orders made thereunder or the export and import policy has been, is being, or is attempted to be, made, the goods together with any package, covering or

receptacle and any conveyances shall, subject to such requirements and conditions as may be prescribed, be liable to confiscation by the Adjudicating Authority.

- (6) The goods or the conveyance confiscated under sub-section (5) may be released by the Adjudicating Authority, in such manner and ,subject to such conditions as may be prescribed, on payment by the person concerned of the redemption charges equivalent to the market value of the goods or conveyance, as the case may be.

12. Penalty or confiscation not to interfere with other punishments.

No penalty imposed or confiscation made under this Act shall prevent the imposition of any other punishment to which the person affected thereby is liable under any other law for the time being in force. 181

13. Adjudicating Authority.

Any penalty may be imposed or any confiscation may be adjudged under this Act by the Director General or, subject to such limits as may be specified, by such other officer as the Central Government may, by notification in the Official Gazette, authorise in this behalf”.

14. Giving of opportunity to the owner of the goods, etc.

No order imposing a penalty or of adjudication of confiscation shall be made unless the owner of the goods or conveyance, or other person concerned, has been given a notice in writing-

- (a) informing him of the grounds on which it is proposed to impose a penalty or to confiscate such goods or conveyance; and
- (b) to make a representation in writing within such reasonable time as may be specified in the notice against the imposition of penalty or confiscation mentioned therein, and, if he so desires, of being heard in the matter.

CHAPTER V

APPEAL AIM REVISION

15. Appeal.

- (1) Any person aggrieved by any decision or order made by the Adjudicating Authority under this Act may prefer an appeal,—
- (a) where the decision or order has been made by the Director General, to the Central Government;
 - (b) where the decision or order has been made by an officer subordinate to the Director General, to the Director General or to any officer superior to the Adjudicating Authority authorised by the Director General to hear the appeal, within a period of forty-five days from the date on which the decision or order is served on such person:

Provided that the Appellate Authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the aforesaid period, allow such appeal to be preferred within a further period of thirty days: Provided further that in the case of an appeal against a decision or order imposing a penalty or redemption charges, no such appeal shall be entertained unless the amount of the penalty or redemption charges has been deposited by the appellant: Provided also that, where the Appellate Authority is of opinion that the deposit to be made will cause undue hardship to the appellant, it may, at its discretion, dispense with such deposit either unconditionally or subject to such conditions as it may impose.

- (2) The Appellate Authority may, after giving to the appellant a reasonable opportunity of being heard, if he so desires, and after making such further inquiries, if any, as it may consider necessary, make such orders as it thinks fit, confirming, modifying or reversing the decision or order appealed against, or may send back the case with such directions, as It may think fit, for a fresh adjudication or decision, as the case may be, after taking additional evidence, if necessary:, 182 Provided that an order enhancing or imposing a penalty or redemption charges or confiscating goods of a greater value shall not be made under this section unless the appellant has been given an opportunity of making a representation, and, if he so desires, of being heard in his defence.
- (3) The order made in appeal by the Appellate Authority shall be final.

16. Revision.

The Central Government, in the case of any decision or order, not being a decision or order made in an appeal, made by the Director General, or the Director General in the case of any decision or order made by any officer subordinate to him, may on its or his own motion or otherwise, call for and examine the records of any proceeding in which a decision or an order imposing a penalty or redemption charges or adjudicating confiscation has been made and against which no appeal has been preferred, for the purpose of satisfying itself or himself, as the case may be, as to the correctness, legality or propriety of such decision or order and make such orders thereon as may be deemed fit: Provided that no decision or order shall be varied under this section so as to prejudicially affect any person unless such person-

- (a) has, within a period of two years from the date of such decision or order, received a notice to show cause why such decision or order shall not be varied, and
- (b) has been given a reasonable opportunity of making representation and, if he so desires, of being heard in his defence.

17. Powers of Adjudicating and other Authorities.

- (1) Every authority making any, adjudication or hearing any appeal or exercising any powers of revision 'under this Act shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—
 - (a) summoning and enforcing the attendance of witnesses;
 - (b) requiring the discovery and production of any document;
 - (c) requisitioning any public record or copy thereof from any court or office; (d) receiving evidence on affidavits; and
 - (e) issuing commissions for the examination of witnesses or documents.
- (2) Every authority making any adjudication or hearing any appeal or exercising any powers of revision under this Act shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1993 (2 of 1974).
- (3) Every authority making any adjudication or hearing any appeal or exercising any powers of revision under this Act shall have the power to make such - orders of an interim nature as it may think fit and may also, for sufficient cause, order the stay of operation of any decision or order.
- (4) Clerical or arithmetical mistakes in any decision or order or errors arising therein from any accidental slip or omission may at any time be corrected by the authority by which the decision or order was made, either on its own motion or on the application of any of the parties: 183 Provided that where any correction proposed to be made under this sub-section will have the effect of prejudicially affecting any person, no such correction shall be made except after giving to that person a reasonable opportunity of making a representation in the matter and no such correction shall be made after the expiry of two years from the date on which such decision or order was made.

**CHAPTER VI
MISCELLANEOUS**

18. Protection of action taken in good faith.

No order made or deemed to have been made under this Act shall be called in question in any court, and no suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any order made or deemed to have been made thereunder.

19. Power to make rules.

- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

- (2) In particular, and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the manner in which and the conditions subject to which a special licence may be issued under sub-section (2) of section 8;
 - (b) the exceptions subject to which and the person or class of persons in respect of whom fees may be levied and the manner in which a licence may be granted or renewed under sub-section(1) of section 9;
 - (c) the class or classes of goods for which a licence may be granted under sub-section (2) of section 9;
 - (d) the form in which and the terms, conditions and restrictions subject to which licence may be granted under sub-section (3) of section 9;
 - (e) the conditions subject to which a licence may be suspended or cancelled under sub-section (4) of section 9;
 - (f) the premises, goods, documents, things and conveyances in respect of which and the requirements and conditions subject to which power of entry, search, inspection and seizure may be exercised under sub-section (1) of section 10;
 - (g) the class or classes of cases for which and the manner in which an amount, by way of settlement, may be determined under sub-section (3) of section 11;
 - (h) the requirements and conditions subject to which goods and conveyances shall be liable to confiscation under sub- section (5) of section 11;
 - (i) the manner in which and the conditions subject to which goods and conveyances may be released on payment of redemption charges under sub-section (6) of section 11; and
 - (j) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be, or may be, made by rules. 184 (3) Every rule and every Order made by the Central Government under this Act 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 successive sessions aforesaid, both Houses agree in making any modification in the rule or the Order or both Houses agree that the rule or the Order should not be made, the rule or the Order, as the case may be, shall thereafter 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 the Order.

20. Repeal and savings.

- (1) The Imports and Exports (Control) Act, 1947 (18 of 1947) and the Foreign Trade (Development and Regulation) Ordinance, 1992 (Ord. 11 of 1992) are hereby repealed. (2) The repeal of the Imports and Exports (Control) Act, 1947 (18 of 1947) shall, however, not affect,-
 - (a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or
 - (b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or
 - (c) any penalty, confiscation or punishment incurred in respect of any contravention under the Act so repealed; or
 - (d) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, confiscation or punishment as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty, confiscation or punishment may be imposed or made as if that Act had not been repealed.
- (3) Notwithstanding the repeal of the Foreign Trade (Development and Regulation) Ordinance, 1992 (Ord. 11 of 1992), anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

• • •

Import Export Policy 2004-2009

Export Policy

General Notes to Export Policy–Goods under Restrictions (Export)

1. Free Exportability

All goods other than the entries in the export licensing schedule along with its appendices are freely exportable. The free exportability is however subject to any other law for the time being in force. Goods not listed in the Schedule are deemed to be freely exportable without conditions under the Foreign Trade (Development and Regulations) Act, 1992 and the rules, notifications and other public notices and circulars issued there under from time to time. The export licensing policy in the schedule and its appendices does not preclude control by way of a Public Notice Notification under the Foreign Trade (Development and Regulations) Act, 1992.

Goods listed as “Free” in the Export Licensing Schedule may also be exported without an export licence as such but they are subject to conditions laid out against the respective entry. The fulfillment of these conditions can be checked by authorized officers in the course of export.

2. Code does not limit the item description

The export policy of a specific item will be determined mainly by the description and nature of restriction in the schedule. The code number is illustrative of classification but does not limit the description by virtue of the standard description of the item against the code in the import part of the ITC(HS) classification.

3. Classes of Export Trade Control

A. Prohibited Goods

The prohibited items are not permitted to be exported. An export licence will not be given in the normal course for goods in the prohibited category.

B. Restricted Goods

The restricted items can be permitted for export under licence. The procedures / conditionalities wherever specified against the restricted items may be required to be complied with, in addition to the general requirement of licence in all cases of restricted items.

C. State Tradig Enterprises

Export through STE(s) is permitted without an Export Licence through designated STEs only as mentioned against an item and is subject to conditions in para 2.11 of EXIM Policy 2002-2007.

D. Restrictions on Countries of Export

Export to Iraq is subject to conditions as specified in Para 2.2 of the Handbook of Procedures 2002-2007 (Vol. I) and other conditions which may be listed in the title ITC(HS) Classification of Export and Import items.

Notes :

1. The schedule below has five column. The column name and the description are:

Column No.	Column	Description Name						
1.	Entry No.	Gives the order of the main entry in the schedule. The column is designed for easy reference and gives the identity of the raw covering the set consisting of Tariff Item Code, Unit Item description export policy and Nature of restriction along with the connected Licensing Note and Appendix						
2.	Tariff Item (HS) Code	This is the eight digit code followed in the import policy in the earlier part of the book, customs and the DGCIS code. The first two digits gave the chapter number, the heading number. The last two digit signify the subheading. The six digit code and product description corresponds exactly with the six digit WCO (World Customs Organisation). The last digits are developed in India under the common classification system for tariff item.						
3.	Unit	The second column gives the unit of measurement or weight in the tariff item which is to be used in shipping bill and other documents. In most cases, the unit is given as “u” denoting number of pieces.						
4.	Item Description	The item description against each code gives the specific description of goods which are subject to export control. This description does not generally correspond with the standard description against the code. In most cases, the description will cover only a part of standard description.						
5.	Export Policy	<p>This column is for the general policy regime applicable on the item. Generally, the Export Policy is one of the following.</p> <table><tr><td>Prohibited</td><td>Not permitted for Export Licence will not be given in the normal course</td></tr><tr><td>Restricted</td><td>Export is permitted under a licence granted by the DGFT</td></tr><tr><td>STE</td><td>Export allowed only through specified State Trading Enterprises (STEs) subject to specific conditions laid out in the Export Policy and also para 2.11 of the Export and Import Policy.</td></tr></table>	Prohibited	Not permitted for Export Licence will not be given in the normal course	Restricted	Export is permitted under a licence granted by the DGFT	STE	Export allowed only through specified State Trading Enterprises (STEs) subject to specific conditions laid out in the Export Policy and also para 2.11 of the Export and Import Policy.
Prohibited	Not permitted for Export Licence will not be given in the normal course							
Restricted	Export is permitted under a licence granted by the DGFT							
STE	Export allowed only through specified State Trading Enterprises (STEs) subject to specific conditions laid out in the Export Policy and also para 2.11 of the Export and Import Policy.							
6.	Nature of Restriction	This column specifies the special conditions which must be met for the export of goods in the item description column. The column may also give the nature of restriction under the broad category in the Export Policy column.						

• • •

Chapter 1 (Export)

Live Animals

Note 1 The term “Cattle” covers cows, oxen, bulls and calves

Note 2 Export of wild animals and their products as defined in Wild Life (Protection) Act, 1972 including their part prohibited. See restrictions in Part A for details.

Note 3 Germplasm of cattle is classified in heading 0511

S.No.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
8.	0101 10 00 0101 90 90	u	Live Horses Kathiawari, Marwari and Manipuri breeds	Restricted	Exports permitted under licence.
9.	0102 10 10 0102 10 20 0102 10 30 0102 10 90 0102 90 10 0102 90 20	u	Live Cattle and buffaloes	Restricted	Not permitted to be exported
10.	0106 19 00	u	Camel	Restricted	Subject to pre-shipment inspection
11.	0106 31 00 0106 32 00 0106 39 00	u	Live exotic birds except the following species of exotic birds, policy of which is indicated against each	Prohibited	Subject to pre-shipment inspection
12.	0106 32 00	u	(i) Albino budgerigars	Free	Subject to pre-shipment inspection
13.	0106 32 00	u	(ii) Budgerigars	Free	Subject to pre-shipment inspection
14.	0106 39 00	u	(iii) Bengali finches	Free	Subject to pre-shipment inspection
15.	0106 39 00	u	(iv) White finches	Free	Subject to pre-shipment inspection
16.	0106 39 00	u	(v) Zebra finches	Free	Subject to pre-shipment inspection
17.	0106 39 00	u	(vi) Jawa	Restricted sparrow	Exports permitted under license. A certificate from the Chief Wildlife warden of the concerned State from where exotic birds (Jawa Sparrow) have been procured to the effect that the birds to be exported are from Captive Bred Stock. Exports if allowed shall be subject to pre-shipment inspection and CITES certificate

Chapter 2 (Export)

Meat and Edible Meat Offal

Note 1 Beef includes meat and edible offal of cows, oxens and calf

Note 2 Offal includes heart, liver, tongue, kidneys and other organs.

Note 3 The export of chilled and frozen meat shall be allowed subject to the provision specified to the gazette notification on raw meat (chilled and frozen) under Export (Quality Control and Inspection) Act, 1963 Offals of buffalo too are subject to the same conditions of quality control and inspection.

Note 4 Export of canned meat products shall be subject to preshipment inspection either by the State Directorate of Animal Husbandry or Export Inspection Agency or Directorate of Marketing and Inspection Government of India in accordance with either the standards prevalent in the exporting country or standards prescribed under the Meat Food Products Order, 1973 under Export (Quality Control and Inspection) Act, 1963 or orders made thereunder

Note 5. Exports of gonads and other reproductive organs of buffaloes and the germplasm of cattle and buffaloes in heading 0511 require an export licence.

Note 6. Export of meat and meat products will be allowed subject to the exporter furnishing a certificate to the customs at the time of export that the above items have been obtained / sourced from an abattoir/ meat processing plant registered with Agricultural and Processed Foods Products Export Development Authority (APEDA).

Note 7 On the cartons for export of meat , the following details shall compulsorily be mentioned:-

- (i) Name of the Product.
- (ii) Country of Origin
- (iii) APEDA Plant Registration No.
- (iv) Name of the exporter .

S.No.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
18.	0201 10 00 0201 20 00 0201 30 00 0202 10 00 0202 20 00 0202 30 00	kg	Beef of cows, oxen and calf	Restricted	Not permitted to be exported
19.	0201 10 00 0201 20 00 0201 30 00	kg	Meat of buffalo (both male and female)	Free	1. Export allowed on production of a certificate from the designated veterinary authority of the State, from which the

	0202 10 00 0202 20 00 0202 30 00				meat or offals emanate, to the effect that the meat or offals are from buffaloes not used for breeding and milch purposes.2. Quality control and inspection under Note 3 and 4 respectively as well as condition stipulated at Note 6 above are required to be fulfilled.
20.	0204 10 00 0204 21 00 0204 22 00 0204 23 00 0204 30 00 0204 41 00 0204 42 00 0204 43 00	kg	Meat of Indian sheep	Free	Quality control and inspection under Note 3 and 4 respectively as well as condition stipulated at Note 6 above are required to be fulfilled.
21.	0204 50 00	kg	Meat of Indian Goat	Free	Quality control and inspection under Note 3 and 4 respectively as well as condition stipulated at Note 6 above are required to be fulfilled.
22.	0206 10 00 0206 21 00 0206 22 00 0206 29 00 0210 20 00	kg	Beef in the form of offal of cows, oxen of and calf	Prohibited	Not permitted to be exported
23.	0206 10 00 0206 21 00 0206 22 00 0206 29 00 0210 20 00	kg	Offal of buffalo except gonads and reproductive organs	Free	1. Export of allowed on production of a certificate from the designated veterinary authority of the State, from which the meat or offals emanate, to the effect that the meat or offals are from buffaloes not used for breeding and milch purposes. 2. Quality control and inspection under Note 3 and 4 respectively as well as condition stipulated at Note 6 above are required to be fulfilled.
24.	0206 80 10 0206 90 10	kg	Offal of Indian sheep	Free	Quality control and inspection under Note 3 and 4 respectively as well as condition stipulated at Note 6 above are required to be fulfilled.
25.	0206 80 10 0206 90 10	kg	Offal of Indian Goat	Free	Quality control and inspection under Note 3 and 4 respectively as well as condition stipulated at Note 6 above are required to be fulfilled.

Chapter 3 (Export)

Fish and Crustaceans, Molluscs and other Aquatic Invertebrates

Note-1 The term “Marine Products” in this Chapter covers all the eight digit Exim Codes in the Chapter of the ITC(HS) Classification of Export and Import items. All marine species that have been included in the Schedules of the Wild Life (Protection) Act, 1972 are not permitted for export. All Holothurians are included in the Schedule 1 of Wild Life (Protection) Act, 1972.

S.No.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
26.	0300 00 00	kg	Marine species and products except the following	Free	Subject to preshipment quality inspection as may be specified by the Government through a notification
	0300 00 00	kg	(a) those species (and their parts , products and derivatives) mentioned in the Schedules of the Wild Life (Protection) Act, 1972.	Prohibited	Not permitted to be exported
27.	0302 69 30 0303 79 50	kg	Fresh or Chilled or Frozen silver pomfrets of weight less than 300 gms.	Restricted	Exports permitted under licence.
28..	0303 79 99	kg	Beche-de-mer	Prohibited	Not permitted to be exported.
29.	0306 11 00 0306 12 10 0306 12 90 0306 21 00 0306 22 00	kg	Lobsters except undersized (\$) rock lobster and sand lobster variety below Rock Lobster:	Free	Not permitted to be exported.
30.	0306 11 00 0306 21 00	kg	Panulirus polyphagus 300gm as whole chilled live or frozen, 250 gm as whole cooked; 90 gm as tail	Prohibited	Not permitted to be exported.
31.	0306 11 00 0306 21 00	kg	Panulirus homarus 200gm as whole live, chilled or frozen, 170 gm as whole cooked, 50 gm as tail	Prohibited	Not permitted to be exported.
32.	0306 11 00 0306 21 00	kg	Panulirus Ornatus 500gm as whole live/chilled or frozen; 425 gm as whole cooked; 150gm as tailSand Lobster:	Prohibited	Not permitted to be exported.
33.	0306 12 10	kg	Thenus orientalis 150 gm as whole;	Prohibited	Not permitted to be exported.

Export Licensing Note

\$ Note 1 A consignment/ lot is considered to be undersized if it contains specified species any piece of which has a weight less than that indicated against the species or has been processed out of or obtained from individual pieces of the species weighing less than the minimum weight indicated against the species.

Note 2 “as tail” means without head

Chapter 4 (Export)

Dairy produce; bird's eggs; natural honey; edible products of animal origin, not elsewhere specified or included

Note : The expression "milk" means full cream milk of partially or completely skimmed milk

S.No.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
33A	04090000	kg	Natural Honey	Free	Export of honey to USA shall be allowed subject to the following conditions. 1. Honey exported shall be 'wholly obtained' Indian origin honey only, and; 2. No blending of Indian honey shall be permitted with honey originating from any other country"

(Notification No. 66 dated 1.12.2008)

Chapter 5 (Export)

Products of Animal Origin

Note 1 Export of wild animals and their parts and products as covered in Wild Life (Protection) Act, 1972 and CITES prohibited. See restrictions in Table A for detail.

S.No.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
34.	0506 10 49 0511 99 99	kg	Human skeletons	Prohibited	Not permitted to be exported.
35.	0506 10 39 0506 10 49 0511 99 99	kg	Bones and bone products (excluding bone meal), horn and horn products, (excluding horn meal), hooves and hoof products (excluding hoof meal) when exported to the European Union.	Restricted	Export to EU allowed subject to production of a certificate from Chemicals and Allied Products Export Promotion Council (CAPEXIL) regarding production process in respect of the exported item.
36.	0506 10 19 0506 10 29 0506 10 39 0506 10 49 0506 90 19 0506 90 99 0511 99 99	kg	Bones and bone products including Ossein and Gelatine intended to be used for Human consumption, meant for European Union.	Restricted	Export to EU allowed subject to approval of establishment of production and issue of Health Certificate by CAPEXIL in respect of the exported item
37.	0505 90 10	kg	Peacock Tail Feathers	Prohibited	Not permitted to be exported.
38.	0511 99 99	kg	Handicrafts and articles of peacock tail feathers	Prohibited	Not permitted to be exported.
39.	0506 10 410 506 10 490 507 90 40	kg	Shavings of Shed Antlers of Chital and Sambhar	Prohibited	Not permitted to be exported.
40.	0511 99 99	kg	Manufactured Articles of shavings of shed antlers of chital and sambhar	Prohibited	Not permitted to be exported.
41.	0508 00 20	kg	(a) Sea shells, including polished sea shells and handicrafts made out of those species not included in the Schedules of the Wild Life (Protection) Act, 1972.	Free	Export permitted freely
	0508 00 30	kg	(b) Sea shells, including polished sea shells and handicrafts made out of those species included in	Free	Export to be governed by CITES Regulations

			CITES (Excluding the species mentioned in Schedules of the Wild Life (Protection) Act, 1972).		
	0508 00 50	kg	(c) Sea shells, including polished sea shells and handicrafts made out of those species included in the Schedules of the Wild Life (Protection) Act, 1972.	Prohibited	Not permitted to be exported
42.	0511 99 91 0511 99 99 3001 10 91 3001 10 99 3001 20 90 3001 90 99	kg	Gonads and other reproductive organs of buffaloes	Restricted	Exports permitted under licence.
43.	0511 10 00 0511 99 91 0511 99 99 3001 10 91 3001 10 99 3001 20 90 3001 90 99	kg	Germplasm of cattle and buffaloes	Restricted	Exports permitted under licence.

Export Licensing Note

No. 1: The handicrafts made out of bone and horn products as finished products and not exported for further processing and not intended for human or animal consumption are not covered under at S. No. 35 and 36 of this Chapter.

Chapter 13 (Export)

Lac, Gums, Resins and Other Vegetable Saps and Extracts

S.No.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
64	1301 10 10 1301 10 20 1301 10 30 1301 10 40 1301 10 50 1301 10 60 1301 10 70 1301 10 80 1301 10 90	Kg	Shellac and all forms of lac	Free	i) Registration with Tribal Cooperative Marketing Development Federation of India Ltd. or Shellac & Forest Products Export Promotion Council; ii) Production of quality certificate from Shellac & Forest Products Export Promotion Council.
65	1301 90 16	Kg	Gum Karaya	STE	Export through the Tribal Cooperative Marketing Federation of India Limited (TRIFED), New Delhi
65A	1302 1302 32 20 1302 32 30	Kg	Guar Gum refined split Guar Gum treated and pulverized	Free	Guar Gum exports to European Union, originating in or consigned from India and intended for animal or human consumption, allowed subject to endorsement by Shellac & Forest Products Export Promotion Council (SHEFEXIL) Kolkata of original analytical report for testing of PCP issued by Vimta Labs, Hyderabad, Andhra Pradesh., (Added vide Notification No. 16 dtd 26.06.08)

Chapter 15 (Export)

Animal or Vegetable Fats and Oils and their Cleavage Products; Prepared Edible Fats; Animal or Vegetable Waxes

S.No.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
67.	1501 00 00 1502 00 10 1502 00 20 1502 00 30 1502 00 90 1503 00 00 1505 00 10 1505 00 20 1505 00 90 1506 00 10 1506 00 90	kg	Tallow , fat and/or oils of any animal origin excluding fish oil	Prohibited	Not permitted to be exported

Chapter 41 (Export)

Raw Hides & Skins (other than furskins) & Leather

Note 1 : Finished leather of goat, sheep and bovine animals and of their young ones" means the leather which complies with the terms and conditions specified in the Public Notice of the Government of India in the Ministry of Commerce No. 3/ITC(PN) /92-97, dated the 27th May, 1992, under the provisions of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992)

S.No.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
142	4104 11 00 4104 19 00 4104 41 00 4104 49 00 4105 10 00 4105 30 00 4106 21 00 4106 31 00 4106 32 00 4106 40 00 4106 91 00 4106 92 00 4107 11 00 4107 12 00 4107 19 00 4107 91 00 4107 92 00 4107 99 00	Kg	Finished leather all kinds	Free	Subject to the definition of finished leather at Note 1

Export Licensing Note 1

The definition of finished leather is contained in Public Notice 3/ITC (PN)/92-97 dated 27.05.1992. The same is reproduced at Appendix 4 of this schedule.

Table : A

Goods Falling in More than One Chapter of ITC (HS) Classification

Note 1 : - (i) The term “Wild Animal” and Animal Article would have the same meaning as defined in the Wild Life (Protection) Act, 1972.

S.No.	Chapter	Item Description	Policy	Nature of Restriction
1.	0106 0208 0210 0300 0407 0408 0410 0502 0504 0505 0506 0507 0508 0509 0510 0511 1504 1506 1516 1517 1518 1600 3000	All wild animals, animal articles including their products and derivatives excluding those for which ownership certificates have been granted and also those required for transactions for education, scientific research and management under Wild Life (Protection) Act, 1972 including their parts and products	Prohibited	Not permitted to be exported
6.	Any Chapter	Samples/ Exhibits of goods included in Schedule 2 of this book	Free	Samples/exhibits of goods including those in Schedule 2 of this book, except all prohibited items, and all items specified in Appendix-3 to Schedule 2 (SCOMET) , restricted items, and items in Chapter 29, 93 and 97
7.	Any Chapter	Any other item whose exports are regulated by Public Notice issued by the Director General of Foreign Trade in this behalf	Free	Subject to conditions as notified in the respective Public Notice

Section - I

Live Animals; Animal Products

Note :

1. Any reference in this section to a particular genus or species of an animal, except where the context otherwise requires, includes a reference to the young of that genus or species.
2. Except where the context otherwise requires, throughout this Schedule any reference to "dried" products also covers products which have been dehydrated, evaporated or freeze-dried.

Chapter-1

Live Animals

Notes :

1. This Chapter covers all live animals except :
 - (a) Fish and crustaceans, molluscs and other aquatic invertebrates, of heading 0301, 0306 or 0307;
 - (b) Cultures of micro-organisms and other products of heading 3002; and
 - (c) Animals of heading 9508.

Exim Code	Item Description	Policy	Policy Conditions
0101	Live Horses, Asses, Mules and Hinnies		
010110	Pure-bred breeding animals:		
01011010	Horses	Resticted	
01011020	Asses	Resticted	
01011090	Other	Resticted	
010190	Other:		
01019010	Horses for Polo	Resticted	
01019020	Asses, mules and hinnies as livestock	Resticted	
01019090	Other	Resticted	
0102	LIVE BOVINE ANIMALS		
010210	Pure-bred breeding animals:		
01021010	Bulls, adult	Resticted	
01021020	Cows, adult	Resticted	
01021030	Buffaloes, adult and calves	Resticted	
01021090	Other	Resticted	
010290	Other:		
01029010	Bulls, adult	Resticted	
01029020	Buffaloes, adult and calves	Resticted	
01029090	Other	Resticted	

0103	LIVE SWINE		
01031000	Pure-bred breeding animals	Resticted	
	Other:		
01039100	Weighing less than 50 kg.	Resticted	
01039200	Weighing 50 kg. or more	Resticted	
0104	LIVE SHEEP AND GOATS		
010410	Sheep:		
01041010	Sheep including lamb for breeding purpose	Resticted	
01041090	Other	Resticted	
01042000	Goats	Resticted	
0105	Live Poultry, that is to say, fowls of the species gallus domesticus, ducks, geese, turkeys and guinea fowls Weighing not more than 185 g:		
01051100	Fowls of the species Gallus domesticus	Resticted	Grand parent stock of poultry is, however, freely importable.
01051200	Turkeys	Resticted	Grand parent stock of poultry is, however, freely importable.
01051900	Other	Resticted	Grand parent stock of poultry is, however, freely importable.
	Other :		
01059200	Fowls of the species Gallus domesticus, weighing not more than 2000 g	Resticted	
01059300	Fowls of the species Gallus domesticus, weighing more than 2000 g	Resticted	
01059900	Other	Resticted	
0106	OTHER LIVE ANIMALS		
	Mammals:		
01061100	Primates	Resticted	Subject to Import licensing note No. 6 of the chapter.
01061200	Whales, dolphins and porpoises (mammals of the order Cetacea); manatees and dugongs (mammals of the order Sirenia)	Resticted	Subject to Import licensing note No. 6 of the chapter.
01061900	Other	Resticted	Subject to Import licensing note No. 6 of the chapter.
01062000	Reptiles (including snakes and turtles)	Resticted	Subject to Import licensing note No. 6 of the chapter.
	Birds:		
01063100	Birds of prey	Resticted	Subject to Import licensing note No. 6 of the chapter.
01063200	Psittaciformes (including parrots, parakeets, macaws and cockatoos)	Resticted	Subject to Import licensing note No. 6 of the chapter.

01063900	Other	Restricted	Subject to Import licensing note No. 6 of the chapter.
010690	Other:		
01069010	Bees and other insects, not elsewhere included or specified	Restricted	
01069020	Pureline Stock	Restricted	Subject to Import licensing note No. 6 of the chapter.
01069090	Other	Restricted	Subject to Import licensing note No. 6 of the chapter.

Import Licensing Notes

- (1) An application for grant of a licence for import of Animals, Birds and Reptiles (including their parts and products) may be made in the form given in Appendix -8 of the Handbook of Procedures Vol. 1, to the Director General of Foreign Trade along with the recommendation of the Chief Wild Life Warden of the State concerned
- (2) An application for grant of a licence for import of Stallions and Broodmares^ may be made in the form given in Appendix - 8 of the Handbook of Procedures Vol. CtoUTe DirectoTSeHeraTof Foreign Trade along with the recommendation of Director, Animal Husbandry and Veterinary Services of the State Government concerned or the Department of Animal Husbandry and Dairying, Ministry of Agriculture, Government of India.

The import of stallions and broodmares against licences shall be subject to the following conditions:

- (i) Import of such animals shall be subject to the health regulations in force;
 - (ii) Applications shall be considered only from stud farms which have been in existence for at least three years and registered with the Animal Husbandry Commissioner, Department of Agriculture and Cooperation, Government of India. However, this period of three years may be relaxed on merits;
 - (iii) A certificate of fitness issued either by the veterinary officer or by a qualified veterinary doctor registered with the Government of the country of origin shall be furnished at the time of customs clearance.
- (3) An application for grant of a licence for import of horses for polo may be made in the form given in Appendix-8 of the Handbook of Procedures Vol. 1, to the Director General of Foreign Trade.
 - (4) An application for grant of a licence for Livestock (excluding eggings), Pureline stocks, birds' eggs, frozen embryos, and Commercial chicks. may be made

in the form given in Appendix - 8 of the Handbook of ^roceatFresVor 1, to the Director General of Foreign Trade along with the recommendation of the Department of Agriculture and Cooperation, Government of India.

- (5) Import of Live animals other than wild animals as defined under Wild Life Protection Act, 1972 is permitted against a licence to Zoos and Zoological parks, circus companies, private individuals, on the recommendation of the Chief Wild Life Warden of a State Government subject to the provisions of the Convention on Inter-national Trade in Endangered Species of Wild Fauna and Flora (CITES). For recognized scientific/research institutions, in addition to the above requirement, recommendation of Committee for the purpose of Control and Supervision of Experiments on Animals (CPCSEA) under the Prevention of Cruelty to Animals Act, 1960 shall also be required for issuance of Import licence.
- (6) Import of Wild Animals (including their parts and products) as defined in the Wild Life (Protection) Act, 1972 is prohibited.

• • •

Chapter-2

Meat and Edible Meat Offal

Notes :

1. This Chapter does not cover :
 - (a) Products of the kinds described in heading 0201 to 0208 or 0210, unfit or unsuitable for human consumption;
 - (b) Guts, bladders or stomachs of animals (heading 0504) or animal blood (heading 0511 or 3002); or
 - (c) Animal fat, other than products of heading 0209 (Chapter 15)

Supplementary Note :

In this chapter 'Wild Animals' means animals as defined in Wildlife (Production) Act, 1972 (53 of 1972).

Exim Code	Item Description	Policy	Policy Conditions
0201 02011000 02012000 02013000	Meat of bovine animals, fresh and chilled Carcasses and half-carcasses Other cuts with bone in Boneless	Resticted Resticted Resticted	
0202 02021000 02022000 02023000	Meat of bovine animals, frozen Carcasses and half-carcasses Other cuts with bone in Boneless	Resticted Resticted Resticted	
0203 02031100 02031200 02031900 02032100 02032200 02032900	Meat of swine, fresh, chilled or frozen Fresh or chilled: Carcasses and half-carcasses Hams, shoulders and cuts thereof, with bone in Other Frozen : Carcasses and half-carcasses Hams, shoulders and cuts thereof, with bone in Other	Free Free Free Free. Free Free	
0204 02041000	Meat of sheep or goats, fresh, chilled or frozen Carcasses and half-carcasses of lamb, fresh or chilled	Free	

02042100	Other meat of sheep, fresh or chilled :	Free	
02042200	Carcasses and half-carcasses	Free	
02042300	Other cuts with bone in		
02042300	Boneless kg.		
02043000	Carcasses and half-carcasses of lamb, frozen	Free	
	Other meat of sheep, frozen :		
02044100	Carcasses and half-carcasses	Free	
02044200	Other cuts with bone in	Free	
02044300	Boneless	Free	
02045000	Meat of goats	Free	
0205	Meat of Horses, asses, mules or hinnies, fresh, chilled or frozen		
02050000	Meat of horses, asses, mules or hinnies, fresh, chilled or frozen	Free	
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen		
02061000	Of bovine animals, fresh or chilled	Restricted	
	Of bovine animals, frozen :		
02062100	Tongues	Restricted	
02062200	Livers	Restricted	
02062900	Other	Restricted	
02063000	Of swine, fresh or chilled	Restricted	
	Of swine, frozen :		
02064100	Livers	Free	
02064900	Other	Free	
020680	Other, fresh or chilled:		
02068010	Of sheep or goats	Free	
02068090	Other	Free.	
020690	Other, frozen:		
02069010	Of sheep or goats	Free	
02069090	Other	Free	
0207	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen		
	Of fowls of the species Gallus domesticus :		
02071100	Not cut in pieces, fresh or chilled	Free	
02071200	Not cut in pieces, frozen	Free	
02071300	Cuts and offal, fresh or chilled	Free	
02071400	Cuts and offal, frozen	Free	
	Of turkeys :		
02072400	Not cut in pieces, fresh or chilled	Free	
02072500	Not cut in pieces, frozen	Free	

02072600	Cuts and offal, fresh or chilled	Free	
02072700	Cuts and offal, frozen	Free	
	Of ducks, geese or guinea fowls :		
02073200	Not cut in pieces, fresh or chilled	Free	
02073300	Not cut in pieces, frozen	Free	
02073400	Fatty livers, fresh or chilled	Free	
02073500	Other, fresh or chilled	Free	
02073600	Other, frozen	Free	
0208	Other meat and edible meat offal, fresh, chilled or frozen		
02081000	Of rabbits or hares	Free	
02082000	Frogs legs	Free	
02083000	Of primates	Free	Subject to Licensing Note No. 2 of the chapter.
02084000	Of whales, dolphins and porpoises (mammals of the order catacea); of manatees and dugongs (mammals of the order sirenia)	Free	Subject to Licensing Note No. 2 of the chapter.
02085000	Of reptiles (including snakes and turtles)	Free	Subject to Licensing Note No. 2 of the chapter.
020890	Other:		
02089010	Of wild animals	Prohibited	Not permitted to be imported.
02089090	Other	Free	Subject to Licensing Note No. 2 of the chapter.
0209	Pig fat, free of lean meat and poultry fat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked		
02090000	Pig fat, free of lean meat and poultry fat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked	Prohibited	Not permitted to be imported.
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal		
	Meat of swine :		
02101100	Hams, shoulders and cuts thereof, with bone in	Free	Subject to Licensing Note No. 2 of the chapter.
02101200	Bellies (streaky) and cuts thereof	Free	Subject to Licensing Note No. 2 of the chapter.

02101900	Other	Free	Subject to Licensing Note No. 2 of the chapter.
02102000	Meat of bovine animals	Restricted	
	Other, including edible flours and meals of meat and meat offal:		
02109100	Of primates	Free	Subject to Licensing Note No. 2 of the chapter.
02109200	Of whales, dolphins and porpoises (mammals of the order catecea); of manatees and dugongs (mammals of the order sirenia)	Free	Subject to Licensing Note No. 2 of the chapter.
02109300	Of reptiles (including snakes and turtles)	Free	Subject to Licensing Note No. 2 of the chapter.
02109900	Other	Free	Subject to Licensing Note No. 2 of the chapter.

Import Licensing Notes :

- (1) An application for grant of a licence for import of animals, Birds and Reptiles (including their part and products) may be made in the from given in Appendix-8 of the Handbook of procedurs Vol.I, to the Director General of Foreign Trade alongwith the recommendation of the Chief Wild Life Warden of the state concerned.
- (2) Import of Wild Animals (including their parts and products) as defined in the Wild Life (protection) Act, 1972 is prohibited.

• • •

Chapter-3

Fish and Crustceans, Molluscs and Other Aqatic Invertebrates

Notes :

1. This Chapter does not cover :
 - (a) Mammals of heading 0106;
 - (b) Meat of mammals of heading 0106 (heading 0208 or 0210);
 - (c) Fish (including livers and roes thereof) or crustaceans, molluscs or other aquatic invertebrates, dead and unfit or unsuitable for human consumption by reason of either their species or their condition (Chapter 5); flours, meals or pellets of fish or of crustaceans, molluscs or other invertebrates, unfit for human consumption (heading 2301); or
 - (d) Caviar or caviar substitutes prepared from fish eggs (heading 1604)
2. In this Chapter, the term "pellets" means products which have been agglomerated either directly by compression or by addition of a small quantity of binder.

Exim Code	Item Description	Policy	Policy Conditions
0301	LIVE FISH		
03011000	Ornamental Fish	Restricted	
	Other Live Fish :		
03019100	Trout (Salmo trutta, Oncorhynchus mykiss, Oncorhynchus clarki, Oncorhynchus aguabonita, Oncorhynchus gilae, Oncorhynchus apache and Oncorhynchus chrysogaster)	Restricted	
03019200	Eels (Anguilla spp.)	Restricted	
03019300	Carp	Restricted	
03019900	Other	Restricted	
0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304		
	Salmonidae, excluding livers and roes :		
03021100	Trout (Salmo trutta, Oncorhynchus mykiss, Oncorhynchus clarki, Oncorhynchus aguabonita, Oncorhynchus gilae, Oncorhynchus apache and Oncorhynchus chrysogaster)	Free	
03021200	Pacific salmon (Oncorhynchus nerka, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus tshawytscha, Oncorhynchus kisutch, Oncorhynchus	Free	

03021900	masou and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>) Other	Free	
03022100	Flat fish (<i>Pleuronectidae</i> , <i>Bothidae</i> , <i>Cynoglossidae</i> , <i>Soleidae</i> , <i>Scophthalmidae</i> and <i>Citharidae</i>), excluding livers and roes: Halibut (<i>Reinhardtius hippoglossoides</i> , <i>Hippoglossus hippoglossus</i> , <i>Hippoglossus</i> <i>stenolepis</i>)	Free	
03022200	Plaice (<i>Pleuronectes platessa</i>)	Free	
03022300	Sole (<i>Solea</i> spp.)	Free	
03022900	Other Tunas (of the genus <i>Thunnus</i>), skipjack or stripe-bellied bonito [<i>Euthynnus</i> (<i>Katsuwonus</i>) <i>pelamis</i>], excluding livers and roes:	Free	
03023100	Albacore or longfinned tunas (<i>Thunnus alalunga</i>)	Free	
03023200	Yellowfin tunas (<i>Thunnus albacares</i>)	Free	
03023300	Skipjack or stripe-bellied bonito	Free	
03023400	Bigeye tunas (<i>Thunnus obesus</i>)	Free	
03023500	Bluefin tunas (<i>Thunnus thynnus</i>)	Free	
03023600	Southern bluefin tunas (<i>Thunnus maccoyii</i>)	Free	
03023900	Other kg.		
03024000	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>) excluding livers and roes	Free	
03025000	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus</i> <i>macrocephalus</i>), excluding livers and roes Other fish, excluding livers and roes:	Free	
03026100	Sardines (<i>Sardina pilchardus</i> , <i>Sardinops</i> spp.), <i>Sardinella</i> (<i>Sardinella</i> spp.) brisling or sprats (<i>Sprattus sprattus</i>)	Free	
03026200	Haddock (<i>Melanogrammus aeglefinus</i>)	Free	
03026300	Coalfish (<i>Pollachius virens</i>)	Free	
03026400	Mackerel (<i>Scomber scombrus</i> , <i>Scomber</i> <i>australasicus</i> , <i>Scomber japonicus</i>)	Free	
03026500	Dogfish and other sharks	Free	
03026600	Eels (<i>Anguilla</i> spp.)	Free	
030269	Other :		
03026910	Hilsa	Free	
03026920	Dara	Free	
03026930	Pomfret	Free	
03026990	Other kg.		
03027000	Livers and roes	Free	

0303	Fish, frozen, excluding fish and other fish and other fish meat of heading No. 0304 Pacific salmon (<i>Oncorhynchus nerka</i>, <i>Oncorhynchus gorbuscha</i>, <i>Oncorhynchus keta</i>, <i>Oncorhynchus tshawytscha</i>, <i>Oncorhynchus kisutch</i>, <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), excluding livers and roes:		
03031100	Sockeye salmon (red-salmon) (<i>oncorhynchus nerka</i>)	Free	
03031900	Other Other salmonidae, excluding livers and roes:	Free	
03032100	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>)	Free	
03032200	Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>)	Free	
03032900	Other Flat fish (<i>Pleuronectidae</i> , <i>Bothidae</i> , <i>Cynoglossidae</i> , <i>Soleidae</i> , <i>Scophthalmidae</i> and <i>Citharidae</i>), excluding livers and roes :	Free	
03033100	Halibut (<i>Reinhardtius hippoglossoides</i> , <i>Hippoglossus hippoglossus</i> , <i>Hippoglossus stenolepis</i>)	Free	
03033200	Plaice (<i>Pleuronectes platessa</i>)	Free	
03033300	Sole (<i>Solea</i> spp.)	Free	
03033900	Other Tunas (of the genus <i>Thunnus</i>), skipjack or stripe-bellied bonito [<i>Euthynnus</i> (<i>Katsuwonus</i>) <i>pelamis</i>], excluding livers and roes :	Free	
03034100	Albacore or longfinned tunas (<i>Thunnus alalunga</i>)	Free	
03034200	Yellowfin tunas (<i>Thunnus albacares</i>)	Free	
03034300	Skipjack or stripe-bellied bonito	Free	
03034400	Bigeye tunas (<i>thunnus obesus</i>)	Free	
03034500	Bluefin tunas (<i>thunnus thynnus</i>)	Free	
03034600	Southern bluefin tunas (<i>thunnus maccoyii</i>)	Free	
03034900	Other	Free	
03035000	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), excluding livers and roes	Free	
03036000	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), excluding livers and roes Other fish, excluding livers and roes :	Free	

03037100	Sardines (<i>Sardina pilchardus</i> , <i>Sardinops</i> spp.), sardinella (<i>Sardinella</i> spp.), brisling or sprats (<i>Sprattus sprattus</i>)	Free	
03037200	Haddock (<i>Melanogrammus aeglefinus</i>)	Free	
03037300	Coalfish (<i>Pollachius virens</i>)	Free	
03037400	Mackerel (<i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i>)	Free	
03037500	Dogfish and other sharks	Free	
03037600	Eels (<i>Anguilla</i> spp.)	Free	
03037700	Sea bass (<i>Dicentrarchus labrax</i> , <i>Dicentrarchus punctatus</i>)	Free	
03037800	Hake (<i>Merluccius</i> spp., <i>Urophycis</i> spp.)	Free	
030379	Other :		
03037910	Hilsa	Free	
03037920	Dara	Free	
03037930	Ribbon fish	Free	
03037940	Seer	Free	
03037950	Pomfret (white or silver or black)	Free	
03037960	Ghole	Free	
03037970	Threadfin	Free	
03037980	Croacker, Grouper, Hounder	Free	
	Other :		
03037991	Edible fishmaws of wild life	Free	
03037992	Edible shark fins of wild life	Free	
03037999	Other	Free	
030380	Livers and roes :		
03038010	Egg or egg yolk of fish including shrimps	Free	
03038090	Other	Free	
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen		
03041000	Fresh or chilled	Free	
030420	Frozen fillets :		
03042010	Hilsa	Free	
03042020	Shark	Free	
03042030	Seer	Free	
03042040	Tuna	Free	
03042050	Cuttlefish	Free	
03042090	Other	Free	
03049000	Other	Free	
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets, of fish fit for human consumption		

03051000	Flours, meals and pellets, of fish fit for human consumption	Free	
03052000	Livers and roes of fish, dried, smoked, salted or in brine	Free	
03053000	Fish fillets, dried, salted or in brine, but not smoked	Free	
03054100	Smoked fish, including fillets : Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo Salar</i>) and Danube salmon (<i>Hucho hucho</i>)	Free	
03054200	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)	Free	
03054900	Other	Free	
03055100	Dried fish, whether or not salted but not smoked : Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>)	Free	
030559	Other:		
03055910	Mumbai Duck	Free	
03055920	Seer without head	Free	
03055930	Sprats	Free	
03055990	Other	Free	
03056100	Fish, salted but not dried or smoked and fish in brine : Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)	Free	
03056200	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>)	Free	
03056300	Anchovies (<i>Engraulis</i> spp.)	Free	
030569	Other :		
03056910	Mumbai duck	Free	
03056920	Seer without head	Free	
03056930	Sprats	Free	
03056990	Other	Free	
0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dired, salted or in brine; crustanceans, in shell, cooked by steaming or by boiling in water, whether of not chilled, frozen, dried, salted or in brine; flours, meals and pellets, of crustaceans, fit for human consumption Frozen :		

03061100	Rock lobster and other sea craw fish (Palinurus spp., Panulirus spp., Jasus spp.)	Free	
030612	Lobsters (Homarus spp.) :		
03061210	Whole, cooked	Free	
03061290	Other	Free	
030613	Shrimps and prawns :		
	Shrimps (scampi)-macrobactium:		
03061311	AFD Shrimp	Free	
03061319	Other	Free	
03061320	Prawns	Free	
03061400	Crabs	Free	
03061900	Other, including flours, meals and pellets, of crustaceans, fit for human consumption Not frozen :	Free	
03062100	Rock lobster and other sea craw fish (Palinurus spp., Panulirus spp., Jasus spp.)	Free	
03062200	Lobsters (Homarus spp.)	Free	
030623	Shrimps and prawns :		
03062310	Powdered	Free	
03062390	Other	Free	
03062400	Crabs	Free	
03062900	Other, including flours, meals and pellets, of crustaceans, fit for human consumption	Free	
0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption		
03071000	Oysters	Free	
	Scallops, including queen scallops, of the genera Pecten, Chlamys or Placopecten :		
03072100	Live, fresh or chilled	Free	
03072900	Other	Free	
	Mussels (Mytilus spp., Perna spp.) :		
03073100	Live, fresh or chilled	Free	
030739	Other :		
03073910	Clams, clam meat (bivalves-Victorita, spp., Mertrix spp. and Katalysia spp.)	Free	
03073990	Other	Free	

	Cuttle fish (<i>Sepia officinalis</i> , <i>Rossia macrosoma</i> , <i>Septioloa spp.</i>) and squid (<i>Ommastrephes spp.</i> , <i>Loligo spp.</i> , <i>Nototodarus spp.</i> , <i>Sepioteuthis spp.</i>) :		
030741	Live, fresh and chilled :		
03074110	Cuttle fish	Free	
03074120	Squid	Free	
030749	Other :		
03074910	Squid tubes, frozen	Free	
03074920	Whole squids, frozen	Free	
03074930	Dried squids	Free	
03074990	Other	Free	
	Octopus (<i>Octopus spp.</i>) :		
03075100	Live, fresh or chilled	Free	
03075900	Other	Free	
03076000	Snails, other than sea snails	Free	
	Other, including flours, meals and pellets, of aquatic invertebrates other than crustaceans, fit for human consumption :		
03079100	Live, fresh or chilled	Free	
030799	Other :		
03079910	Sea shell flesh	Free	
03079920	Jelly fish (<i>Rhopelina spp.</i>), dried salted or frozen	Free	
03079990	Other	Free	

Import Licensing Notes :

- (1) An application for grant of a licence for import of Animals, Birds and Reptiles (including their parts and products) may be made in the form given in Appendix - 8 of the Handbook of Procedures Vol. I, to the Director General of Foreign Trade alongwith the recommendation of the Chief Wild Life Warden of the State concerned.
- (2) Import of Wild Animals (including their parts and products) as defined in the Wild Life (Protection) Act, 1972 is prohibited.

• • •

Chapter-4

Dairy produce; bird's eggs; natural honey; edible products of animal origin, not elsewhere specified or included

Exim Code	Item Description	Policy	Policy Conditions
0407	Birds eggs, in shell, fresh, preserved or cooked		
04700	Birds eggs, in shell, fresh, preserved or cooked		
04070010	Of the species gallus domesticus and ducks for hatching	Restricted	
04070020	Of the species gallus and duckes other than for hatching	Restricted	
04070090	Other	Restricted	
0408	Birds eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter. Egg yolks :		
04081100	Dried	Free	
04081900	Other	Free	
	Other :		
04089100	Dried	Free	
04089900	Other	Free	
0409	Natural Honey		
04090000	Natural Honey	Free	
0410	Edible products of animal origin, not elsewhere specified or included		
041000	Edible products of animal origin, not elsewhere specified or included:		
04100010	Of wild animals	Prohibited	Not permitted to be imported
04100020	Turtle eggs and Salanganes nests (birds nests)	Restricted	
04100090	Other	Restricted	

Import Licensing Notes :

- (1) An application for grant of a licence for import of Animals, Birds and Reptiles (including their parts and products) may be made in the form given in Appendix-8 of the Handbook of procedures Vol.I, to the Director General of Foreign Trade alongwith the recommendation of the Chief Wild of the State concerned.
- (2) Import of Wild animals (including their parts and products) as defined in the Wild Life (Protection) Act, 1972 is prohibited.

Chapter-5

Products of Animal Origin, not Elsewhere Specified or Included

Notes :

1. This Chapter does not cover :
 - (a) Edible products (other than guts, bladders and stomachs of animals, whole and pieces thereof, and animals blood, liquid or dried);
 - (b) Hides or Skins (including furskins) other than goods of heading 0505 and parings and similar waste of raw hides of skins of heading 0511 (Chapter 41 or 43);
 - (c) Animal textile materials, other than horsehair and horsehair waste (Section XI); or
 - (d) Prepared knots and tufts for broom or brush making (heading 9603)
2. For the purposes of heading 0501, the sorting of hair by length (provided the root ends and tip ends respectively are not arranged together) shall be deemed not to constitute working.
3. Throughout this Schedule, elephant, hippotamus, walrus, narwhal and wild boar tusks rhinoceros horns and the teeth of all animals are regarded as "Ivory".
4. Throughout this schedule, the expression "horsehair" means hair of the manes or tails and equine or bovine animals.

Supplementary Note :

In this Chapter, the expressions "wild animal" and "wild life" have the meanings respectively assigned to them in clauses (36) and (37) of section 2 of the Wild Life (Protection) Act, 1972 (53 of 1972); and the expression "Wild Bird" means and bird specified in Schedules to that Act.

Exim Code	Item Description	Policy	Policy Conditions
0502	Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles of hair.		
050210	Pigs , hogs or boars bristles and hair and waste thereof:	Free	Subject to Licenseing Note No. 2 of the chapter.
05021010	Pigs , hogs or boars bristles and hair	Free	Subject to Licenseing Note No. 2 of the chapter.
05021020	Waste of pigs , hogs or boars bristles and hair	Free	Subject to Licenseing Note No. 2 of the chapter.
050290	Other:		
05029010	Badger hair and other brush making hair	Free	Subject to Licenseing Note No. 2 of the chapter.

05029020	Yak tail hair	Free	Subject to Licenseing Note No. 2 of the chapter.
05029090	Other	Free	Subject to Licenseing Note No. 2 of the chapter.
0503	Horsehair and horsehair waste, or not put up as a layer with or without supporting material		
05030000	Horsehair and horsehair waste, or not put up as a layer with or without supporting material		
0504	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof, fresh, chilled, frozen, salted, in brine, dried or smoked		
050400	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof, fresh, chilled, frozen, salted, in brine, dried or smoked:		
05040010	Guts of cattle for natural food casings	Restricted	
05040020	Guts of sheep and goats for natural food casings	Free	
	Guts of other animals for natural food casings:		
05040031	Of wild animals	Prohibited	Not permitted to be imported
05040039	Other	Restricted	
	Guts other than for natural food castings :		
05040041	Of wild animals	Prohibited	Not permitted to be imported
05040049	Other	Restricted	
	Bladders and stomachs :		
05040051	Of wild animals	Prohibited	Not permitted to be imported
05040059	Other	Restricted	
0505	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for perservation; powder and waste of feathers or parts of feathers.		
050510	Feathers of a kind used for stuffing; down :		
05051010	Of wild birds	Prohibited	Not permitted to be imported.
05051090	Other	Free	Import subject to licensing not 3 of the chapter.

050590	Other:		
05059010	Peacock tail and wing feather (trimmed or not)	Free	Import subject to licensing note 3 of the chapter.
	Other feather (excluding for stuffing purpose) :		
05059021	Of wild birds	Prohibited	Not permitted to be imported.
05059029	Other	Free	Import subject to licensing not 3 of the chapter.
	Powder and waste of feathers or parts of feathers:		
05059031	Of wild birds	Prohibited	Not permitted to be imported.
05059039	Other	Free	Import subject to licensing not 3 of the chapter.
	Skins and other parts :		
05059091	Of wild birds	Prohibited	Not permitted to be imported.
05059099	Other	Free	Import subject to licensing not 3 of the chapter.
0506	Bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised powders and waste of these products		
050610	Ossein and bones treated with acid :		
05061011	Bones, including horn-cores, crushed :	Prohibited	Not permitted to be imported.
05061019	Of wild animals	Free	Import subject to licensing not 3 of the chapter.
	Other		
	Bone grist :		
05061021	Of wild animals	Prohibited	Not permitted to be imported.
05061029	Other	Free	Import subject to licensing not 3 of the chapter.
	Ossein :		
05061031	Of wild animals	Prohibited	Not permitted to be imported.
05061039	Other	Free	Import subject to licensing not 3 of the chapter.
	Bones, horn-cones and parts thereof, not crushed :		
05061041	Of wild animals	Prohibited	Not permitted to be imported.
05061049	Other	Free	Import subject to licensing not 3 of the chapter.

050690	Other :		
05069011	Bone meal :	Prohibited	Not permitted to be imported.
05069019	Of wild animals	Free	Import subject to licensing not 3 of the chapter.
	Other		
05069091	Other :	Prohibited	Not permitted to be imported.
05069099	Of wild animals	Free	Import subject to licensing not 3 of the chapter.
	Other		
0507	Ivory, tortoise-shell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products.		
050710	Ivory; ivory powder and waste :	Prohibited	Not permitted to be imported.
05071010	Ivory	Prohibited	Not permitted to be imported.
05071020	Ivory powder and waste	Prohibited	Not permitted to be imported.
050790	Other :		
05079010	Hoof meal	Free	Imports subject to licensing notes no.2&3 of the chapter.
05079020	Horn meal	Free	Imports subject to licensing notes no.2&3 of the chapter.
05079030	Hooves, claws, nails and beaks	Free	Imports subject to licensing notes no.2&3 of the chapter.
05079040	Antlers	Free	Imports subject to licensing notes no.2&3 of the chapter.
05079050	Buffalo horns	Free	Imports subject to licensing notes no.2&3 of the chapter.
05079060	Tortoise-shell	Free	Imports subject to licensing notes no.2&3 of the chapter.
05079070	Claws and waste of tortoise shell	Free	Imports subject to licensing notes no.2&3 of the chapter.
05079090	Other	Free	Imports subject to licensing notes no.2&3 of the chapter.
0508	Coral and similar materials, unworked or simply prepared but not otherwise, worked; shells of molluscs, crustaceans or echinoderms and cuttle - bone, unworked or simply prepared but not cut to shape, powder and waste thereof.		
050800	Coral and similar materials, unworked or simply prepared but not otherwise worked;		

05080010	shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape, powder and waste thereof : Coral	Free	Imports subject to licensing notes no.3 of the chapter.
05080020	Chanks	Free	Imports subject to licensing notes no.3 of the chapter.
05080030	Cowries	Free	Imports subject to licensing notes no.3 of the chapter.
05080040	Cuttlefish bones	Free	Imports subject to licensing notes no.3 of the chapter.
05080050	Shells	Free	Imports subject to licensing notes no.3 of the chapter.
05080090	Other	Free	Imports subject to licensing notes no.3 of the chapter.
0509	Natural sponges of animal origin		
050900	Natural sponges of animal origin :		
05090010	Of wild life	Prohibited	Not permitted to be imported.
05090090	Other	Free	Imports subject to licensing notes no.3 of the chapter.
0510	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried, glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved.		
051000	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved :		
05100010	Bezoar, cow (goolochan)	Free	Imports subject to licensing notes no.3 of the chapter.
05100020	Ox Gallstone	Free	Imports subject to licensing notes no.3 of the chapter.
05100030	Placenta, frozen	Free	Imports subject to licensing notes no.3 of the chapter.
	Other :		
05100091	Of wild animals	Prohibited	Not permitted to be imported.
05100099	Other	Free	Imports subject to licensing notes no.3 of the chapter.

0511	Animal products not elsewhere specified or included; dead animals of chapter 1 or 3, unfit for human consumption.		
05111000	Bovine semen	Restricted	
	Other :		
051191	Products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter 3 :		
05119110	Fish nails	Prohibited	Not permitted to be imported.
05119120	Fish tails	Prohibited	Not permitted to be imported.
05119130	Other fish waste	Prohibited	Not permitted to be imported.
05119190	Other	Restricted	
051199	Other :		
	Silkworm pupae :		
05119911	Artemia	Free	
05119919	Other	Free	
	Sinews and tendons :		
05119921	Of wild life	Prohibited	Not permitted to be imported.
05119929	Other	Restricted	
	Other :		
05119991	Frozen semen, other than bovine; bovine embryo	Restricted	
05119992	Of wild life	Prohibited	Not permitted to be imported.
05119999	Other	Restricted	

Import Licensing Notes :

- (1) An application for grant of a licence for import of Animals, Birds and Reptiles (including their parts and products) may be made in the form given in Appendix-8 of the Handbook of procedures Vol.I, to the Director General of Foreign Trade alongwith the recommendation of the Chief Wild of the State concerned.
- (2) Import of Wild animals (including their parts and products) as defined in the Wild Life (Protection) Act, 1972 is prohibited.
- (3) Imports will be subject the provisions of CITES (Convention of International Trade in Endangered Species of wild Fauna & Flora)

• • •

Chapter-15

Animal or Vegetable Fats and Oils and Their Cleavage Products; Prepared Edible Fats; Animal or Vegetable Waxes

Notes :

1. This Chapter does not cover :
 - (a) Pig fat or poultry fat of heading 0209;

Exim Code	Item Description	Policy	Policy Conditions
1501 1501000	Pig fats (including lard) and poultry fat, other than that of Heading 0209 or 1503 Pig fats (including lard) and poultry fat, other than that of Heading 0209 or 1503	Prohibited	Not permitted to be imported
1502 150200 15020010 15020020 15020030 15020090	Fats of bovine, animals, sheep or goats, other than those of Heading 1503 Fats of Bovine animals, Sheep or Goats, other than those of heading 1503: Mutton tallow Fats, unrendered (excluding mutton tallow) Rendered or solvent extraction fats Other	Prohibited Prohibited Prohibited Prohibited	Not permitted to be imported Not permitted to be imported Not permitted to be imported Not permitted to be imported
1503 15030000	Lard Stearin, Lard Oil, Olestearin, Oleo-Oil and Tallow Oil, not emulsified or mixed or otherwise prepared Lard Stearin, Lard Oil, Olestearin, Oleo-Oil and Tallow Oil, not emulsified or mixed or otherwise prepared		
1504 150410 15041010 15041091 15041099	Fats and Oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified Fish liver oils and their fractions: Cod liver oil Other: Squid liver oil Other	Free Free Prohibited	Not permitted to be imported

150420	Fats and oils and their fractions of fish, other than liver oils:		
15042010	Fish body oil	Prohibited	Not permitted to be imported
15042020	Fish lipid oil	Free	
15042030	Sperm oil	Prohibited	Not permitted to be imported
15042090	Other	Prohibited	Not permitted to be imported
15043000	Fats and oils and their fractions, of marine mammals	Prohibited	Not permitted to be imported
1505	Wool grease and fatty substances derived therefrom (including lanolin)		
150500	Wool grease and fatty substances derived therefrom (including lanolin):		
15050010	Wool alcohol (including lanolin alcohol)	Free	
15050020	Wool grease, crude		
15050090	Other	Free	
1506	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified		
150600	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified:		
15060010	Neats Foot oil and fats from bone or waste	Prohibited	Not permitted to be imported
15060090	Other	Prohibited	Not permitted to be imported
1516	Animal or Vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or eladlnised, whether or not refined, but not further prepared		
15161000	Animal fats and oils and their fractions	Prohibited	Not permitted to be imported
151620	Vegetable fats and oils and their fractions:		
1517	Margarine; edible mixture or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chaptewr, other than edible fats or oils or their fractions of heading 1516		

151710 15171010	Margarine, excluding liquid margarine: Of animal origin	Prohibited	Not permitted to be imported
	Of vegetable origin:		
15171021	Edible grade	Free	
15171022	Linnoxyn	Free	
15171029	Other	Free	
151790	Other:		
15179010	Sal fat (processed or refined)	Free	
15179020	Peanut butter	Free	
15179030	Imitation lard of animal origin	Prohibited	Not permitted to be imported
15179040	Imitation lard of vegetable origin	Free	
15179090	Other	Free	
1518	Animal or Vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in Vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516 : inedible mixtures or preparations of animal or vegetable fats or oils of this chapter, not elsewhere specified or included		
151800	Animal or vegetable fats and oils and their fractions, boiled, oxidized, dehydrated, sulphurised, blown, polymerized by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, not elsewhere specified or included:		
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured		
152110	Vegetable Waxes: Carnauba Waxes:		
15211011	Edible wax for waxing fresh fruits and vegetables	Free	
15211019	Other	Free	
15211090	Other	Free	

152190	Other:		
15219010	Beewax whether or not coloured	Free	
15219020	Shellac wax whether or not coloured	Free	
15219090	Other	Free	
1522	Degras : residues resulting from the treatment of fatty substances or animal or vegetable waxes		
152200	Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes:		
15220010	Degras	Prohibited	Not permitted to be imported
15220020	Soap stocks	Prohibited	Not permitted to be imported
15220090	Other	Prohibited	Not permitted to be imported

SECTION-VIII

RAW HIDES AND SKINS, LEATHER, FURSKINS AND ARTICLES THEREOF; SADDLERY AND HARNESS; TRAVEL GOODS, HANDBAGS AND SIMILAR CONTAINERS; ARTICLES OF ANIMAL, GUT(OTHER THAN SILK-WORM GUT)

Chapter-41

Raw hides and skins (other than furskins) and leather

Notes :

1. This chapter does not cover :
 - (a) Parkings or similar waste, or raw hides or skins (heading 0511);
 - (b) Birdskins or parts of birdskins, with their feathers or down, of heading 0505 or 6701; or
 - (c) Hides or skins, with the hair or wool on, raw, tanned or dressed (Chapter 43); the following are however, to be classified in Chapter 41, namely:
raw hides and skins, with the hair or wool on, of bovine animals (including buffalo) of equine animals, of sheep of lambs (except Astrakhan, Broadtail, Caracul, Persian, or similar lambs, Indian, Chinese, Mongolian or Tibetan lambs), of goats or kids (except Yemen, Mongolian or Tibetan goats and Kids), of swine (including peccary), of chamois, of gazelle, of reindeer, of elk, of deer, of roebucks or of dogs.
2. (A) Headings 4104 to 4106 do not cover hides and skins which have undergone a tanning (including pre-tanning) process which is reversible (headings 4101 to 4103, as the case may be)
(B) For the purpose of headings 4104 to 4106, the term “crust” includes hides and skins that have been retanned, coloured or fat-liquored (stuffed) prior to drying
3. Throughout this Schedule, the expression “composition leather” means only substances of the kind referred to in heading 4115.

Exim Code	Item Description	Policy	Policy Conditions
4101	Raw Hides and skins of Bovine (including buffalo) or Equine Animals (Fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split		
4101 20	Whole hides and skins of a weight per skin not exceeding 8kg when simply		

	dried, 10kg when dry-salted, or 16kg when fresh, wet-salted or otherwise preserved:		
41012010	Of cow, including cow calf	Free	
41012020	Of buffalo, including buffalo calf	Free	
41012090	Other	Free	
410150	Whole hides and skins, of a weight exceeding 16 kg:		
41015010	Of cow, including cow calf	Free	
41015020	Of buffalo, including buffalo calf	Free	
41015090	Other	Free	
410190	Other, including butts, bends and bellies:		
41019010	Of cow, including cow calf	Free	
41019020	Of buffalo, including buffalo calf	Free	
41019090	Other	Free	
4102	Raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not with wool on or split, other than those excluded by Note 1 (c) to this Chapter		
410210	With wool on:		
41021010	Sheep skins	Free	
41021020	Pelts of baby lambs	Free	
41021030	Lamb skins other than pelts Without wool on :	Free	
410221	Pickled :		
41022110	Sheep skins	Free	
41022120	Lamb skins	Free	
41022130	Lamb pelt	Free	
410229	Other :		
41022910	Sheep skins	Free	
41022920	Lamb skins	Free	
4103	Other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split, other than those excluded by Note 1(b) or 1(c) to this Chapter		
410310	Of goats or kids :		
41031010	Goat skins, pickled (wet salted)	Free	
41031020	Goat skins, dry salted	Free	
41031030	Goat skins, otherwise cured (dried, unsalted)	Free	

41031040	Kid skins	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
	4103 10 90 Other	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
	4103 20 00 Of reptiles	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
	4103 30 00 Of swine Free 4103 90 00Other	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
4104	Tanned or crust hides and skins of bovine (Including buffalo) or equine animals, without hair on, whether or not split, but not further preparedIn the wet state (including wet-blue):		
41041100	Full gains, unsplit; grain splits	Free	
41041900	OtherIn the dry state (crust):	Free	
41044100	Full grains, unsplit; grain splits	Free	
41044900	Other	Free	
4105	Tanned or crust skins of Sheep or lambs, without wool on,whether or not split, but not further prepared		
41051000	In the wet state (including wet-blue)	Free	
41053000	In the dry state (crust)	Free	
4106	Tanned or crust hides and skins of other animals, without wool or hair on, whether or not spl it But not further preparedOf goats or kids:		
41062100	In the wet state (including wet-blue)	Free	
41062200	In the dry state (crust)Of swine:	Free	
41063100	In the wet state (including wet-blue)	Free	
41063200	In the dry state (crust)	Free	
41064000	Of reptiles	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
	Other		
41069100	In the wet state (including wet-blue)	Free	
41069200	In the dry state (crust)	Free	
4107	Leather further prepared after tanning or crusting, including parchment-dressed leather, of bovine(including buffalo) or		Import subject to Wild Life (Protection) Act,

	equine animals, without hair on, whether or not split, other than leather of heading 4114 Whole hides and skins:		1972 and CITES
41071100	Full grains, unsplit	Free	
41071200	Grain splits	Free	
41071900	Other	Free	
	Other, including sides:		
41079100	Full grains, unsplit	Free	
41079200	Grain splits	Free	
41079900	Other	Free	
4112	Leather further prepared after tanning or crusting, including parchment-dressed leather, of sheep or lamp, without wool on, whether or not split, other than leather of heading 4114		
41120000	Leather further prepared after tanning or crusting, including parchment-dressed leather, of sheep or lamp, without wool on, whether or not split, other than leather of heading 4114	Free	
4113	Leather further prepared after tanning or crusting, including parchment-dressed leather, of other animals, without wool or hair on, whether or not split, other than leather of heading 4114		
41131000	Of goats or kids	Free	
41132000	Of swine	Free	
41133000	Of reptiles	Free	
	4113 90 00 Other	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
4114	Chamois (including combination chamois) leather; patent leather and patent laminated leather ; metallised leather		
41141000	Chamois (including combination chamois) leather	Free	
411420	Patent leather and patent laminated leather; metallised leather :		
41142010	Patent leather and patent laminated leather	Free	
41142020	Metallised leather	Free	
4115	Composition leather with a basis of leather or leather fiber, in slabs, sheets or strip, whether or not in rolls; parings		

	and other waste of leather or of composition leather, not suitable for the manufacture of leather articles; leather dust, powder and four		
41151000	Composition leather with a basis of leather of leather fiber, in slabs, sheets or strip, whether or not rolls	Free	
411520	Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles ; leather dust,powder and flour:		
41152010	Cuttings of leather Free 4115 20 90Other	Free	

Import Licensing Notes:

- (1) Import of Wild Animals (including their parts and products) as defined in the Wild Life (Protection) Act, 1972 is prohibited.

• • •

Chapter-42

ARTICLES OF LEATHER; SADDLERY AND HARNESS, TRAVEL GOODS, HANDBAGS AND SIMILAR CONTAINERS; ARTICLES OF ANIMAL GUT (OTHER THAN SILKWORM GUT)

Exim Code	Item Description	Policy	Policy Conditions
4201 42010000	Saddlery and harness for any animal (including traces, leads, knee pads, muzzles, saddle cloths, saddle bags, dog coats and the like), of any material Saddlery and harness for any animal (including traces, leads, knee pads, muzzles, saddle cloths, saddle bags, dog coats and the like), of any material		
4205 4205 00 42050011 42050019 42050020 42050090	Other articles of leather or of composition leather Other articles of leather or of composition leather:Scraps other than for machinery or harness: Welt Other Leather sofa cover Other	 Free Free Free Free	 Import subject to Wild Life (Protection) Act, 1972 and CITES.
4206 4206 10 42061010 42061090 4206 90 00	Articles of gut (other than silk-worm gut), of goldbeater's skin, of bladders or of tendons. Catgut : For rackets Other Other	 Free Free Free	

Chapter-43

Furskins and artificial fur, manufactures thereof

Notes :

1. Throughout this schedule reference to “furskins”, other than to raw furskins of heading 4301 apply to hides or skins of all animals which have been tanned or dressed with the hair or wool on.
2. This Chapter does not cover :
 - (a) Birdskins or parts of birdskins, with their feathers or down (heading 0505 or 6701);
 - (b) Raw hides or skins, with the hair or wool on, of Chapter 41 (see Note 1(c) to that Chapter);
 - (c) Gloves, mittens and mitts, consisting of leather and fur or of leather and artificial fur (heading 4203);
 - (d) Articles of Chapter 64;
 - (e) Headgear or parts thereof of Chapter 65; or
 - (f) Articles of Chapter 95 (for example, toys, games, sports, requisites).
3. Heading 4303 includes furskins and parts thereof, assembled with the addition of other materials, and furskins and parts thereof, sewn together in the form of garments or parts or accessories of garments or in the form of other articles.
4. Articles of apparel and clothing accessories (except those excluded by Note 2) lined with fur or artificial fur or to which fur or artificial fur is attached on the outside except as mere trimming are to be classified in heading 4303 or 4304, as the case may be.
5. Throughout this Schedule, the expression “artificial fur” means any imitation of fur consisting of wool, hair or other fibres gummed or sewn on to leather, woven fabric or other materials, but does not include imitation furskins obtained by weaving or knitting (generally, heading 5801 or 6001)

Exim Code	Item Description	Policy	Policy Conditions
4301	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furriers' use), other than raw hides and skins of headings 4101, 4102 or 4103		
43011000	Of mink, whole, with or without head, tail or paws	Free	
43013000	Of lamb, the following : Astrakhan, Broadtail, Caracul, Persian and Similar lamb, Indian, Chinese, Mongolian or Tibetan lamb, whole, with or without head, tail or paws	Free	
43016000	Of Fox, whole, with or without head, tail or paws	Free	
43017000	Of Seal, whole, with or without head, tail or paws	Free	

43018000	Other furskins, whole, with or without head, tail or paws Free	Free	
43019000	Heads, tails, paws and other pieces or cuttings, suitable for furriers' use	Free	
4302	Tanned or dressed furskins (including heads, tails, paws and other pieces or cuttings), unassembled, or assembled (without the addition of other materials) other than those of heading 4303 Whole Skins, with or without head, tail or paws, not assembled :		
43021100	Of mink	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
43021300	Of lamb, the following : Astrakhan, Broad-tail, Caracul, Persian and similar lamb, Indian, Chinese, Mongolian or Tibetan lamb	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
4302 19	Other:		
43021910	Calf skins, with hair on, tanned or dressed	Free	
43021920	Hides or skins of other bovine and equine animals with hair on, tanned or dressed	Free	
43021930	Goat (Common) and kid skins with hair on, tanned or dressed	Free	
43021940	Tiger-Cat skins	Prohibited	Not permitted to be imported.
43021990	Hides and skins of other animals with hair on, tanned or dressed	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
43022000	Heads, tails, paws and other pieces or cuttings, not assembled	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
43023000	Whole skins and pieces or cuttings thereof, assembled	Free	Import subject to Wild Life (Protection) Act, 1972 and CITES.
4303	Articles of apparel, clothing accessories and other articles of fur skin		
4303 00	Articles of apparel and clothing accessories:		
43031010	Of wild animals covered under Wild Life Protection Act, 1972	Prohibited	Not permitted to be imported
43031020	Of animals covered under Convention on International Trade of Endangered Species	Free	Subject to the provisions of CITES.

43031090	(CITES), Other than those of Tariff item 43031010	Free	
430390	Other:		
43039010	Of wild animals covered under Wild Life Protection Act, 1972	Prohibited	Not permitted to be imported.
43039020	Of animals covered under Convention on International Trade of Endangered Species(CITES) other than those of item 43039010	Free	Subject to provisions of CITES
43039090	Free Other	Free	
4304	Artificial fur and articles thereof		
4304 00	Artificial fur and articles thereof		
43040011	Artificial fur as trimmings and embellishments for garments, made ups, knitwear, plastic and leather	Free	

Chapter-67

PREPARED FEATHERS AND DOWN AND ARTICLES MADE OF FEATHERS OR OF DOWN; ARTIFICIAL FLOWERS; ARTICLES OF HUMAN HAIR

Notes :

1. Heading 6701 does not cover :
 - (a) Articles in which feathers or down constitute only filling or padding (for example bedding of heading 9404);
 - (b) Articles of apparel or clothing accessories in which feathers or down constitute no more than mere trimming or padding; or
 - (c) Artificial flowers or foliage or parts thereof or made up articles of heading 6702.

Exim Code	Item Description	Policy	Policy Conditions
6701	Skins and other parts of birds with their feathers or down, feathers, parts of feathers, down and articles thereof (other than goods of heading 0505 and worked quills and scapes)		
6701 00	Skins and other parts of birds with their feathers or down, feathers, parts of feathers, down and articles thereof (other than goods of heading 0505 and worked quills and scapes)		
67010010	Feather dusters	Free	
67010090	Other	Free	
6703	Human hair, dressed, thinned, bleached or otherwise worked; wool or other animal hair or other textile materials, prepared for use in making wigs or the like.		
6703 00	Human hair, dressed, thinned, bleached or otherwise worked; wool or other animal hair or other textile materials, prepared for use in making wigs or the like:		
67030010	Human hair, dressed thinned, bleached or otherwise worked	Free	
67030020	Wool or other animal hair or other textile materials, prepared for use in making wigs or the like	Free	
6704	Wigs, false beards, eyebrows and eyelashes, switches and the like, of human or animal hair or of textile materials; articles of human hair not elsewhere specified or includedOf synthetic textile materials :		

67041100	Complete wigs	Free	
6704 19	Other:		
67041910	Hair nets	Free	
67041990	Other	Free	
670420	Of human hair:		
67042010	Wigs	Free	
67042020	Hair nets	Free	
67042090	Other	Free	
67049000	Of other materials	Free	

THE FOOD SAFETY AND STANDARDS ACT, 2006

ACT No. 34 of 2006

An Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

CHAPTER I PRELIMINARY

1. Short Title, Extent and Commencement

- (1) This Act may be called the Food Safety and Standards Act, 2006.
- (2) It extends to the whole of India.
- (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 provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

31. Licensing and registration of food business.

- (1) No person shall commence or carry on any food business except under a licence.
- (2) Nothing contained in sub-section (1) shall apply to a petty manufacturer who himself manufactures or sells any article of food on a petty retailer, hawker, itinerant vendor or a temporary stall holder or small scale or cottage or such other industries relating to food business or tiny food business operator; but they shall register themselves with such authority and in such manner as may be specified by regulations, without prejudice to the availability of safe and wholesome food for human consumption or affecting the interests of the consumers.
- (3) Any person desirous to commence or carry on any food business shall make an application for grant of a license to the Designated Officer in such manner containing such particulars and fees as may be specified by regulations.
- (4) The Designated Officer on receipt of an application under sub-section (3), may either grant the licence or after giving the applicant an opportunity of being heard and for reasons to be recorded in writing, refuse to grant a license to any applicant, if he is satisfied that it is necessary so to do in the interest of public health and shall make available to the applicant a copy of

the order:

Provided that if a licence is not issued within two months from the date of making the application or his application is not rejected, the applicant may start his food business after expiry of the said period and in such a case, the Designated Officer shall not refuse to issue a licence but may, if he considers necessary, issue an improvement notice, under section 32 and follow procedures in that regard.

- (5) Every licence shall be in such form and subject to such conditions as may be specified by regulations.
- (6) A single licence may be issued by the Designated Officer for one or more articles of food and also for different establishments or premises in the same area.
- (7) If the articles of food are manufactured, stored, sold or exhibited for sale at different premises situated in more than one area, separate applications shall be made and separate licence shall be issued in respect of such premises not falling within the same area.
- (8) An appeal against the order of rejection for the grant of licence shall lie to the Commissioner of Food Safety.
- (9) A licence unless suspended or cancelled earlier shall be in force for such period: as may be specified by regulations.

Provided that if an application for a renewal of licence is made before the expiry of the period of validity of the licence, the licence shall continue to be in force until orders are passed on the application.

- (10) The licence shall subsist for the benefit of the deceased's personal representative or any other member of his family, until the expiry of-
 - (a) the period of three months beginning with his death; or
 - (b) such longer period as the Designated Officer may allow

32. Improvement notices

- (1) If the Designated Officer has reasonable ground for believing that any food business operator has failed to comply with any regulations to which this section applies, he may, by a notice served on that food business operator (in this Act referred to as an "improvement notice")-
 - (a) state the grounds for believing that the food business operator has failed to comply with the regulations;
 - (b) specify the matters which constitute the food business operator's failure so to comply;
 - (c) specify the measures which, in the opinion of the said Authority, the food business operator must take, in order to secure compliance; and

- (d) require the food business operator to take those measures, or measures which are at least equivalent to them, within a reasonable period (not being less than fourteen days) as may be specified in the notice.
- (2) If the food business operator fails to comply with an improvement notice, his licence may be suspended.
- (3) If the food business operator still fails to comply with the improvement notice, the Designated Officer may, after giving the licensee an opportunity to show cause, cancel the licence granted to him:
 Provided that the Designated Officer may suspend any licence forthwith in the interest of public health for reasons to be recorded in writing.
- (4) Any person who is aggrieved by—
 - (a) an improvement notice; or
 - (b) refusal to issue a certificate as to improvement; or
 - (c) cancellation or suspension or revocation of licence under this Act, may appeal to the Commissioner of Food Safety whose decision thereon, shall be final.
- (5) The period within which such an appeal may be brought shall be—
 - (a) fifteen days from the date on which notice of the decision was served on the person desiring to appeal; or
 - (b) in the case of an appeal under sub-section (1), the said period or the period specified in the improvement notice, whichever expires earlier; Improvement notices, whichever expires earlier;

Explanation.—For the purpose of this sub-section, the making of the complaint shall be deemed to be the bringing of the appeal.

34. Emergency Prohibition Notice and Orders

- (1) If the Designated Officer is satisfied that the health risk condition exists with respect to any food business, he may, after a notice served on the food business operator (in this Act referred to as an "emergency prohibition notice"), apply to the Commissioner of Food Safety for imposing the prohibition.
- (2) If the Commissioner of Food Safety is satisfied, on the application of such an officer, that the health risk condition exists with respect to any food business, he shall, by an order, impose the prohibition.
- (3) The Designated Officer shall not apply for an emergency prohibition order unless, at least one day before the date of the application, he has served notice on the food business operator of the business of his intention to apply for the order.

- (4) As soon as practicable after the making of an emergency prohibition order, the Designated Officer shall require the Food Safety Officer to —
 - (a) serve a copy of the order on the food business operator of the business; or
 - (b) affix a copy of the order at a conspicuous place on such premises used for the purposes of that business; and any person who knowingly contravenes such an order shall be guilty of an offence and shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to two lakh rupees.
- (5) An emergency prohibition order shall cease to have effect on the issue by the Designated Officer of a certificate to the effect that he is satisfied that the food business operator has taken sufficient measures for justifying the lifting of such order.
- (6) The Designated Officer shall issue a certificate under sub-section (5) within seven days of an application by the food business operator for such a certificate and on his being not satisfied, the said officer shall give notice to the food business operator within a period of ten days indicating the reasons for such decision.

• • •

THE PREVENTION OF CRUELTY TO DRAUGHT AND PACK ANIMALS RULES, 1965.

(as amended upto 9th December, 1968)*

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

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

1. Short title and commencement:

(1) These rules may be called the Prevention of Cruelty to Draught and Pack Animals Rules, 1965.

1. 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”small bullock” or
 - c. “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 throughfare 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.
1. 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:

$$\frac{\text{length} \times \text{Girth 2 in cms.}}{10838} = \text{Weight of animal in kgms}$$

or

$9 \times (\text{length in cms.} \times \text{Girth in cms}^2)$

1,00,000

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 bearing b) if fitted with pneumatic tyres c) if not fitted with pneumatic tyres	1000 kilograms 750 kilograms 500 kilograms
2. Medium bullock or medium buffalo	Two-wheeled vehicle a) if fitted with ball bearing b) if fitted with pneumatic tyres c) if not fitted with pneumatic tyres	1400 kilograms 1050 kilograms 900 kilograms
3. Large bullock or large buffalo	Tow-wheeled -vehicle a) if fitted with ball bearing b) if fitted with pneumatic tyres c) if not fitted with pneumatic tyres	1800 kilograms 1350 kilograms 900 kilograms
4. Horse or mule	Two- wheeled vehicle a) if fitted with pneumatic tyres b) if not fitted with pneumatic tyres	750 kilograms 500 kilograms
5. Pony	Two -Wheeled vehicle a) if fitted with pneumatic tyres b) if not fitted with pneumatic tyres	600 kilograms 400 kilograms
6. Camel	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 so specified.
- (4) Where the route by which a vehicle is to be drawn involves an ascent for not less than one kilometer and the gradient is more than three meters in a distance of thirty meters, 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, fractions shall be disregarded.

4. Maximum load for certain pack animals:

No person shall cause any 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.

S.No.	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 I 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

1. for more than nine hours in a day in the aggregate.
2. for more than five hours continuously without a break for rest for the animal
3. in any area where the temperature exceeds 37°C (99°F) during the period between 12.00 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 vehicles, 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 of 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 weigh bridge 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 weigh bridge 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 weight bridge 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 11, Section 3, Sub-section (ii), vide Government of India, Ministry of Food and Agriculture, No. 9-18/62-LD. Dated 23rd March, 1965.)

*[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.]

• • •

THE PREVENTION OF CRUELTY TO ANIMALS

(LICENSING OF FARRIERS) RULES, 1965.

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 rules, the same having been previously published as required by subsection (1) of that section, namely

The Prevention of Cruelty to Animals (Licensing of Farriers) Rules, 1965

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 licenced :

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

7. Term of licence and renewal thereof :

- (1) 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 licence 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.

9. Farrier to exercise reasonable care and skill :

Every licence under these rules shall exercise a reasonable degree of care and skill in the shoeing of cattle.

10. Cancellation of licence:

- (1) It shall be lawful for ‘ the licensing authority to enter the place of business of any licence during normal working hours for the purpose of inspection; and if, in the opinion of the licensing authority the licence 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 licence 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 licence a reasonable opportunity of being heard, that there has been a breach of any of the conditions of the licence.

“10A. An appeal shall lie from any order refusing or canceling 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 made 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 one 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.

13. Maintenance of register

The licensing authority shall maintain a register containing full particulars relating to every licence

- 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. 1913/65-LD, dated the 8th March, 1966

Farrier's Licence

Licence No

1. Name of Licence.
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 Animals (Licensing of Farriers) Rules, 1965, within one month before the date of expiry of the original or earlier licence.
2. During the continuance of the licence, the licence shall be bound to produce for inspection during normal workings hours and at his place of business all the tools and other implements in his possession and kept for the purpose of his business if a demand for the production of the same is made by the licensing authority.
3. The licence shall afford all reasonable facilities for the purpose of enabling the licensing authority to inspect the place of business of the licence and the manner in which he is carrying on the business.

RENEWAL ENDORSEMENT

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

-
- * (Notified in the Gazette of India, Part 11, Section 3, Sub-section (ii) vide Government of India, Ministry of Food & Agriculture No.9-18/62-LD, dated 23rd March, 1965).Substituted by the Licensing of Farriers (Amendment) Rule, 1966.

• • •

PRERFORMING ANIMALS RULES, 1973

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 may, 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 this 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 twentyfive which may be paid either in cash or in such other manner as may be specified by the prescribed authority.

5. Form of Certificate of Registration

- (i) The certificate of registration to be issued by the prescribed authority shall be in the form set out in the Second 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 of registration is issued under these rules shall have his name entered in a register which shall be kept in the form set out in the Third Schedule.

7. Inspection of Register

The register kept under these rules shall be open to inspection during office hours on any working day on payment of a fee of two rupees and any person may take extract therefrom or may require the prescribed authority to issue to him a certified copy of any entry therein on payment of a 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 entered in the register shall be in the form set out in the Fourth Schedule and when any particulars are varied the existing certificate of registration shall be cancelled and 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 purpose of these rules shall have the same effect as the original certificate of registration.

10. Copies of certificates etc. to be sent to the Animal Welfare Board of India :

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 of India 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
 - (a) trained,
 - (b) exhibited, Stating number of each kind number(ii) Trained animals already available for being exhibited.
8. Describe briefly the general nature* 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.

* 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 the place :

Serial Number of Entry in Register

Date:

Signature of Clerk or registration authority

PARTICULARS

Name of trainer or exhibitor	Nationality	Either (a) Address of fixed place of residence in India or (b) Pemanent postal address in India to which letters addressed to the trainer or exhibiter may be forwarded	Address or addresses at which the performing animals are to be trained	Particulars of any previous registration	Kinds 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	

Third Schedule

(See Rule 6)

FORM OF REGISTRATION

Name of trainer or exhibitor	Nationality	Either (a) Address of fixed place of 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	Kinds 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

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 the 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 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.

The Performing Animals (Registration) Rules, 2001

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

NOTIFICATION

New Delhi, the 26th March, 2001

S.O. 267 (E). - Whereas the draft **Performing Animals (Registration) Rules, 2000** were published, as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O. 1162 (E) dated the 26th December 2000 in the Gazette of India. Extraordinary, Part 11, Section 3, Sub Section (ii) dated the 27 th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the 1st January, 2001;

And, whereas no objection or suggestion has been received from the public in respect of the said draft rules 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 **Performing Animals (Registration) Rules, 2001**.
- (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) “Board” means the Animal Welfare Board of India, established under section 4 and as reconstituted from time to time under section 5A of the Act;
- (c) “film” means a cinematograph film as defined in the Cinematograph Act of 1952 (37 of 1952);
- (d) “fitness certificate” means a certificate granted by a veterinary doctor to be nominated by the prescribed authority certifying the health and fitness of the animal;

- (e) “owner’ means the owner of an animal and includes any other person in possession or custody of such animal whether with or without the consent of the owner;
- (f) ownership certificate” means a certificate granted under section 42 of the Wildlife (Protection) Act 1972 (53 of 1972);
- (g) “prescribed authority” means the Board or such other authority or officer as may be authorised by the Board;
- (h) “performing animal” means an animal which is used at or for the purpose of any entertainment including a film or an equine event to which the public are admitted;
- (i) schedule” means a Schedule appended to these rules;
- (j) “veterinary doctor’ means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984).

3. Application of registration :

- (1) Any person desirous of training or exhibiting a performing animal shall, within thirty days from the commencement of these rules, apply for registration to the prescribed authority and shall not exhibit or train any animal as a performing animal without being registered under these rules.
- (2) Any person desirous of exhibiting or training any performing animal shall apply for registration in the form of application set out in the First Schedule.
- (3) Every such application shall be made to the prescribed authority.

4. Fee and registration :

Every application for registration shall be accompanied by a fee of Rupees five hundred which may be paid either in cash or in such other manner as may be specified by the Board for this purpose.

5. Power to call for additional information :

- (1) The prescribed authority may call for such additional records and information as it may deem fit from the applicant in respect of the particulars furnished by it.
- (2) If the prescribed authority is satisfied about the proposed performance and the method to be adopted for the training of such animals by the applicant it may grant registration,
- (3) The prescribed authority while granting registration may impose such other conditions, as it may deem appropriate for the training and upkeep of such performing animals.

6. Form of certificate of registration

- (1) The certificate of registration shall be issued by the prescribed authority in the form set out in the Second Schedule.
- (2) Every registration shall be given a serial number in a order in which it is made, and it shall be indicated in the certificate of registration.

7. Prior information for use of performing animals in films : -

- (1) Every owner desirous of hiringout or lending a performing animal in the making of a film shall give prior information in the format as specified by the prescribed authority for this purpose to specifying the kind of animal, age of animal, physical health of the animal, the nature of performance to be done by the animal, the duration for which the animal shall be used for such performance, the duration and method of training of the animal for such performance and justification for the use of such animals in the film and such other information as may be required by that authority.
- (2) Every such application shall be accompanied by a fitness certificate issued by a veterinary doctor certifying the health and fitness of the animal along with a ownership certificate in case of animals covered under the wildlife (Protection) Act, 1972 (53 of 1972).

8. General conditions for registration

- (1) The prescribed authority while granting registration may impose such terms and conditions as it deems appropriate and shall impose the following conditions in granting registration, namely :
 - i. every owner who has ten or more such performing animals shall have a veterinarian as a regular employee for their care treatment and transport.
 - ii. the owner shall not transport such animals by road continuously for more than 8 hours and except in cages admeasuring as specified in the **Fifth Schedule**;
 - iii. the owner shall ensure proper watering and feeding halts during such transportation;
 - iv. the owner after transportation shall provide feeding and retiring enclosures in respect of the animal specified in the **Sixth Schedule**;
 - v. the owner shall ensure that any animal is no inflicted unnecessary pain or suffering before o during or after its training or exhibition;
 - vi. the owner shall not deprive the animal of feed c water in order to compel the said animal to train or perform any trick;

- vii. the owner shall train an animal as a performing animal to perform an act in accordance with its basic natural instinct;
- viii. the owner shall not make a performing animal perform if it is sick or injured or pregnant;
- ix. the owner shall ensure that no sudden loud noise is deliberately created within the vicinity of any performing animal or bring an animal close to fire which may frighten the animal;
- x. the owner in case the performing animal is to be exhibited under artificial light, the overall intensity of such light shall not be more than 500 LUX;
- xi. the owner shall not subject the animals to a action which may either kill or injure or use the animal in scenes which may cause injury to the animals;
- xii. the owner shall not use any tripping device wires or pitfalls for such animals;
- xiii. the owner shall not expose any animal to either burning fire or to fire accidents;
- xiv. the owner shall not keep any animal including horses in close proximity while shooting scenes involving explosives or other loud noises;
- xv. the owner shall ensure that props such as spears nails splinters, barbed wires and other such pr shall not cause injury to the animals during performance;
- xvi. the owner shall ensure that the equines are made to walk on hard surfaces without being shod and shall further ensure that the animals are used in downhill slides or rodeo slide stops with proper skid and hock boots;
- xvii. the owner of any equine shall not use any other than an air cushioned shock absorbing which has been scientifically tested to prove it will not cause weals, bruising or other damage to the horse and subject to the conditions that
 - (a) the whip shall not have raised binding, stitching seam or flap.
 - (b) the whip shall be used by licenced jockeys only.
 - (c) the owner shall also ensure the whip is not used other than either quarters in either the forehand or the backhand position or down the shoulder in the backhand position or use the whip with the arm above shoulder height.
 - (d) the whip shall not be used more than 3 times in a race;
- xviii. the owner shall ensure that the animal is not used on floors that are very smooth without the use of non-skidding mats;

- xix. the owner shall ensure that large gathering of animals is not allowed in such a way which may cause or result in stampede to the animals;
 - xx. the owner shall ensure that the animal is not made or incited to fight against other animals and shall further ensure that sedatives or tranquillisers or steroids or any other artificial enhancers are not administered to or inserted in any animal except the anaesthesia by a veterinary doctor for the purpose of treatment of an injured or sick animal;
 - xxi. the owner shall ensure that the animal shall not be transported or be kept or confined in cages and receptacles which do not measure in height, length or breadth as specified under the Transport of Animal Rules, 1978, the Recognition of Zoo Rules, 1992 or under any other Act, rule or order for this purpose;
 - xxii. the owner shall ensure that the animal is not continuously used for excessive number of takes in shooting a film without providing adequate rest to the animal and in the event of a snake being used it shall not be made to ingest any substances or made to crawl across tarred or any other heated surface and shall not be contorted to wrestle;
 - xxiii. the owner shall ensure that while using an animal in shooting a film, the fight sequence shall not be shot in any livestock holding area including poultry area and shall further ensure that no birds are shown in cages;
 - xxiv. the owner shall inform the prescribed authority at least four weeks in advance informing the place, date and time of the actual making of the film wherein the animal is to be used;
- (2) The prescribed authority may also impose such other conditions for the grant of registration as may be deemed appropriate to it for the welfare of animals.

9. Register -

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

10. Inspection of register -

The register kept for the purpose of these rules shall be open to inspection during office hours on any working day on payment of a fee of twenty rupees and any person may take extract therefrom or may require the prescribed authority to issue to him a certified copy of any entry made therein on payment of a fee of fifty rupees.

11. Application for variation of entries in register -

Every application for the variation of any particular entered in the register maintained for the purpose of these rules shall be in the form set out in the Fourth Schedule and when any particular is varied the existing certificate of registration shall be cancelled and a new certificate be issued.

12. Submission of report by veterinary doctor -

Every person who has been granted registration under these rules shall ensure that a monthly report of all the performing animals in the form to be specified by the prescribed authority in respect of their health, deaths and births duly certified by a veterinary doctor is submitted to the prescribed authority on or before the 7th of every succeeding month.

13. Prohibition on exhibition and training of specified performing animals

Performing animals whose performance has been prohibited under sub section (2) of section 22 of the Act shall not be trained or exhibited as a performing animal.

14. Power to inspect -

- (1) The prescribed authority may depute an officer or authorise any other person, to inspect the mode of transport, care and upkeep of the animals, or to be present at the time of training or exhibition of the performing animals or during making of a film to ensure that the conditions of registration are being complied with.
- (2) The owner shall not obstruct the entry of such officer or authorised person and extend all possible assistance to enable him to discharge his duty.

15. Report of inspection -

The officer deputed or person authorised under rule 14 shall after inspection submit a report to the prescribed authority about the compliance of the rules and the conditions as specified by the prescribed authority.

16. Cancellation of registration in respect of which registration has been granted :

- (1) Every animal in respect of which registration has been granted under rule 5 shall be exhibited and trained subject to the conditions of registration and these rules.
- (2) Every animal in respect of which registration has been granted under rule 5 shall be exhibited for a film subject to the conditions of registration and these rules.

- (3) The prescribed authority in the event of breach of any of the conditions of registration under rule 5 or any provision of the Act or the rules made thereunder may suspend the registration pending enquiry and after granting an opportunity of hearing revoke the registration so granted or issue such orders or directions as it may consider proper for the welfare of the animals.

17. Issue of duplicate copies of certificate

Any person who has been granted registration under these rule may, on proof by him that the original certificate registration has been lost or destroyed and on payment of a fee of one hundred rupees, be given a duplicate copy of the certificate of registration which for the purposes of these rules shall have the same effect the original certificate of registration.

FIRST SCHEDULE

Form of Application

(see rule 3 (2))

I, the undersigned, do hereby apply for registration under the Performing Animals (Registration) Rules, 2000 and hereby declare the following particulars to be true and complete to the best of my knowledge and belief

Signature_____

Date_____

Address to which order of
approval 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. and (b) the postal address in India to which letters may be forwarded.
5. Address or address (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 registered under the Performing Animals Rules, 1973 If so. State the number and date of certificate of registration
7. Copy of ownership certificate if the animal is a protected specie under the Wildlife (Protection) Act 1972.
8. (i) Particulars of performing animals proposed to be
Species Sex Age Number
 - (a) trained
 - (b) exhibited
 - (c) trained and exhibited for use in films
- (ii) Trained performing animals already available as prescribed above for being exhibited
9. Describe the nature 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 or to be used for the purposes of the performance.

Explanation:

Detailed description of what is to be done by the animals taking part in the performance method of trail and should state the approximate duration of the performance the number of performances to be give one and the same day and the number of animals of each kind taking part in the performance.

SECOND SCHEDULE

Certificate of Registration (see rule 6)

This is to certify that the person to whom the under-mentioned particulars relate has this day been registered under the Performing Animals (Registration) Rules, 2000 with the Registration Authority for the

Name of the place : _____

Serial Number of Entry in Register _____

Date : _____

Signature of Clerk of Registration Authority _____

Particulars

Name of trainer or exhibitor	Nationality	Either (a) Address of fixed place of 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	Kinds 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	To be trained/exhibited for use in films			
					Kind No.	Kind No.	Kind No.			
					6	7	8			
1	2	3	4	5	6	7	8	9	10	11

THIRD SCHEDULE
Form of Register
 (see rule 9)

Particulars

Sr. No.	Name of trainer or exhibitor	Nationality	Either (a) Address of fixed place of 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	Kinds 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	To be trained/exhibited for use in films			
						Kind No.	Kind No.	Kind No.			
1	2	3	4	5	6	7	8	9	10	11	12

FOURTH SCHEDULE

Form of Application for Variation Particulars

Entered In Register

(see rule 11)

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

To,

The Prescribed Authority,

Full Name of the applicant (in block letters)

Number and date of Certificate of Registration

I return herewith my certificate of registration under the Performing Animals (Registration) Rules, 2001 and I hereby apply to have the particulars entered in the Register with respect to be varied, as follows and 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.....

FIFTH SCHEDULE
Suggestive Size of Cages for Transportation
(See rule 8 (ii))

Species	Length (m)	Breadth (m)	Height (m)
Slender loris	0.40	0.25	0.35
Slow Ioris	0.60	0.25	0.45
House (domestic/wild)	3.00	1.00	1.75
Ass (domestic/wild)	2.25	80	1.28
Zebra	2.60	95	1.80
Elephant (Adult)	4.80	2.40	2.84
Hippopotamus (Common)	4.06	2.10	1.50
Pigmy Hippo	1.52	1.00	0.74
Civet	0.79	40	0.38
Mongoose	0.56	25	0.13
Duck	0.38 to 0.63	22-0.35	78
Dove	0.46	0.20	0.21

SIXTH SCHEDULE

Minimum prescribed size for feeding/retiring cubicle/enclosures for Important mammalian species of captive animals (see rule 8 (iv))

Name of the Species	Size of the cubicle/enclosures in meters		
	Length	Breadth	Height
Family – Felidae			
Leopard	2.00	1.50	2.00
Small cats	1.80	1.50	1.50
Family Elephantidae			
Elephant	8.0	6.0	5.5
Family – Rhinocerotidae			
One-horned Indian Rhinoceros	5.0	10	2.5
Family - Carvidae			
Brow antlered deer	3.0	2.0	2.5
Hangul	3.0	2.0	2.5
Swamp deer	3.0	2.0	2.5
Musk deer	2.5	1.5	2.0
Mouse deer	1.5	1.0	1.5
Family - Bovidae			
Nilgiri tahr	2.5	1.5	2.0
Chinkara	2.5	1.5	2.0
Four horned antelope	2.5	1.5	2.0
Wild Burrialo	3.0	1.5	2.0
Indian Bison	3.0	2.0	2.5
Yak	4.0	2.0	2.5
Bharal, goral, wild sheep and markhor	2.5	1.5	2.0
Family - Equidae			
Horses	6.0	4.0	3.0
Wild Ass	4.0	2.0	2.5
Family - Canidae			
Jackal, wolf and wild dog	2.0	1.5	1.5
Family – Vivirridae			
Palm Civet	2.0	1.0	1.0
Large Indian civet & binturong	2.0	1.5	1.0
Family - Mustellidae			
Otter--- all types	2.5	1.5	1.0
Rate/Hogbadger	2.5	1.5	1.0
Martens	2.0	1.5	1.0
Family – Procyonidae			
Red Panda	3.0	1.5	1.0
Family – Lorisidae			
Slow loris and slender Ions	1.0	1.0	1.5

Performing Animals (Registration) Amendment Rules, 2001

MINISTRY OF STATISTICS AND PROGRAMNM IMPLEMENTATION NOTIFICATION

New Delhi, the 8th January, 2002

S.O. 35(E). Whereas the draft Performing Animals (Registration) amendment Rules, 2001, were published, as required by Sub-section (1) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), vide Ministry of Culture Notification No. S.O. 1044(E), dated the 17th October, 2001 in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 17th October, 2001 and whereas objection and suggestions from all persons likely to be affected thereby were invited before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification have been made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the 17th October, 2001;

And, whereas no objection for suggestion has been received from the public in respect of the said draft rules by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (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. (1) These rules may be called the Performing Animals (Registration) Amendment Rules, 2001.
(2) They shall come, into force on the date of their publication in the Official Gazette.
2. In the Performing Animals (Registration) Rules, 2001 (hereinafter referred to as the said rules), in rule 2, for clause (g), the following clause shall be substituted, namely:
'(g) "prescribed authority" means the Central Government, or such other authority including the Board or the State Government, as may be authorized by the Central Government;'
3. In the said rules, in rule 3, in sub-rule (1), the following proviso shall be added, namely:
"Provided that the race horses which have been registered by the owners with the Turf Authorities shall not, on intimation of such registration to the prescribed authority, require registration under this rule and the general conditions as specified in rule 8 shall apply to such registration subject to such other conditions as may be imposed by the prescribed authority".
4. In the said rules, in rule 8, in sub rule (1), -
 - (a) for the word "shall", the word "may" shall be substituted;(b) in clause (xvii),
 - (i) the words 'an air cushioned' shall be omitted;
 - (ii) for the figure and word "3 times", the words "eight times" shall be substituted,

- (iii) after sub-clause (d), the following sub-clauses shall be inserted, namely:
 - "(e) each horse immediately after the race and again after a period of six hours but within eight hours of the race shall be subject to the veterinary inspection to check, for injuries.
 - (f) the horses shall be housed in stables admeasuring 12ft X 12ft with adequate 4cility for the horses to see each other with adequate provision for proper ventilation and protection against heat and an environmentally- friendly atmosphere as far as possible.";
- (iv) the following proviso shall be added at the end, namely
 - "Provided that if the whip is used more than eight times in race, the prescribed authority in consultation with the Turf Authorities shall decide, if the use of such whip in excess of the number specified, was for any reason to save the horse or the jockey from any accident, for the purpose of initiating any action under the Act.";
- (c) in clause xx, at the end, the following shall be added namely:
 - "and the use of steroids shall be avoided as far as possible provided the steroids may be used if no other option is available to be supported by a veterinary prescription and the 'purchase of such steroids shall be from a duly authorized source.'";
- (d) after clause xxiv, the following new clause shall be inserted, namely:
 - "xxv. 'persons desirous of transporting horses from one place to another shall adhere to the following minimum norms to enhance conditions of travel as also safety of the horses, namely:-
 - (a) no horse shall be tied up in such a way that his head and neck movements are unnaturally restricted while travelling.
 - (b) all horses must be watered at least every four hours and provided adequateration of hay during the journey lasting more than eight hours.
 - (c) adequate ventilation and free flow of fresh air in the vehicle shall be ensured during transport:
 - (d) rubber mats shall preferably be used for flooring instead of straw bedding.
 - (e) horses shall not be transported within twenty four hours of having raced.
 - (f) no horse shall be raced, where the period of journey exceeds, six hours, unless twenty four hours have elapsed since completion of the travel."

[F. No. 1/7/2001-A.W.D.(Pt.)]

R.DATTA, Jt. Secy.

FootNote:—The principal rules were published vide number S.O. 267(E) dated, the 26th March, 2001.

THE PREVENTION OF CRUELTY TO ANIMALS

(APPLICATION OF FINES) RULES, 1978.

In exercise of the powers conferred by clause (k) 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 some having been previously published as required by the said Section, namely

Prevention of Cruelty to Animals (Application of Fines)

Rules, 1978

1. Short Title:

These rules may be called the Prevention of Cruelty to Animals (Application of Fines) Rules, 1978.

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) “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

(1) 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 (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 organisation 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 the 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 recognized 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.

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

• • •

THE PREVENTION OF CRUELTY TO ANIMALS (REGISTRATION OF CATTLE PREMISES) RULES, 1978.

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 issuer 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.

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) (as reproduced below) in a language commonly understood in the locality.

“12. 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-laws 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.

(Notified in the Gazette of India, Part 11, Section 3, Sub-Section (11) vide Government of India, Ministry of Agriculture & Irrigation (Department of Agriculture), Notification No. 14-20/76-LD.1 dated 30th November 1978.)

• • •

Transport of Animals, Rules-1978.

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:

Transport of Animals Rules, 1978.

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 breeds whether by rail, road, inland, waterway, sea or air.**
- 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 contagious 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 of kittens shall not be transported with adult dogs 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 to give warning to the handlers.
(b) In extreme cases, the dogs and 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) at least 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 pressurized compartment with regulated temperature.
11. The size and type of crates for transport of dogs and cats shall confirm 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 main 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 shall 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 30mm.
(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 510 mm - to contain not more than twelve monkeys, weighing between 1.8 and 3.00 kilograms each or ten monkeys weighing between 3.1 and 5.0kilograms,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 railhead 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 drought 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 main 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 railhead 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 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 50mm 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 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 and 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 or 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 certificates 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 food 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 be accepted 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 enroute 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 not more than 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 open 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 antislipping material on the floor and the super structure, 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 equities 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 athwart the ship with heads facing inwards;
 - (d) to avoid distress specially during hot weather, the ship may go underway 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 or 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 romps shall be provided for loading and unloading the sheep or goats.
 (c) In the case of a railway wagon, when the loading or unloading is done on the plot from 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

Space required in Square metres

	Woolled	Shorn
Not more than 20	0.18	0.16
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 :

Broad gauge		Metre gauge		Narrow gauge
(1)	(2)	(3)	(4)	(5)
Area of wagon	Area of Wagon	Area of Wagon	Area of Wagon	
Less than 21.1	21.1 Square Metres And above	Less than 12.5	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 gauge 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 1/2 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 of cages : Number of Dogs / cats

Breed and identification marks, if any

Transported from To Via.....

I hereby certify that I have read rules 8 to 14 in Chapter 11 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:

Signed

Address.....

.....

Qualifications.....

Date.....

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 11 of the 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 Waterways Sea, By Air

Length (L)	$A \times 1 \frac{1}{2}$	$A + C + 10$
Width (W)	A	$D + 2 + 10$
Height (H)	$B + 15$	$B + 0$

Length - tip of nose to root of tail (A)

Width - width across the shoulders (D)

Height - Tip of ears to toe while standing (13)

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 dogs by giving them adequate space and safety. It is essential that wire mesh should be nose and paw proof; suitable material is that welded wire mesh of not less than 3mm with a spacing 12 x 12 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 11 of the Transport of Animals Rules, 1978 shall be as per the design as printed on page 8 of ISI 4746 - 1968 published by the Indian Standards Institution.

All dimensions in Centimetres By rail / road / inland waterways sea by air

Length (L)	$A \times 2$	$A \times 2$
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 3mm 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 RULE 16 AND 32)

Proforma for Certificate of fitness to Travel Monkeys

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

Date & time of examination:

Species of Monkeys I.....

Number of CagesNumber 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 have examined the above mentioned monkeys in their travelling cages not more than 12 hours before their departure.
2. That each monkey 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 the 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.....

Address.....

Qualifications.....

Date

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 details 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 - 1) - 1966 published by Indian Standards Institution.

SCHEDULE - F

[See Rule 40 (4)]

Size and Type of Crate for Transport of Monkeys by Air

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

SCHEDULE - G

[See Rule 40 (5)]

Size and Type of Crate for Transport by Air of pregnant and Nursing Monkeys and Monkeys weighing over 5 kg.

The construction details of two types of cages mentioned in rule 40(5) in Chapter III of the 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 have 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 diseases(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

Address

Qualifications

Date.....

SCHEDULE -1

[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 diseases(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:

Signed.....

Address.....

Qualifications.....

Date.....

SCHEDULE - J

[See Rule 651]

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 VI of the Transport of Animals Rules, T978.

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

Signed.....

Address

Qualifications

Date.....

. . .

The Transport of Animals (Amendment) Rules, 2001

NOTIFICATION

New Delhi, the 26th March, 2001

S.O.269 (E) -

Whereas certain draft rules further to amend the Transport of Animals Rules, 1978 were published as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) under the notification of the Government of India in the Ministry of Social Justice & Empowerment number S.O. 1164 (E) dated 26th December 2000 in the Gazette of India. Extraordinary, Part 11, Section 3. Sub Section (ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public.

And, whereas copies of the said Gazette were made available to the public on the 1st January 2001.

And, whereas no objection or suggestion has been received from the public in respect of the said draft rules by the Central Government.

Now, therefore in exercise of the powers conferred by sub-section (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 further to amend the Transport of Animals Rules 1978, namely

1. (1) These rules may be called the **Transport of Animals (Amendment) Rules, 2001**.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. **In the Transport of Animal Rules 1978 (hereinafter referred to as the said rules), after chapter VI, the following chapters shall be inserted, namely :**

Chapter VII

TRANSPORT OF POULTRY BY RAIL, ROAD AND AIR

76. Definition -

In this Chapter unless the context otherwise requires, "Poultry" includes day old chicks and turkey poults, chickens, quails, guinea fowls, ducks, geese and turkeys.

77. General requirement - In transport of poultry by rail, road or air -

- (a) the container shall be properly cleaned and sterilised before the poultry is placed in them
- (b) poultry shall not be exposed to the sunlight, rain and direct blast of air during transport.
- (c) poultry shall not be transported when the temperature exceeds 25 degree Celsius or when the temperature falls below 15 degree Celsius.

78. Day-old chicks and turkey poults - In transport of day old chicks and poultry by rail, road and air

- (a) chicks and poults shall be packed and dispatched immediately after hatching and shall not be stored in boxes for any length of time before dispatch.

Note : In the said transport endeavour shall be made by the consignor or his agent so that consignments shall arrive at destination within the shortest possible time after being taken out of the incubator. Seventy two hours shall normally be regarded as the maximum period to be taken from incubator to brooder in winter and 48 hours in summer;

- (b) chicks or poults shall not be fed or watered before and during transportation.
- (c) every effort shall be made to ensure that chicks and poults arrive as quickly as possible at the dispatching site
- (d) personal attention shall be given by the consignor or the forwarding agent to ensure that all consignments are kept out of direct sunlight, rain and heat;
- (e) care shall be taken to carry the boxes in a level position so that chicks are not in danger of falling over on to their backs and 11 The putting up of other merchandise over and around chick boxes shall be avoided.

79. Poultry other than day-old chicks and turkey poults

In transport of poultry other than day old chicks and turkey poult by rail, road or air

- (a) the poultry to be transported shall be healthy and in good condition and shall be examined and certified by a veterinary doctor for freedom from infectious diseases and fitness to undertake the journey.
- (b) poultry transported in the same container shall be of the same species and of the same age group
- (c) poultry shall be properly fed and watered before it is placed in containers for transportation and extra feed and water shall be provided in suitable troughs fixed in the containers.
- (d) arrangements shall be made for watering and feeding during transportation and during hot weather, watering shall be ensured every six hours;
- (e) male stock shall not be transported with female stock in the same container

80. Road Travel -

In transport of poultry by road the container shall not be placed one on the top of the other and shall be covered properly in order to provide light, ventilation and to protect from rain, heat and cold air.

81. Rail Travel -

In transport of poultry by rail -

- (a) in case the journey is for more than twelve hours, an attendant shall

accompany the consignment:

- (b) poultry shall not be exposed to rain or direct blast of air;
- (c) as far as possible poultry shall be transported in wagons having adequate facilities for ventilation and no other merchandise which may result in mortality of birds shall be loaded in the same wagon;

82. Air travel -

In transport of poultry by air or for international transport the containers carrying poultry shall be kept in pressurised compartments with regulated temperature and the container shall preferably be kept near the door and shall be unloaded immediately on arrival.

83. Containers for transportation -

In transport of poultry by rail, road or air -

- (a) containers used to transport poultry shall be made of such material which shall not collapse or crumble and they shall be well ventilated and designed to protect the health of poultry by giving it adequate space and safety.
- (b) the containers shall be so designed as to render impossible for birds to crowd into the corners during transportation, and to avoid the danger of boxes being stocked so close together as to interfere with ventilation.
- (c) all the containers shall be clearly labelled showing the name, address and telephone number of the consignor and the consignee.
- (d) the minimum floor space per bird and the dimension of the containers for transporting poultry shall be as specified in the Table below, namely :

TABLE

S.No.	Kind of Poultry	Minimum	Demension			
		Floor space cm ²	Length cm	Width cm	Height cm	Number in a container
i.	Month old chickens	75	60	30	18	24
ii.	Three month old chickens	230	55	50	35	12
iii.	Adult sock (excluding geese and turkeys)	480	115	50	45	12
iv.	Geese and turkeys	900	120	75	75	10 youngs
		1300	75	35	75	2 growing
		1900	55	35	75	1 grown up
v.	Chicks -	60	45	12	80	
vi.	Poult -	60	45	12	60	

84. Special requirement of containers for chicks and poults - In transport of poultry by road, rail or air –

- (a) wire mesh or a net of any material shall not be used as a bottom for the containers.
- (b) the container shall be properly secured to avoid pilferage
- (c) the following instruction shall be printed on a label and fixed to the lid or printed directly on sides, namely “Care in Transit”.
- (d) the consignee shall be informed about the train, transport or flight number and its time of arrival well in advance
- (e) poultry shall not be transported continuously for more than 6 hours and whole batch shall be inspected at every 6 hours interval.
- (f) the transportation shall not remain stationary for more than 30 min and during this period, it shall be parked in shade and arrangements shall be made for feeding and watering
- (g) all precautions against fire shall be taken and provision of fire extinguishers in transport shall be provided.

Chapter - VIII

TRANSPORT OF PIGS BY RAIL OR ROAD

85. DEFINITION -

In this chapter, unless context otherwise requires, “pigs” includes piglets, hogs, hoglets and animals of pigs family,

86. Duration of travel -

Rules 87 to 95 shall apply to the transport of pigs by rail or road involving journeys of more than six hours.

87. Health Certificate -

- (1) A valid health certificate by a veterinary doctor to the effect that the pigs 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 in the transport of pigs by rail or road.
- (2) In the absence of a certificate under sub-rule (1), the carrier shall refuse to accept the consignment for transport.
- (3) The certificate under sub rule (1) shall be in a form specified in Schedule K

88. Identification of consignor and consignee -

For the purpose of this Chapter -

- (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 pigs being transported and quantity of rations and food provided to them.
- (b) the consignee shall be informed in advance about the train or vehicle in

which the consignment of pigs is being sent and its arrival time.

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

89. First aid -

In transport of pigs by rail or road.

- (a) first-aid equipment shall accompany the pigs;
 (b) suitable ramps shall be provided for loading and I unloading the pigs;
 (c) in the case of a railway wagon, when the loading or unloading is done on the platform the dropped door of the wagon shall be used as a ramp.

90. Group of pigs -

In transport of pigs by rail or road, male young stock shall not be mixed with female stock in the same compartment.

91. Facility of food and water -

In transport of pigs by rail or road, sufficient food and fodder shall be carried to last during the journey and watering facility shall be provided at regular intervals.

92. Padding of floor during travel -

In transport of pigs by rail or road, 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.

93. Ban on fettering -

In transport of pigs by rail or road, the animals shall not be fettered unless there is a risk of their jumping out and their legs shall not be tied down.

94. Space requirement during rail travel -

In transport of pigs by rail

- (a) no railway wagon shall accommodate more than the number of pigs as specified in the Table below :

TABLE

Broad gauge		Metre gauge		Narrow gauge
(1)		(2)		(3)
Area of Wagon	Area of Wagon	Area of Wagon	Area of Wagon	
Less than 21.1 squares Metres	More than 21.1 Square Metres	Less than 12.5 Square Meter	More than 12.5 Square Meter	
Number of Pigs 35	Number of Pigs 50	Number of Pigs 25	Number of Pigs 30	not allowed

- (b) adequate ventilation shall be provided in every wagon and the upper door of one side of wagon shall be kept open 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 breakout.

95. Space requirement during road travel -

In transport of pigs by road -

- (a) goods vehicles of capacity of 5 or 4.5 tons, which are generally used for transportation of animals, shall carry not more than twenty pigs.
- (b) in the case of large goods vehicles and containers, Explanation : For the purpose of this rule the certificate partition shall be provided at every two or three metres shall be issued in such form as may be specified for this across the width to prevent the crowding and trapping purpose by the Central Government of pigs
- (c) in the case of pigs under six weeks of age, separate panels shall be provided.

Chapter IX

MISCELLANEOUS

96. Issue of certificate before transportation -

- (1) A valid certificate issued by an officer or any person or Animal Welfare Organisation duly recognised and authorised for this purpose by the Animal Welfare Board of India or the Central Government shall be procured by any person making transport of any animal before transportation of such animal verifying that all the relevant Central and State Acts, rules and orders pertaining to the said animals including the rules relating to transport of such animals have been duly complied with and that the animal is not being transported for any purpose contrary to the provision of any law.
- (2) In the absence of such certificate, the carrier shall refuse to accept the consignment for transport.

Explanation : For the purposes of this rule the certificate shall be issued in such form as may be specified for this purpose by the Central Government.

97. Cancellation of permit or authorisation for transport -

- (1) In the event of contravention or non compliance of any of the rules contained in these rule for transport of animals, if it is pointed out in writing

by any officer or persons or Animal Welfare Organisations authorised for this purpose by the Animal Welfare Board of India or the Central Government, then, any permit or authorisation issued for such transport shall be immediately cancelled by the concerned authority and it shall be the duty of the police to stop the further transport even from the intermediary station and proceed against the said offenders and deal with the animal in accordance with law.

- (2) The custody of the animals immediately after unloading from the rail wagons, truck or any other vehicle shall be given to the authorised Animal Welfare Organisation if available, till the competent authority or the magistrate having jurisdiction decides about their care and upkeep.

98. General conditions of transport -

- (1) Animals to be transported shall be healthy and in good condition and such animals shall be examined by a veterinary doctor for freedom from infectious diseases and their fitness to undertake the journey; provided that the nature and duration of the proposed journey shall be taken into account while deciding upon the degree of fitness.
 - (2) An animal which is unfit for transport shall not be transported and the animals who are new born, diseased, blind emaciated, lame, fatigued or having given birth during the preceding seventy two hours or likely to give birth during transport shall not be transported.
 - (3) Pregnant and very young animals shall not be mixed with other animals during transport.
 - (4) Different classes of animals shall be kept separately during transport.
 - (5) Diseased animals, whenever transported for treatment, shall not be mixed with other animals
 - (6) Troublesome animals shall be given tranquilisers before loading during transport.
 - (7) Animals shall be transported in their on-farm social groups (established atleast one week prior to journey).
3. In the said rules, after Schedule J, the following Schedule shall be inserted. namely:

SCHEDULE K

(see rule 87 (3))

Proforma for certificate of fitness to travel Pigs

(This certificate should be completed and signed by a Veterinary doctor)

Date and time of examination _____

Species of Animals _____

Number of Animals _____

Sex _____ Age _____

I hereby certify that I have read Rules 86 to 95 in Chapter VIII of the Transport of Animal Rules, 1978

1. That, at the request of (consignor) 12 hours before their departure I examined the above mentioned animals not more than
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 _____

Qualification _____

• • •

The Transport of Animals (Amendment) Rules, 2009

The Transport of Animal (Amendment) Rules, 2009- In the principal Rules of 1978 - Rules 50 & 95 (a); words in Rule 73 and emtru in column (1) under the heading Board gauge of Table and Rule 94(a) - Substituted - Entry (d) in Rule 58 - Inserted.

S.O. 2465(E).

Whereas the draft Transport of the Animals Amendment Rules, 2008, were published as required by sub-sec. (1) of Sec. 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) under the notification of Government of India, Ministry of ISnvironment and Forest number S.O. 1876(E) dated 31st July 2009 in the Gazette of India, Extraordinary, Part II, Sec. 3, sub-sec, (ii) dated 3rd August 2009 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification are made available to the public.

And, whereas copies of the said Gazette were made available to the public on the 31st August 2009.

And, whereas no objection or suggestion has been received from the public hi respect of the said draft rules by the Central Government,

Now, therefore in exercise of the powers conferred by sub-sees. (1) and (2) of Sec. 38 of the **Prevention of Cruelty to Animals Act, 1960** (59 of 1960), the Central Government hereby makes the following rules further to amend the Transport of Animals Rules 1978, namely:— ‘

1. (1) These rules may be called **Transport of Animals (Amendment) Rules, 2009.**
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Transport of Animals Rules, 1978 (hereinafter referred to as the said rules), for Rule 50, the following Rule 50 shall be substituted, namely:

“50. The average space provided per cattle in Railway wagon or vehicle shall be as provided in Tables I and II as given below:

TABLE-I

Space Allowance per Cattle

Cattle weighing upto 200Kg	1 Square. Meter
Cattle weighing 200-300 Kg	1.20 Square Meter
Cattle weighing 300-400 Kg	1.40 Square Meter
Cattle Weighing above 400 Kg	2.0 Square Meter

TABLE - II
Space requirement for Cattle while being transported in
commonly sized road vehicles

Vehicle Size Length x Width Square Meter	Floor Area of the Vehicle in Square Meter	Number of Cattle			
		Cattle weighing upto 200 Kg (1 Square Meter space Per Cattle)	Cattle weighing 200- 300 kg. (1.20 Square Meter space per Cattle)	Cattle weighing 300- 400 Kg. (1.40 Square Meter space Per Cattle)	Cattle weighing above 400 Kg. (2.0 Square Meter space Per Cattle)
6.9 x 2.4	16.56	16	14	12	8
5.6 x 2.3	12.88	12	10	8	8
4.16 x 1.9	7.904	8	6	6	4
2.9 x 1.89	5.481	5	4	4	2

3. In the side rules, in Rule 58, after entry (c), the following entry shall be inserted, namely. (d) Horses : Space requirement while being transported by road/rail.

Houses	Space in Square Meter
Stallion Horses	2.25
Mares .(including pregnant)	2
Ponies	1.5
6 Months to 12 Months	1.4
12 Months to 18 Months	1.6
Over 18 Months and upto 2 Years	2
Mares with Foal at foot (upto 6 months)	2.25.”

4. In the said rules, in Rule 73, after the words “for a sheep”, the following shall be Added, namely;

“and Goat while being transported by rail/road shall be as under:—

Sheep and Goat: Space requirement while being transported by rail/road

Approximate weight of animal in Kilogram	Space Required in Square Meter	
	Wooled	Shorn
Not more than 20	0.17	0.16
More than 20 but not more than 25	0.19	0.18
More than 25 but not more than 30	0,23	0.22
More than 30 but not more than 40	0.27	0.25
More than 40	0.32	0.29".

5. In the said rules, in Rule 94, after sub-rule (a), in the TABLE, junder the heading Broad gauge, in column (1), “for the entry, the following entry shall be substitutedm namely:

Broad gauge

(1)

“Area of Wagon

VPU having Floor Area 63.5 Square Meter

Number of Pigs 104 (0.61 Square Meter per Pig)

6. In the said rules, in Rule 95, for the clause (a), the following clause shall, be substituted, namely:—

(a) Maximum Number of Pigs permitted for commonly sized road vehicle

S. No.	Type of Animal	Maximum Number of Pigs Permitted for road vehicles			
		Vehicle having size 5.6 m x 2.35m	Vehicle having size 5.15 x 2.18 m	Vehicle having size 3.03 m x 2.18 m	Vehicle having size 2.9 mx 2.0m
1.	Weaner	43	37	22	19
2.	Young	31	26	15	13
3.	Adult	21	18	10	9

Note : For the purpose of Pigs of all breeds, ages and sex, the following Space ^ shall, apply:—

- (d) Weaner : Piglet which has just been separated from the mother for the purpose of independent rearing and commonly in the weight range of 12Kg-15Kg.
- (e) Young : Male or female pig between 03 to 06 months of age and commonly in the weight range of 15Kg - 50Kg.
- (f) Adult : A Male or female pig above 06 months of age and having weight more than 50Kg.”

• • •

PREVENTION OF CRUELTY (CAPTURE OF ANIMALS) RULES, 1979

S. I. 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 section (2) of Section 38 of 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.

Now, therefore, in exercise of the powers conferred by clause (i) of sub-section (2) of Section 38 of the Prevention of Cruelty of 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 :

- (i) 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 or other condition or circumstances 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.

- (ii) 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 canvassin the form of sack not less than 92 cms. in length and 138 cms in diameter, which has a smooth rope, not less than 5.5 meter in lencjth passing through ten or more rings of not less than 4 cms. 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.

(Ministry of Agriculture and Irrigation No.14-19/76-LDI) Gazette of India 1979, Part II, Section 3 (ii), page 835.)

• • •

The Breeding of and Experiments on Animals (Control and Supervision) Rules - 1998

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

NOTIFICATION

New Delhi, the 15th December, 1998

S.O.1074. Whereas the draft Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 were published, as required by sub section (1) of Section 17 of, the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) under the notification of the Government of India, Ministry of environment and Forests number S.O. 789(E) dated, the 8 September, 1998 in the Gazette of India, Extraordinary, Part II, section 31 Sub-section (ii) inviting objections and suggestion from all the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies of the Gazette, containing the said notification are made available to the public;

And, whereas the said Gazette was made available to the public on 8th September, 1998.

And whereas the objections/suggestions received in respect of the said draft rules, have been duly considered-by the Committee for control and supervision of experiments on animals;

Now, therefore, in exercise of the powers conferred by sub-section (1) (1 A) and (2) of section 17 of the Prevention of Cruelty to Animals Act, 196 (59 of 1960), the Committee for control and supervision of experiments on animals hereby makes the following rules, namely:

1. Short Title and commencement.

- (1) These rules may be called the Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998.
- (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) "breeder" means a person including an institution, which breeds animals for the purpose of transfer to other authorised institution for performing experiments;
- (c) "Committee" means the Committee under section 15 of the Act for control and supervision of experiments on animals;

- (d) “establishment means any individual, company, firm, corporation, institution other than schools up to higher secondary level, which performs experiments on animals;
- (e) “experiment” means any programme/project involving experiments on an animal /animals for the purpose of advancement by new discovery of physiological knowledge ‘ which will be useful for saving or prolonging life or alleviating suffering or for combating any disease whether on human beings or animals;
- (f) “Institutional Animals Ethics Committee” means a body comprising of a group of persons recognised and registered by the Committee for the purpose of control and supervision of experiments on animal performed in an establishment which is constituted and operated in accordance with procedures specified for the purpose by the Committee;
- (g) “contract Research” means any research undertaken by an individual, company, firm, corporation or institution on behalf of a foreign individual, company, firm, corporation or institution for any consideration;
- (h) “collaborative research” means any research undertaken between two or more research institutions on an equal footing which does not involve any financial or monetary considerations and is undertaken solely for the purpose of advancement of scientific research and human welfare;
- (i) “specified format” means the form specified for the purpose by the Committee from time to time.

3. Breeding of animals -

- (a) No establishment shall carry on the business of breeding of animals or trade of animals for the purpose of experiments unless it is registered.
- (b) Every breeder/establishment carrying on the business of breeding animals or trade of animals for the purpose of experiments, shall, apply for registration within sixty days from the date of commencement of these rules and, stop breeding of animals if registration is subsequently refused to it by the Committee.

4. Registration of establishments.

- (a) No establishment shall perform any experiment on animals unless it is registered.
- (b) Every establishment performing experiments on animals, shall, apply for registration within sixty days from the date of commencement of these rules and, stop performing experiments on animals if registration is subsequently refused to it by the Committee.

5. Application for registration.

- (a) The application for registration by a breeder under sub-rule (b) of rule 3 and an establishment under sub-rule (b) of rule 4 shall be made in the specified format to the Member- Secretary or any other officer authorised in this regard by the Committee.
- (b) The Member-Secretary or the authorised officer of the Committee, may for deciding the issue of registration, ask for information relating to premises where the experiments are to be conducted, animal housing facilities, details of breeding of animals and its trade, other infrastructure including availability of manpower trained in handling animals and for verification of facts mentioned in the application for registration, and if satisfied, shall register such establishment or the breeder.
- (c) A breeder or the establishment on registration for the purpose of performing experiments on animals shall comply with the conditions as may be specified, at the time of registration, by the Member-Secretary of the Committee or any officer authorised in this regard by the Committee.

6. Details of the experiments conducted.

- (a) Every registered establishment shall maintain a register as per the specified format and keep complete particulars about the kind of animal to be used for conducting any experiment, the health of the animal, the nature of experiment to be performed, and the reasons necessitating the performance of such an experiment on particular species.
- (b) The Member-Secretary or the officer authorised by the Committee in this behalf may examine the register so maintained, and if, he is not satisfied irrespective -of the -opportunity given for improvement, he may bring the same to the notice of the Committee seeking directions in this regard.

7. Stocking of animals.

The animals shall be stocked by the breeder and the establishment in the following manner:-

- (a) animal houses shall be located in a quiet atmosphere undisturbed by traffic, and the premises kept tidy, hygienic and the animals protected from drought and extremes of weather;
- (b) animal cages for small animals and stables for large animals shall be such that animals can live in comfort and overcrowding is avoided;
- (c) where standards have been laid down by the Indian Standards Institution, the cages, the stable, as the case may be, shall conform to those standards;
- (d) animals attendants must be suitably trained and experienced in the duties allotted to them,

- (e) animals shall be looked after, before and after the experiments by a trained and experienced attendant;
- (f) there shall be satisfactory arrangement for looking after the animals during off hours and on holidays,

8. Permission of the Committee required for conducting experiments.

- (a) Every registered establishment before acquiring an animal or conducting any experiment on an animal/animals shall apply for permission of the Committee or the Institutional Animals Ethics Committee recognised for the purpose by the Committee along with the details contained in the specified format to the Member Secretary of the Committee or the Institutional Animals Ethics Committee, as the case may be.
- (b) The Member Secretary of the Committee or the Institutional Animals Ethics Committee, shall cause the application for permission to be brought before the Committee/Institutional Animals Ethics Committee as the case may be, and the Committee/ Institutional Animals Ethics Committee after scrutiny of the application, if satisfied, may grant permission to the establishment stating the name of the species and the number of animals that can be acquired for carrying out the experiments.
- (c) The Committee or Institutional Animals Ethics Committee, as the case may be, may, while granting permission for conducting experiments on animals, put conditions as it may deem fit to ensure that animals are not subjected to unnecessary pain or suffering before, during or after the performance of experiments on them.
- (d) The Committee may require the establishments and Institutional Animals Ethics Committees and persons carrying on experiments on animals to forward to the Committee such information as it may require, on completion of experiments for which the permission has been granted.

9. Performance of experiments.

In conducting experiments on animals, regard shall be had to the following conditions, namely:

- (a) experiments shall be performed in every case by or under the supervision of a person duly qualified in that behalf, that is, Degree or Diploma holders in Veterinary Science or Medicine or Laboratory Animal Science of a University or an Institution recognised by the Government for the purpose and under the responsibility of the person performing the experiment;
- (b) experiments shall be performed with due care and humanity;
- (c) animals intended for the performance of experiments are properly looked both before and after experiments;

- (d) experiments involving operative procedure more severe than simple inoculation or superficial venesection shall be performed under the influence of anaesthetic to prevent the animal feeling pain and it shall remain so throughout the experiment. Anesthesia shall be administered by a Veterinary Surgeon trained in methods of anesthesia or a Scientist/technician so trained for this purpose and who shall remain present near the animal till the completion of the experiment;
- (e) animals which in the course of experiments under the influence of anaesthetic are so injured that their recovery would involve pain or suffering shall be destroyed humanely while still under the influence of anesthesia;
- (f) when there is reason to believe that an animal is suffering abnormal or severe pain at any stage of a continuing experiment, it shall be painlessly destroyed at that stage without proceeding with the experiment;
- (g) the experiment shall not be performed for the purpose of attaining or retaining manual skill except in schools, colleges and recognised training institutions; (h) experiments shall not be performed by way of an illustration; (i) experiments shall not be performed as a public demonstration;
- (j) the substance known as Urari or Curari or any such paralyisan shall riot be used or administered for the purpose of any experiment except in conjunction with anaesthetic of sufficient depth to produce loss of consciousness;
- (k) no experiment the result of which is already conclusively known, shall be repeated without previous justification;
- (l) there shall not be applied to the eye of an animal by way of experiment any chemical substance for the purpose of absorption through the conjunctival membrane or through the cornea calculated to only give pain;
- (m) dogs held for experimental purposes shall not be debarked.
- (n) where experiments are performed in any institution, the responsibility therefor is placed on the person in charge of the institution and in cases where experiments are performed outside an institution by an individual qualified in that behalf, the-experiments, are performed on his responsibility.

10. Transfer and acquisition of animals for experiment.

- (a) A breeder shall not transfer any animal by sale or otherwise to an establishment which is not registered under these' rules.
- (b) An establishment shall not acquire any animal by sale or otherwise except from a registered breeder/establishment.
- (c) Every establishment after acquisition of a animal or animals shall not transfer such animal or animals by sale or otherwise to any other establishment or person except to a registered breeder/establishment.

- (d) The animals used for experimentation in a production/ breed improvement programme may be given out by the breeder* institution for domestic use.
- (e) No animal shall be imported by a breeder or an establishment which is available in the country.
- (f) A breeder or establishment shall comply, with the directions given by the Committee for the purpose of controlling and supervising experiments on animals.

11. Records.

- (a) Every, establishment/Institutional Animals Ethics Committee shall maintain a record of the animals under its control and custody in the specified format..
- (b) Every establishment/Institutional Animals Ethics Committee shall furnish such information, as the Committee may from time to time require in the specified format.
- (c) All laboratories shall inform the exact number/ species of animals to the Member Secretary or any officer authorised in this regard by the Committee as per the specified format.

12. Contract animal experiments.

No establishment shall contract or undertake to perform contract research or experiments on contract basis on behalf of any other establishment or research or educational Institution, This shall not apply to collaborative research between academic institutions.

13. Composition of Institutional Animals Ethics Committee.

Every Institutional Animals Ethics committee shall include a biological scientist, two scientists from different biological disciplines, a veterinarian involved in the care of animal, the scientist in charge of animals facility of the establishment concerned, a scientist from, outside the institute, a non scientific socially aware member and a representative or nominee of the specialist may be co-opted while reviewing special project using hazardous agents such as radio-active substance and deadly micro organisms.

14. Power to suspend or revoke registration.

- (a) If the Committee is satisfied, on the report of the Member-Secretary of the authorised officer of the Committee made to it as a result of any inspection or information received otherwise that the rules made by it are not being complied with by any establishment or breeder or an Institutional Animals Ethics Committee, the Committee may, after giving a reasonable opportunity to the establishment or breeder or Institutional Animals Ethics Committee of being heard in the matter, revoke the registration of such establishment or breeder or Institutional Animals Ethics Committee either for a specified

period or indefinitely, or may allow the establishment of breeder or Institutional Animals Ethics Committee to carry on subject to such special conditions as the Committee may impose.

- (b) The Committee may, pending the final determination, if, it is of the opinion that an establishment or breeder has prima facie failed to comply with the provisions of these Rules, suspend the registration of such establishment or the breeder.
- (c) The Committee may in the event of revocation or suspension of registration of an establishment or breeder, issue such directions as it, deems fit for the care and protection of the animals which are under the custody or control of such establishment or the breeder.
- (d) That in the event of suspension or revocation of a license, such establishment or breeder shall forthwith on the communication of the order cease to perform any experiment on, any animal or acquire or transfer any animal.

• • •

The Breeding of and Experiments on Animals (Control and Supervision) Amendment Rules - 2001

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

NOTIFICATION

New Delhi, the 15th February, 2001

S.O. 134(E)

Whereas -certain draft rules to amend the Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 were published, as required by sub-section (1) of section 17 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O. 168(E) dated the 18th February, 2000 inviting objections and suggestions from all the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies the Gazette containing the said notification are made available to the public;

And whereas the said Gazette was made available to the public on 24th February, 2000;

And whereas the objections/suggestions received in respect of the said draft rules, have been duly considered by the Committee for control, and supervision of experiments on animals;

Now, therefore, in exercise of the powers conferred by sub-sections (1), (1A) and (2) of section 17 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Committee for control and supervision of experiments on animals hereby makes the following rules to amend the Breeding of and Experiments on Animals (Control and Supervision) rules, 1998, namely:-

1. (1) These rules may be called the Breeding of and Experiments on animals (Control and Supervision) Amendment Rules, 2001.
- (2) They shall come Into force on the date of their publication in the Official Gazette.
2. In the Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 (hereinafter referred to as the sold rules), **In rule 2**, for the existing clause (e), the following clause shall be substituted, namely:
 - (e) “experiment” means any programme/project Involving use of an animal/animals for the acquisition of knowledge of a biological, psychological, ethological, physical or chemical nature; and Includes ,the use of animal In the production of reagents and products such as ,antigens and antibodies, routine diagnostics, testing activity and establishment of transgenic stocks, for the purpose of, saving or prolonging life or alleviating suffering or for combating any disease whether on human beings or animals.

3. In the said rules, in **rule 5**, for sub-rule (c) the following sub-rules shall be substituted, namely:-
 - (c) A breeder or the establishment on registration for the purpose of performing experiments on animals shall comply with the conditions as may be specified at the time of registration by the Committee.
 - (d) The Committee or any other-officer authorized In this regard by the Committee shall take decision on the registration within three months of making the application.
 - (e) if any modification of facilities are required before registration, the details needed shall be communicated by the Committee.”
4. In the said rules, for **rule 6**, the following rule shall be substituted, namely:-
Detail; of the experiments conducted:-
 - (a) Every registered establishment shall maintain a register of particulars about the animals used from: day to day for conducting experiments, with the number of animals, the species, the age, gender and other relevant particulars
 - (b) “The Committee or any other officer authorized by the Committee may examine the register so maintained and if the Committee is not satisfied even after opportunities given for Improvement, It may take such action as may be appropriate under these rules”.
5. In the said rules, in **rule 7**, after the existing condition (f), the following conditions shall be inserted, namely:-
 - (g) detailed specifications for housing, feeding and maintenance of various species to be used In animal experimentation as notified by the Committee, shall be adhered to by the registered establishment.
 - (h) In the Interim period fill such detailed specifications are notified, the breeders and establishments shall comply with the Indian National Science Academy Guidelines.”
6. In the said rules, in **rule 9**, - (i) for the existing condition (a), the following condition shall be substituted, namely:-
 - (a) experiments shall be performed in every case by or under the supervision of a person duly qualified in that behalf, that is, Degree holders In Medicine or Veterinary Science, Post Graduate and above in life Sciences/Pharmaceutical Sciences or any other natural sciences, Degree or Diploma holders in Pharmacy, Diploma or Certificate In Laboratory Animal Techniques Sciences from a recognized Institution as Identified by Committee for the Purpose of Control and Supervision of Experiments on Animals for the purpose and under the responsibility of the person performing the experiment,”;
 - (ii) for the -existing, condition (g), the following condition shall be substituted, namely:

- (g) the experiments shall not be performed for the sole purpose of attaining or retaining manual skill except In schools, colleges and programmes duly scrutinized and permitted in registered establishments by the Committee;”;
 - (iii) in the existing condition(j), for the words, “the substance known as urari or curare or any such paralyisan shall not be used”, the words “no paralyzing agent, including but not limited to curare, shall be used” shall be substituted.
7. In the said rules, in **rule 10**,-
- (i) for sub-rule (b), the following sub-rules shall be substituted, namely:-
 - (b) A breeder or establishment shall not acquire -any animal by sale or otherwise except from a registered breeder or establishment.
 - (bb) For the acquisition of laboratory bred experimental rats and mice species of genetically defined strains not available within the country, the registered breeders or establishments shall apply for permission to the Institutional Animal Ethics Committee recognized by the Committee for the Purpose of Control and Supervision of Experiments on Animals.”
 - (ii) for sub-rule (e), the following-sub-rule shall be substituted, namely:-
 - (e) No animal shall be Imported by a registered breeder or establishment, except genetically defined or laboratory bred experimental rats and mice of genetically defined strains, which is available in the country.”
8. In the said rules, for **rule 12**, the following rule shall be substituted, namely:-
12. Contract animal experiments.
- No establishment shall contract or undertake to perform contract research or experiments on contract basis on behalf of any other establishment or research or educational Institution, except with prior permission of the committee: Provided that no such restriction shall apply to collaborative research between academic Institutions.”

[F. No. 7-5/98-AW (Vol. II)]

A. K. JOSHI, Member Secy.

(Committee for the Purpose of Control and Supervision of Experiments on Animals)

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide S.O. No. 809, dated 15th December, 1998.

• • •

The Breeding of and Experiments on Animals (Control and Supervision) Amendment Rules - 2006

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 23rd October, 2006.

S.O. 1818 (E).

Whereas certain draft rules to amend the Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 were published, as required by subsections (1), (1A) and (2) of section 17 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Environment and Forests number S.O.42(E) dated 10th January, 2006 inviting suggestions from all the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification are made available to the public;

And whereas the said Gazette was made available to the public on 10th January, 2006;

And whereas the objections/suggestion received in respect of the said draft rules, have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1), (1A) and (2) of Section 17 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Committee for the purpose of control and supervision of experiments on animals hereby makes the following rules to amend the Breeding of and Experiments on Animals (Control & Supervision) Rules, 1998, namely:-

1. (1) These rules may be called the Breeding of and Experiments on Animals (Control and Supervision) Amendment Rules, 2006.
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. In the Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 (hereinafter referred to as the said rules), in rule 2, for clause (e), the following clause shall be substituted, namely:-
 - (e) "Experiment" means any programme or project involving use of animal(s) for the acquisition of knowledge of a biological, physiological, ethological, physical or chemical nature; and includes the use of animal(s) in the production of reagents and products such as antigens and antibodies, routine diagnostics, testing activity and establishment of transgenic stocks, for the purpose of saving or prolonging life or alleviating suffering or significant gains in well being for people of the country or for combating any disease whether of human beings or animals;'

3. In rule 9 of the said rules, -

(1) after clause (b), the following clause shall be inserted, namely:-

(bb) animals lowest on the phylogenetic scale which may give scientifically valid results should be first considered for any experimental procedure and the experiment should be designed using minimum number of animals to give statistically valid results at 95% degree of confidence:

Provided that replacement alternatives not involving experiments on animals should be given due and full consideration and sound justification must be provided in case alternatives, though available, are not used;” ;

(2) after clause (c), the following clause shall be inserted, namely:

(cc)

(i) personnel using experimental animal(s) shall be responsible for the welfare of animal(s) during their use in experiments;

(ii) investigators shall be responsible for the aftercare and rehabilitation of animal(s) after experimentation, and shall not euthanise animal(s) except in situations as defined in clause (ff);

(iii) costs of aftercare and rehabilitation of animal(s) after experimentation shall be made part of research costs and shall be scaled in positive correlation with the level of costs involved in such aftercare and rehabilitation of the animal(s);

(iv) rehabilitation treatment of an animal after experimentation shall extend till the point the animal is able to resume a normal existence by providing a lump-sum amount as costs for rehabilitation and care of such animal to cover its entire statistical expected life span; and

(v) the establishment undertaking experiments or duly licensed and authorised animal welfare organization under the control of the Committee may, on payment of lump-sum amount, undertake rehabilitation of animals;”;

(3) after clause (f), the following clause shall be inserted, namely:-

(ff) the following parameters shall be adopted for application of euthanasia, namely:-

(i) when the animal is paralyzed and is not able to perform its natural functions or it becomes incapable of independent locomotion or it can no longer perceive the environment in an intelligible manner; or

(ii) if during the course of experimental procedure the animal has been left with a recurring pain wherein the animal exhibits obvious signs of pain and suffering; or

(iii) where the non-termination of the life of the experimental animal will be life threatening to human beings or other animals;”.

4. In rule 10 of the said rules, -

(1) for clause (b), the following clause shall be substituted, namely:-

- (b) (i) an establishment shall acquire animal(s) for experiments from registered breeders only;
- (ii) in case of non-availability of animal(s) from registered breeders, the animal(s) may be procured from alternate legal sources;
- (iii) in case the animal is procured from the alternate legal sources, the same shall be procured after taking written permission from the authority competent under the law for the time being in force, to give such permission; and
- (iv) the establishment procuring such animal shall maintain a record in this regard and shall produce the same before the Committee, whenever required;” ;

(2) for clause (e), the following clause shall be substituted, namely:-

(e) In case an animal is not available from a registered breeder or from alternate legal sources within the country, genetically defined animals may be imported with permission of Directorate General of Foreign Trade:

Provided that the condition of non-availability within the country shall not apply for laboratory bred rats and mice of genetically defined strains;”.

5. For rule 12 of the said rules, the following rule shall be substituted, namely:-

12. Contract animal experiments.

Registered establishments may undertake contract research on behalf of any other agency in accordance with the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) and the rules made thereunder.”.

6. In rule 14 of the said rules, for clause (a), the following clause shall be substituted, namely:-

(a) The Committee, if it is satisfied with the report of the Member-Secretary or the authorized officer of the Committee (made to it as a result of any inspection or information received or otherwise) that -

(i) the rules made by it are not being complied with by an establishment or breeder; or

(ii) a violation of the directions of the Committee has been committed by any establishment or breeder and the Committee’s directions to rectify such violation have not been complied within the period so specified,

the Committee may, by order in writing, suspend or revoke the registration of the establishment or breeder and/or direct closure of the animal house facility

for such a period as may be specified in the order:

Provided that no order under this clause shall be made without giving the establishment or breeder any opportunity of being heard in the matter:

Provided further that no order for suspension or revocation of registration, or closure of animal house facility shall be issued in a case of minor violation.

Explanation:- for the purposes of this clause, “minor violation” means an act of commission or omission which does not have direct bearing on the health of an animal which may not lead to adverse health effect or pain or suffering or death of an animal.”.

(F.No.25/04/2005-AWD)

(Somya T. Dave)

Member Secretary,

Committee for the Purpose of Control and Supervision of Experiments on Animals

Note: The principal rules were published in the Gazette of India, Extraordinary, vide number S.O. 1074 dated 15th December, 1998 and subsequently amended vide number S.O.134(E) dated 15th February, 2001.

• • •

The Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001

NOTIFICATION

New Delhi, the 26th March, 2001

S.O.-268 (E) -

Whereas the draft Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2000 were published as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O.1163(E) dated the 26th December 2000 in the Gazette of India, Extraordinary, Part II, Section 3, Sub Section (ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public.

And, whereas copies of the said Gazette were made available to the public on the 1st January, 2001.

And, whereas no objection or suggestion has been received from the public in respect of the said rules 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 (Transport of Animals on Foot) Rules, 2001
- (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. “animal” means livestock and includes the following animals namely -
 - (i) cattle including cow, bulls and bullocks, buffalo bulls and bullocks, cows, buffaloes, Mithuns, yaks and calves.
 - (ii) equines including horses, ponies, mules and donkeys,
 - (iii) horse including entires (stallions), goldings, brood mares, colts and fillies
 - (iv) goat including adult goat, male or female of two years age and above,
 - (v) ruck including male goat
 - (vi) kid young goat below one year of age
 - (vii) nanny female goat
 - (viii) sheep including adult sheep, male or female of two years age and above
 - (ix) ewe female sheep

- (x) lamb young sheep below one year of age
- (xi) ram male sheep
- (xii) wether includes male lamb that has been castrated before reaching sexual maturity
- (xiii) pig includes adult pig, male or female of one year of age or above
- (xiv) piglet includes young pig below one year of age.
- b. “veterinary doctor” means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984)
- c. “Schedule” means a schedule appended to these rules.

3. Application of the rules -

These rules shall apply to transport of animals on foot when the distance from the boundary of village or town or city of the origin of such transport to the last destination is 5 km or more than 5 km.

4. Condition of health of animals transported on foot-

- (1) Every animal to be transported on foot shall be healthy and in good condition for such transport.
- (2) A certificate of a veterinary doctor in respect of each animal to be transported to the effect that such animal is in a fit condition for such transportation and is not suffering from any infectious, contagious or parasitic diseases and that it has been vaccinated against any infectious, contagious or parasitic diseases shall accompany such animal
- (3) The certificate under sub rule (1) shall be in the form as specified in the First Schedule.

5. Certain animals not to transport on foot -

New born animals of which the navel has not completely healed, diseased, blind, emaciated, lame, fatigued, or having given birth during the preceding seventy two hours or likely to give birth during transport shall not be transported on foot. Transport in on-farm social group -

- 6. Animal shall be transported in their on farm social groups (established at least one week prior to journey)

7. First aid equipment to accompany animals transported on foot -

The owner of the animals shall provide veterinary first aid equipment to be accompanied with such animals while transported on foot.

8. Certificate to be carried during transportation -

In case the person transporting the animals on foot is not the owner of the animal then such person shall carry a certificate as specified in the Second Schedule during such transportation.

9. Watering arrangement during transportation of animals -

The owner of the animals shall make watering arrangement in route during transport of such animals on foot.

10. Feed and fodder arrangements during transportation of animals-

Sufficient feed and fodder with adequate reserve of such feed and fodder for the animals shall be made available by their owner during their transport on foot.

11. Prohibition of the use of whip, etc during transportation of animals on foot -

- (1) No person shall use a whip or a stick in order to for the animal to walk or to hasten the pace of their w nor such person shall apply chillies or any oft substance to any part of the body of the animal for this purpose during their transportation on foot.
- (2) If any animal needs to be tied during transport on foot, it shall be tied by a rope covered with suitable cushioning such as cloth around its leg and such animal shall not be tied by its nose, all legs or any other part of the body except by its neck.
- (3) If more than one animal is to be tied adjacent to one another by a single rope during their transport on foot, the space between any two of such animals shall be minimum two feet and animals so tied shall be of similar physical condition and strength and no more than two such animals shall be tied adjacent to each other by a single rope.

12. Certain Prohibition on transport of animals on foot

- (1) No person shall transport on foot an animal before sunrise or after sunset.
- (2) No animal shall be transported on foot beyond the distance, time, rest interval and temperature specified for such animal in the Table below, namely:-

TABLE

Species (Animal)	Maximum distance covered/day/hour	Maximum no. of walking/day of hours (Travelling)	Period of rest (interval)	Temperature range Max. Min
Cattle (Cows)	30 km/day 4 km/hr	8 hours	At every 2hours for drinking and at every 4 hrs for feeding	12 deg. C to 30 deg.C

Buffaloes	25 km/day 3 km/hr	8 hours	At every 2 hrs hours for drinking and at every 4 hrs for feeding	12 deg. C to 30 deg. C
Cows and Buffaloes Calves	16 km/day 2.5 km/hr	6 hours	At every 1/2 hrs for drinking and at every 3 hrs. for feeding	15 deg. C to 25 deg. C
horses, Ponies, Mules, Donkeys	45 km/day 6 km/hr	8 hours	At every 3 hrs for drinking and at every 6 hrs. for feeding	12 deg. C to 30 deg. C
Young ones (Foal)	25 km/day 4 km/hr	6 hours	At every 2hrs for drinking and at every 4 hrs. for feeding	15 deg. C to 25 deg. C
Goats and Sheep	30 km/day 4 km/hr	8 hours	At every 2 hrs. for drinking and at every 4 hrs. for feeding	12 deg. C to 30 deg. C
Kids and Lambs	16 km/day 2.5km/hr	6 hours	At every 1 1/2 hrs. for drinking and at every 3 hrs. for feeding	15 deg. C to 25 deg. C

Pigs	15 km/day 2 km/hr	8 hours	At every 1/2 hrs. for drinking and at every 3 hrs. for feeding	12 deg. C to 25 deg. C
Piglets	10 km/day 1.5 km/hr	6 hours	At every 1/2 hrs. for drinking and at every 3 hrs. for feeding	15 deg. C to 25 deg. C

Note : After being provided with water every animal shall be given a break of 20 minutes before the commencement of the transport of the animal on foot and in case of feeding the break shall be given for one hour before the commencement of the transport of the animal on foot.

- (3) No animal shall be made to walk under conditions of heavy rain, thunderstorms or extremely dry or sultry conditions during its transport on foot.

13. Transportation of animals in certain cases not permitted without shoes -

Animals whose hooves are not provided with shoes (as in the case of pack or draught animals) shall not be transported on foot on hard cement, bitumen-coated or metalled roads, steep gradients or hilly and rocky terrain, irrespective of weather conditions (summer or winter)

14. Power of Police to require the owner to take animal to nearest Magistrate

- (1) If any police officer above the rank of constable or any other person authorised in this behalf by the Central or state Government or by the Animal Welfare Board of India by the general or special order, has reason to believe that an offence has been or is being committed in respect of an animal in contravention of these rules, he may require the owner or other person in charges of such animal to take the animal to the nearest magistrate.
- (2) If the owner or the person in charge of the animals referred to in sub rule (1) refuses to comply with the demands of the police officer under that sub rule, it shall be lawful for such police officer or such other persons to take the animal to the nearest magistrate.

FIRST SCHEDULE

Form for Certificate of fitness for transport of animals

(See rule 4 (3))

This Certificate should be completed and signed by a qualified Veterinary Doctor

Date and time of examination

Species

Number of Trucks/Railway Wagons

Number of Cattle

Sex Age

Identification

Breed (giving characteristics) - Area where it is found with status regarding general resistance and heat tolerance

Individual Features of the animal

Body colour

Height

Body weight (approx)

Animal length

Breadth (measured between pelvic bones)

Colour of the eyes

Shape of the horns

General conditions (like fleshy, bony projections)

Health Status

History of the animal, feed status whether or not sign of anorexia/diarrhea

1. Record Body Temperature
2. Examine eyes for buging or protrusion of eyeball, blindness, Corneal opacity & specify
3. Condition of skin, (including signs of dehydration, injuries, anorexia (check for presence of warts on the skin)
4. Ears
Examine ears - (check for animal body response to hearing, check for any infection, inflammation or secretion (a) excess of wax, blood or any fluid)
5. Examine sub maxillary spell for swelling (for any abnormality or pain)
6. Check for status of pregnancy of female animal If yes - which stage 1st, 2nd or 3rd stage
7. Examine udder & teats & specify
 - a. Relative size of quarters
 - b. Check for signs of swelling/atrophy/fibrous
 - c. in duration on palpation of individual quarter and specify.

- a. Check teat canal for teat tumour or fibrosis of teat canal and specify.
8.
 - a) If female - check
Check for sign of vaginal discharge on examination of the vulva and specify
 - b) In male - check
Testicles-Size, any sign/abnormalities for monogastric animals
Penis - injury, abrasions or the sheath, discharges to be recorded
9. Sign of abdominal pain (check for gait or posture of the animal, check for signs of abdominal distention, left flank to be checked for rumen examination (full, empty) tympani/blood)
10. Digestive System Examine mouth and specify
 - 1 Detail out dentition
 - 2 Specify - evidences of
 - o tooth damage
 - o broken or worn incisors
11. Respiratory system
 - a. Record Respiration rate
 - b. Auscultation & specify for signs of dyspnoea, respiratory distress & specify
12. In cows possessing horns check and specify
 - a. shape of horns
 - b. number of horn rings
 - c. any difference in the direction
 - d. or appearance of two horns
13. Examine ribs for fracture and specify
14. Examine abdominal wall for presence of ventral or umbilical hernia and specify.
15. Examine limbs and joints for bony enlargements or synovial distentions & specify
check for signs of lameness - specify
16. Examine interdigital space for any lesions check and specify
17. Any indications of foot soreness, excessive wear of soles or laminitis
18. Examine circulatory system
 1. Specify pulse rate
 2. Check for presence of oedema dependent portion or ascitis and specify
19. Transported from _____ to _____ via _____

I hereby certify that I have read the Prevention of Cruelty to Animals (Transport of animals on Foot) Rules, 2001.

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 parastic disease and that it has

been vaccinated against rinderpest and any other infections 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 _____

Address _____

Date _____

Qualification _____

SECOND SCHEDULE

Authorisation certificate (See rule 8)

1. Name and age of the owner
2. Father's Name
3. Address of the Owner
4. No. of animals for transport specifying species, age and sex of each animal
5. Name of the person/persons transporting the animals
6. Specify the place of origin and the place of last destination of such animals for transport
7. Attach a copy of the veterinary certificate granted under Rule 8
8. Details of feed, fodder and watering arrangements provided during transport of such animals

I do hereby declare that I am the owner of the aforementioned animals. I have authorized

Shri _____ S/o _____ r/o _____ to transport the said animals. I have read and understood the Transport of Animals on Foot Rules, 2001 and undertake that the said Rules have been and would be complied with during transport.

I do hereby state that the above information is true and correct. To be filled in by the Transporter

I _____ S/o _____ r/o _____ do hereby give my consent transport the aforementioned animals from the aforesaid place of origin to the place of destination.

I have read and understood the Transport of Animals on Foot Rules, 2001 and undertake that the said Rules would be complied with during transport.

I do hereby state that the above information is true and correct.

• • •

The Prevention of Cruelty to Animals (Slaughter House) Rules, 2001.

S.O.270 (E) :-

Whereas the draft **The Prevention of Cruelty to Animals (Slaughter House) Rules, 2002** were published as required by sub-sec. (1) of Sec. 38 of the **Prevention of Cruelty to Animals Act, 1960** (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O. 1165 (E) dated the 26th December, 2000 in the Gazette of India, Extraordinary, Part II, Sec. 3, sub-sec. (ii) dated 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public; And whereas, copies of the said Gazette were made available to the public on the 1st January, 2001; And, whereas, no objection or suggestion has been received from the public in respect of the said draft rules by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-secs. (1) and (2) of Sec. 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 (Slaughter House) Rules, 2001.**
- (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) “slaughter” means the killing or destruction of any animal for the purpose of food and includes all the processes and operations performed on all such animals in order to prepare it for being slaughtered;
- (c) “slaughter house” means a slaughter house wherein 10 or more than 10 animals are slaughtered per day and is duly licensed or recognised under a Central, State or Provincial Act or any rules or regulations made there under;
- (d) “Veterinary doctor” means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984);

3. Animals not to be slaughtered except in recognized or licensed houses -

- (1) No person shall slaughter any animal within a municipal area except in a slaughter house recognised or licensed by the concerned authority empowered under the law for the time being in force to do so.

- (2) No animal which -
 - (i) is pregnant, or
 - (ii) has an offspring less than three months old, or
 - (iii) is under the age of three months or
 - (iv) has not been certified by a veterinary doctor that it is in a fit condition to be slaughtered, shall be slaughtered.
 - (3) The municipal or other local authority specified by the Central Government for this purpose shall, having regard to the capacity of the slaughter house and the requirement of the local population of the area in which a slaughter house is situated; determine the maximum number of animals that may be slaughtered in a day.
4. **Reception area or resting grounds -**
- (1) The slaughter house shall have a reception area of adequate size sufficient for livestock subject to veterinary inspection.
 - (2) The veterinary doctor shall examine thoroughly not more than 12 animals in an hour and not more than 96 animals in a day.
 - (3) The veterinary doctor after examining the animal shall issue a fitness certificate in the form specified by the Central Government for this purpose.
 - (4) The reception area of slaughter house shall have proper ramps for direct unloading of animals from vehicles or railway wagons and the said reception area shall have adequate facility sufficient for feeding and watering of animals.
 - (5) Separate isolation pens shall be provided in slaughter house with watering and feeding arrangements for animals suspected to be suffering from contagious and infectious diseases, and fractious animals, in order to segregate them from the remaining animals.
 - (6) Adequate holding area shall be provided in slaughter house according to the class of animals to be slaughtered and the said holding area shall have water and feeding facilities.
 - (7) The resting grounds in slaughter house shall have overhead protective shelters.
 - (8) Ante-mortem and pen area in slaughter house shall be paved with impervious material such as concrete non-slippery herring - bone type suitable to stand wear and tear by hooves; or brick, and pitched to suitable drainage facilities and the curbs of said impervious material 150 to 300 mm high shall be provided around the borders of livestock pen area, except at the entrances and such pen shall preferably be covered.

5. Lairages -

- (1) Every animal after it has been subject to veterinary inspection shall be passed on to a lairage for resting for 24 hours before slaughter.
- (2) The lairage of the slaughter house shall be adequate in size sufficient for the number of animals to be laired. ‘
- (3) The space provided in the pens of such lairage shall be not less than 2.8 Sq. mt per lairage animal and 1.6 sq. mt. per small animal.
- (4) The animals shall be kept in such lairage separately depending upon their type and class and such lairage shall be so constructed as to protect the animals from heat, cold and rain.
- (5) The lairage shall have adequate facilities for watering and post-mortem inspection.

6. Slaughter -

- (1) No animal shall be slaughtered in a slaughter house in sight of other animals.
- (2) No animal shall be administered any chemical, drug or hormone before slaughter except drug for its treatment from any specific disease or ailment.
- (3) The slaughter halls in a slaughter house shall provide separate sections of adequate dimensions sufficient for slaughter of individual animals to ensure that the animal to be slaughtered is not within the sight of other animals.
- (4) Every slaughter house as soon as possible shall provide a separate space for stunning of animals prior to slaughter, bleeding and dressing of the carcasses.
- (5) Knocking section in slaughter house may be so planned as to suit the animal and particularly the ritual slaughter, if any and such knocking section and dry landing area associated with it shall be so built that escape from this section can be easily carried out by an operator without allowing the animal to pass the escape barrier.
- (6) A curbed-in bleeding area of adequate size as specified by the Central Government shall be provided in a slaughter house and it shall be so located that the blood could not be splashed on other animals being slaughtered or on the carcass being skinned.
- (7) The blood drain and collection in a slaughter house shall be immediate and proper.
- (8) A floor wash point shall be provided in a slaughter house for intermittent cleaning and a hand-wash basin and knife sterilizer shall also be provided for the sticker to sterilize knife and wash his hands periodically.
- (9) Dressing of carcasses in a slaughter house shall not be done on floor and adequate means and tools for dehiding or belting of the animals shall be provided in a slaughter house with means for immediate disposal of hides or skins.

- (10) Hides or skins shall be immediately transported from a slaughter house either in a closed wheelbarrow or by a chute provided with self-closing door and in no case such hides or skins shall be spread on slaughter floor for inspection.
- (11) Floor wash point and adequate number of hand wash basins with sterilizer shall be provided in a dressing area of a slaughter house with means for immediate disposal of legs, horns, hooves and other parts of animals through spring load floor chutes or sidewall doors or closed wheelbarrows and in case wheelbarrows or trucks are used in a slaughter house, care shall be taken that no point wheelbarrow or truck has to ply under the dressing rails and a clear passage is provided for movement of the trucks.
- (12) Adequate space and suitable and properly located facilities shall be provided sufficient for inspection of the viscera of the various types of animals slaughtered in a slaughter house and it shall have adequate facilities for hand washing, tool sterilization and floor washing and contrivances for immediate separation and disposal of condemned material.
- (13) Adequate arrangements shall be made in a slaughter house by its owner for identification, inspection and correlation of carcass, viscera and head.
- (14) In a slaughter house, a curbed and separately drained area or an area of sufficient size, sloped 33 mm per metre to a floor drain, where the carcasses may be washed with a jet of water, shall be provided by the owner of such slaughter house.

7. Slaughter house building

The different construction of a slaughter house shall be built and maintained by its owner in the manner as specified below, namely :-

- (a) Plant Building -
 - (i) Material used shall be impervious, easily, cleansable, and resistant to wear and corrosion.
 - (ii) Materials such as wood, plaster board, and porous, acoustic-type boards, which are absorbent and difficult to keep clean shall not be used;
- (b) Floors - The floors shall be non-absorbent and non-slippery with rough finish, and shall have suitable gradient for drainage;
- (c) Coves - Coves with radii sufficient to promote sanitation shall be installed at the juncture of floors and walls in all rooms and which shall not be less than 100 mm;
- (d) Interior Walls -
 - (i) Interior walls shall be smooth and flat and constructed of impervious

materials such as glazed brick, glazed tile, smooth surface Portland cement plaster, or other non-toxic, nonabsorbent material applied to a suitable base.

- (ii) Walls shall be provided with suitable sanitary type bumpers to prevent damage by hand trucks, carcass shanks, and the like.
 - (iii) The interior walls shall have washable surface up to the height of 2 meters from the floor so that the splashes may be washed and disinfected.
- (e) Ceilings -
 - (i) Ceilings shall be of the height of 5 meters or more in workrooms and so far as structural conditions permit, ceilings shall be smooth and flat.
 - (ii) Ceilings shall be constructed of Portland cement plaster, large size cement asbestos boards with joints sealed with a flexible sealing compound, or other acceptable impervious material and finished so as to minimise condensation, mould development, flaking and accumulation of dirt.
 - (iii) The walls above glazed type portion and ceiling shall be painted with waterresistant paint to maintain them clean;
- (f) Window Ledges - Window ledges shall be sloped at 45 degrees to promote sanitation and to avoid damage to glass in windows from impact of hand trucks and similar equipment, the windowsills shall be 1200 mm above the floor level with proper ventilation through mechanical venting or through working vents shall be provided in the roof structure;
- (g) Doorways and Doors -
 - (i) Doorways through which product is transferred on rails or in hand trucks shall be at least 1,500 mm high and shall be at least 1,500 mm wide.
 - (ii) Doors shall either be of rustresistant metal construction throughout, or if made with rust-resistant metal having tight softwood, they shall be clad on both sides with soldered or welded seams.
 - (iii) Doorjambs shall be clad with rustresistant metal securely affixed so as to provide no crevices for dirt or vermin and the juncture at which the door joins the walls be effectively sealed with a flexible sealing compound;
- (h) Screens and Insect control - All windows, doorways, and other openings that may admit flies shall be equipped with effective insect and rodent screens and 'Fly chaser' fans and ducts or air curtains shall be provided over doorways in outside wall of food handling areas that are used for dispatch or receiving;

- (i) Rodent-Proofing - Except in the case of Solid masonry, walls constructed of glazed tile, glazed brick, and the like, expanded metal or wire mesh, not exceeding 12.5 mm mesh, shall be embedded in walls and floor at their junction and such mesh shall extend vertically and horizontally to a sufficient distance to exclude the entrance of rats and other rodents;
- (j) Vehicular areas for Trucks -
 - (i) Concrete paved areas, properly drained and extending at least 6 metres from building, loading docks or livestock platforms shall be provided at places where vehicles are loaded or unloaded.
 - (ii) Pressure washing jets and disinfection facilities for trucks carrying animals shall also be provided at such places.
- (k) Drainage -
 - (i) All parts of floors where wet operations are conducted shall be well drained and as far as possible, one drainage inlet shall be provided for each 37 metre square of floor space.
 - (ii) A slope of about 20 mm per metre to drainage inlets shall be provided for usual conditions and it shall be ensured that the floor slopes uniformly to drains with no low spots, which collect liquid.
 - (iii) Floor drains shall not be provided in freezer rooms or dry storage areas and when floor drains are installed in rooms where the water seal in traps is likely to evaporate without replenishment, they shall be provided with suitable removable metal screw plugs;
- (l) Traps and vents on drainage lines -
 - (i) Each floor drain, including blood drains, shall be equipped with a deep seal trap (P-, U-, or S-shape).
 - (ii) Drainage lines shall be properly vented to the outside air and be equipped with effective rodent screens;
- (m) Sanitary drainage lines -

Drainage line from toilet pans and urinals shall not be connected with other drainage lines within the plant and shall not discharge into a grease catch basin and such lines shall be installed so that if leakage develops, it shall not affect the product or the equipment;
- (n) Lighting and ventilation -
 - (i) Unrefrigerated work rooms shall be provided with adequate direct natural light and ventilation or ample artificial light and ventilation by mechanical means.
 - (ii) Uncoloured glass having a high transmissibility of light shall be used in skylights and windows.
 - (iii) The glass area shall be approximately one-fourth of the floor area of a

workroom and such ratio shall be increased where there are obstructions, such as adjacent buildings, overhead catwalks, and hoists, which interfere with the admittance of direct natural light.

- (iv) Distributed artificial lighting of much quality and at such distances as may be specified by the Central Government shall be provided at all places where adequate natural light is not available or is insufficient;
- (o) Every abattoir shall be provided with distributed artificial light of an overall intensity of not less than 200 lux at the distances as may be specified by the Central Government throughout the slaughter hall and workrooms and at places where meat inspection is carried out, the overall intensity of artificial light shall be not less than 500 lux;
- (p) every abattoir shall be provided with suitable and sufficient means of ventilation to the outside air and the construction of the slaughter hall shall be so arranged that the dressed carcasses are not exposed to direct sunlight.
- (q) a sufficient, safe, potable and constant supply of fresh water shall be available at adequate pressure through the premises;
- (r) the pressure for the general purpose of floor washing may preferably be 200 to 330 KPa for thorough floor cleaning;
- (s) for thorough and efficient washing of carcasses, a higher pressure between 1000 KPa to 1700 KPa shall be maintained;
- (t) floor washing point shall be provided preferably for minimum 37 meter square on slaughter floor and working departments.
- (u) a constant supply of clean hot water shall be available in the slaughter hall and workrooms during working hours and the hotwater required for frequent sterilising of equipment shall not be less than 82 degree celsius;
- (v) where necessary for sanitary maintenance, equipment shall be constructed and installed so as to be completely self-draining;
- (w) the following materials shall not be used in an abattoir, namely :
 - (i) copper and its alloys in equipment used for edible products; ,
 - (ii) cadmium in any form in equipment handling edible products;
 - (iii) equipment with painted surface in product zone;
 - (iv) enamel containers or equipment is not desirable, and
 - (v) lead.
- (x) all permanently mounted equipment shall either be installed sufficiently away from walls (minimum 300 mm) to provide access for cleaning and inspection;
- (y) all permanently mounted equipment shall either be installed sufficiently above the floor (minimum 300 mm) to provide access for cleaning and inspection or be completely sealed (waterlight) to the floor area.

8. Engagement in slaughter house -

- (1) No owner or occupier of a slaughter house shall engage a person for slaughtering animals unless he possesses a valid license or authorisation issued by the municipal or other local authority.
- (2) No person who has not attained the age of 18 years shall be employed in any manner in a slaughter house.
- (3) No person who is suffering from any communicable or infectious disease shall be permitted to slaughter an animal.

9. Inspection of slaughter house -

- (1) The Animal Welfare Board of India or any person or Animal Welfare Organisation authorised by it may inspect any slaughter house without notice to its owner or the person incharge of it at any time during the working hours to ensure that the provisions of these rules are being complied with.
- (2) The person or the Animal Welfare Organisation authorised under sub-rule (1) shall, after inspection, send its report to Animal Welfare Board of India as well as to the municipal or local authority for appropriate action including initiation of legal proceedings, if any, in the event of violation of any Provisions of these rules.

[Noti. No. F. No. 19/ 1/2000-AWD, dt. 26.3.2001-Gaz. of India, Exty, Pt.II-Sec. 3(ii), No. 195, dt. 26.3.2001, p.55.]

* * *

The Prevention of Cruelty to Animals (Slaughter House) Amendment Rules, 2010

399. The Prevention of Cruelty to Animals (Slaughter House) Amendment Rules, 2010—Words in Rule 9(1) of the principal Rules, 2001—Substituted.

S.O. 1995(E).—Whereas the draft rules amending the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001 were published, as required by sub-sec. (1) of Sec. 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) under the notification of the Government of India, Ministry of Environment and Forests vide number S.O. 3316(E), dated 21st December, 2009 in the Gazette of India, Extraordinary, Part II, Sec. 3, sub-sec. (ii), dated 31st December, 2009 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of forty-five days from the date on which copies of the Gazette containing the said notification are made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the 31st day of December, 2009;

And, whereas, no objection or suggestion has been received from the public in respect of the said draft rules by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-sees. (1) and (2) of Sec. 38 of the **Prevention of Cruelty to Animals Act, 1960** (59 of 1960), the Central Government hereby makes the following rules further to amend the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, namely :—

1. (1) These rules may be called **Prevention of Cruelty to Animals (Slaughter House) Amendment Rules, 2010.**
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. In the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, in Rule 9, in sub-rule (1), for the words “any person or Animal Welfare Organisation authorized by its, may”, the words “a State Animal Welfare Board or an person who is a qualified veterinarian and is authorised by the Animal Welfare Board of India, may, at least once in every six months period”, shall be substituted.

• • •

The Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001.

S.O. 271 (E)

Whereas the draft **Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2000** were published, as required by sub-sec. (1) of Sec. 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O. 1166(E) dated the 26th December, 2000 in the Gazette of India, Extraordinary, Part II, Sec. 3, subsec.(ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the 1st January, 2001;

And, whereas, no objection or suggestion has been received from the public in respect of the said draft rules by the Central Government;

Now, therefore, in exercise of powers conferred by sub-secs. (1) and (2) of Sec. 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 (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001.**
- (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 a Welfare Organisation for animals which is registered under the Societies Registration Act of 1860 (21 of 1860) or any other corresponding law for the time being in force and recognised by the Board or the Central Government;
- (c) “Board” means the Animal Welfare Board of India established under the Act;
- (d) “local authority means a municipal board or municipal committee, a State Animal Welfare Board, district board or any local animal welfare organisation authorised by any law for the control and administration of any matter relating to animals within a specified local area;
- (e) “Society” means Society for Prevention of Cruelty to Animals (hereinafter referred to as SPCA) established in any district under the Societies

Registration Act, 1860(21of 1860) or any other corresponding law applicable in a State and shall include the existing SPCA functioning in any district.

- (f) “veterinary doctor” means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984).

3. Society for Prevention of Cruelty to Animals in a district -

- (1) Every State Government shall, by notification in the Official Gazette, establish, as soon as may be and in any event within six months from the date of commencement of these rules, a society for every district in the State to be the SPCA in that district:

Provided that any society for prevention of cruelty to animals functioning in any district on the date of commencement of these rules shall continue to discharge its functions till establishment of the SPCA in that district under these rules.

- (2) The Managing Committee of the Society shall be appointed by the State Government or the local authority of the district consisting of a Chairperson to be appointed by the State Government or the local authority of the district, as the case may be, with the concurrence of the Board and shall Consist of such number of other members as may be considered necessary by the State Government or the local authority of the district subject to the condition that -

(i) at least two members shall be representatives of the Animal Welfare Organisations which are actively involved in the work of prevention of cruelty to animals and welfare of animals preferably from within the district; and

(ii) at least two members shall be the Persons elected by the general body of members of the Society.

- (3) The duties and powers of the Society shall be to aid the Government, the Board and local authority in enforcing the provisions of the Act and to make such bye-laws and guidelines as it may deem necessary for the efficient discharge of its duties.

- (4) The Society, or any person authorized by it in this behalf, if it or he has reasonable grounds for believing that any person has committed an offence under the Act, it or such authorized person may require such person to produce forthwith any animal in his possession, control, custody or A ownership, or any license, permit or any other document granted to such person or required to be kept by him under the provisions of the Act and may stop any vehicle or enter into any premises in order to conduct a search or inquiry and may seize an animal in respect of which it or such authorized person has reason to believe that an offence under the Act is being committed, and deal with it in accordance with law.

- (5) In addition to the powers conferred by these rules, the State Government may, in consultation with the Board, confer such other powers upon any Society for exercising the powers and discharging the functions assigned to it under these rules.

4. Setting up of infirmaries and animal shelters -

- (1) Every State Government shall provide adequate land and other facilities to the Society for the purpose of constructing infirmaries and animal shelters.
- (2) Every infirmary and animal shelter shall have -
- (i) a full time veterinary doctor and other staff for the effective running and maintenance of such infirmary or animal shelter, and
 - (ii) an administrator who shall be appointed by the Society.
- (3) Every Society shall, through its administrator or otherwise, supervise the overall functioning of the infirmaries and animal shelters under its control and jurisdiction.
- (4) All cattle pounds and pinjrapoles owned and run by a local authority shall be managed by such authority jointly with the Society or Animal Welfare Organisation,

5. Regulation of SPCAs -

- (1) Every Society shall submit its annual report to the Board incorporating therein the activities undertaken by it for the welfare of animals and the steps or measures taken by it to implement various provisions of the Act and the rules made thereunder along with annual accounts duly audited by a chartered accountant or any other body authorised by law within a period of one month from the date of its accounts having been finalised by its managing committee.
- (2) The Board shall examine such annual report and the annual accounts submitted by the society and may give any directions to it for improvement of its functioning including the Supercession of the managing committee of the Society with a view to give effect to the provisions of the Act and the rules made thereunder:
- Provided that the Board shall give opportunity of personal hearing to the office bearers of the Society or any representative authorised by it before giving direction of its supercession and holding of fresh elections for electing a new managing committee as per by - laws of the society.
- (3) The Board shall give any direction to any Society in the interest of smooth and efficient functioning of the Society including the procedure for holding the election of the managing committee of the Society, utilisation of financial resources and management of assets of the Society with a view to give effect to the provisions of the Act and the rules made thereunder.
- (Noti. No. F. No. 19/1/2000 - AWD, dt. 26.3.2001-Gaz. of India, Exty., Pt. II-Sec. 3(ii), No. 195, dt. 26.3.2001, p.64.)

• • •

The Animal Birth Control (Dogs) Rules, 2001

NOTIFICATION

New Delhi, the 24th December, 2001

S.O. 1256 (E) -

Whereas the draft Animal Birth Control (Dogs) Rules, 2001 were published, as required under the sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), vide Ministry of Culture notification number G.S.R.816(E) dated November 2, 2001 in the Gazette of India, Extraordinary, Part 11, Section 3, sub-section (i) dated November 2, 2001 and whereas objections and suggestions from all persons likely to be affected thereby were invited before the expiry of 30 days from the date on which copies of the gazette containing the said notification have been made available to the public;

And whereas copies of the said Gazette were made available to the public on November 2, 2001;

And whereas the objections/suggestions received from the public have been incorporated in the rules.

Now, therefore, in exercise of the powers conferred by the sub-sections (1) (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 Animal Birth Control (Dogs) Rules, 2001.
- (2) They shall come into force on the date of their final publication in the Official Gazette.

2. Definition :

In these rules, unless the context otherwise requires, -

- (a) "Act" means the Prevention of Cruelty to Animals Act, 1960.
- (b) "Animal Welfare Organisation" means and includes the Society for Prevention of Cruelty to Animals and any other welfare organization for animals which is registered under the Societies Registration Act of 1860 (21 of 1860) or any other corresponding law for the time being in force and which is recognized by the Animal Welfare Board of India
- (c) "Board" means the Animal Welfare Board of India, established under section 4 and as reconstituted under Section 5A of the Act;
- (d) "Committee" means a committee appointed under these rules
- (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” means the owner of an animal and includes any other person in possession or custody of such animal whether with or without the consent of the owner;
- (g) “Veterinary doctor” means a person who holds a degree of a recognized veterinary college and is registered with the Indian Veterinary Council.

3. Classification of dogs and their Sterilization :

- (1) All dogs shall be classified in one of the following two categories (i) pet dogs, (ii) street dogs.
- (2) The owner of pet dogs shall be responsible for the controlled breeding, immunization, sterilization and licensing in accordance with these rules and the law for the time being in force within a specified local area.
- (3) The street dogs shall be sterilized and immunized by participation of animal welfare organizations, private individuals and the local authority.

4. Formation of Committee :

A monitoring committee consisting of the following persons shall be constituted by the local authority namely

- (a) Commissioner/Chief of the local authority, who shall be the ex-officio Chairman of the Committee.
- (b) A representative of the Public Health Department of the local authority.
- (c) A representative of the Animal Welfare Department if any of the local authority.
- (d) A veterinary doctor
- (e) A representative of the district Society for Prevention of Cruelty to Animals (SPCA)
- (f) At least two representatives from the Animal Welfare Organizations operating within the said local authority.

5. Functions of the Committee :

The committee constituted under rule 4 shall be responsible for planning and management of dog control programme in accordance with these rules. The committee may:

- (a) issue instructions for catching, transportation, sheltering, sterilisation, vaccination, treatment and release of sterilized vaccinated or treated dogs.
- (b) authorize veterinary doctor to decide on case to case basis the need to put to sleep critically ill or fatally injured or rabid dogs in a painless method by using sodium pentathol. Any other method is strictly prohibited.
- (c) create public awareness, solicit co-operation and funding.
- (d) provide guidelines to pet dog owners and commercial breeders from time to time.
- (e) get a survey done of the number of street dogs by an independent agency.

- (f) take such steps for monitoring the dog bite cases to ascertain the reasons of dog bite, the area where it took place and whether it was from a stray or a pet dog.
- (g) Keep a watch on the national and international development in the field of research pertaining to street dogs' control and management, development of vaccines and cost effective methods of sterilization, vaccination, etc.

6. Obligations of the local authority :

- (1) The local authority shall provide for
 - (a) establishment of a sufficient number of dogs pounds including animal kennels/shelters which may be managed by animal welfare organizations;
 - (b) requisite number of dog vans with ramps for the capture and transportation of street dogs;
 - (c) one driver and two trained dog catchers to be provided for each dog van;
 - (d) an ambulance cum clinical van to be provided as mobile center for sterilisation and immunization;
 - (e) incinerators to be installed by the local authority for disposal of carcasses.
 - (f) periodic repair of shelter or pound.
- (2) If the Municipal Corporation or the local authority thinks it expedient to control street dog population, it shall be incumbent upon them to sterilize and immunize street Dogs with the participation of animal welfare organizations, private individuals and the local authority.
- (3) The animal welfare organizations shall be reimbursed the expenses of sterilization/ immunization at a rate to be fixed by the Committee on fortnightly basis based on the number of sterilization/ immunization done.

7. Capturing/sterilization/immunization/release :

- (1) Capturing of dogs shall be based on:
 - (a) Specific complaints (for which the local authority in consultation with the Monitoring Committee shall set up a dog control cell to receive complaints about dog nuisance, dog bites and information about rabid dogs) and
 - (b) General :
 - (i) On receipt of specific complaint about nuisance or dog bite the same shall be attended on priority basis, irrespective of the area from which the complaint comes. On receipt of such complaint the details such as name of the complainant, his complete address, date and time of

- complaint, nature of complaint etc. shall be recorded in a register to be maintained for permanent record.
- (ii) Capturing for general purpose will be on such dates and time to be specified by the Committee.
- (2) The dog capturing squad shall consist of
- (i) The driver of the dog van
 - (ii) Two or more trained employees of the local authority who are trained in capturing of dogs.
 - (iii) One representative of any of the animal welfare organization
- Each member of the dog squad shall carry, a valid identity card issued by the local authority. The dog capturing squad will be accompanied by a representative of an Animal Welfare Organisation nominated for the purpose.
- (3) On receipt of specific complaint or for capturing dogs in normal course the dog squad will visit the concerned area, capture the dogs identified by the complaint in case of complaint oriented capturing and other dogs in case of general capturing. All the dogs caught will be tagged for identification purposes and to ensure that the dogs are released in the same area after sterilization and vaccination. Only stipulated number of dogs, according to the Animal Birth Control Program target, shall be caught by the van. A record of dogs captured shall be maintained in a register, mentioning therein the name of the area/locality, date and time of capture, names of persons in the dogs squad on that particular day and details about dogs captured such as number of male dogs, number of female dogs, number of puppies etc.
- (4) The dogs shall be captured by using humane methods such as lassoing or soft-loop animal catchers such as those prescribed under the provisions of Prevention of Cruelty (Capture of Animals) Rules, 1979.
- (5) While the dogs are being captured in any locality the representative of the local authority or of the animal welfare organization accompanying the dog squad will make announcements on a public address system that dogs are being captured from the area for the purpose of sterilization and immunization and will be released in the same area after sterilization and immunization. The announcement may also briefly educate the residents of the area about the dog control programme and solicit the support of all the residents reassuring them that the local authority is taking adequate steps for their safety.
- (6) The captured dogs shall be brought to the dog kennels/dog pounds managed by the Animal Welfare Organisations (AWOs). On reaching the dog pounds all the dogs shall be examined by the veterinarians and healthy and sick dogs should be segregated. Sick dogs should be given proper treatment in the

hospitals run by Society for Prevention of Cruelty to Animals (SPCA)/other institutions and only after they are treated they should be sterilized and vaccinated. The dogs will be sterilized/vaccinated under the supervision of the veterinarians of the hospital run by the Society for Prevention of Cruelty to Animals (SPCA), Animal Welfare Organization or other dog shelters. After necessary period of follow up, the dogs shall be released at the same place or locality from where they were captured and the date, time and place of their release shall be recorded. The representative of Animal Welfare Organisations (AWOs) shall accompany the dog squad at the time of release also.

- (7) At a time only one lot of dogs shall be brought for sterilization, immunization at one dog kennel or dog pound and these dogs shall be from one locality. Two lots from different areas or localities shall not be mixed at the same dog pound or dog kennel.
- (8) The dog kennel must have sufficient space for proper housing and free movement of dogs. The place should have proper ventilation and natural lighting and must be kept clean. Adults and puppies must be housed separately and amongst the adults the males and females also should be housed separately. Adequate arrangement for drinking water and food shall be made for dogs while in captivity.
- (9) Female dogs found to be pregnant shall not undergo abortion (irrespective of stage of pregnancy) and sterilization and should be released till they have litter.

8. Identification and Recording :

Sterilized dogs shall be vaccinated before release and the ears of these dogs should either be clipped and/ or tattooed for being identified as sterilized or immunised dogs. In addition, the dogs may be given token or nylon collars for identification and detailed records of such dogs shall be maintained. Branding of dogs would not be permitted.

9. Euthanasia of Street Dogs :

Incurably ill and mortally wounded dogs as diagnosed by a qualified veterinarian appointed by the committee shall be euthanised during specified hours in a humane manner by administering sodium pentathol for adult dogs and Thiopental Intraperitoneal for puppies by a qualified veterinarian or euthanised in any other humane manner approved by Animal Welfare Board of India. No dog shall be euthanised in the presence of another dog. The person responsible for euthanising shall make sure that the animal is dead, before disposal.

10. Furious or dumb rabid dogs :

- (1) On the receipt of complaints from the public to the Dog Control Cell of the Local Authority or on its own, the dog squad of the Local Authority would catch such dogs, suspected to be rabid.

- (2) The caught dog would then be taken to the pound where it would be isolated in an isolation ward.
- (3) The suspected rabid dog would then be subjected to inspection by a panel of two persons i.e.
 - (i) a veterinary surgeon appointed by the Local Authority and
 - (ii) a representative from an Animal Welfare Organisation
- (4) If the dog is found to have a high probability of having rabies it would be isolated till it dies a natural death. Death normally occurs within 10 days of contracting rabies. Premature killings of suspected rabid dogs therefore prevents the true incidence of rabies from being known and appropriate action being taken.
- (5) If the dog is found not to have rabies but some other disease it would be handed over to the AWOs who will take the necessary action to cure and rehabilitate the dog.

11. Disposal of Carcasses :

The carcasses of such euthanised dogs shall be disposed of in an incinerator to be provided by the local authority.

12. Guidelines for breeders

- (i) A breeder must be registered with Animal Welfare Board of India.
- (ii) Breeder must maintain full record of the number of pups born/died from individual bitches.
- (iii) Breeder must maintain record of the person buying the pups. He should ensure that the buyer has the required knowledge for the upkeep of the pups.

13. Application of rules where local bye-laws etc., exist -

If there is in force in any area to which these rules extend, any Act , rule, regulation or bye-law made under any law for the time being in force by the State or the 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, shall prevail;
- (b) it contains provisions more irksome to the animal than those contained in these rules, be of no effect.

• • •

Animal Birth Control (Dogs) Amendment Rules, 2010.

MINISTRY OF ENVIRONMENT AND FOREST

NOTIFICATION

New Delhi, the 08-2-2011

1. (1) These rules may be called the Animal Birth Control (Dogs) Amendment Rules, 2010.
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. In the Animal Birth Control (Dogs) Rules, 2001 (hereinafter referred to as the said rules, **in rule 4, -**
 - (a) after the words “constituted by the local authority”, the words “for a period of three years” shall be inserted;
 - (b) after clause (f), the following clause shall be inserted, namely :-
 - (g) a representative of the people who is a humanitarian or a well known individual who has experience in animal welfare in the locality.”
3. In rule 5 of the said rules, after clause (g), the following clause shall be inserted, namely :-

“(h) the activities of the Committee shall be brought to the public notice by announcements and advertisements.”
4. In rule 6 of the said rules, after rule (3) the following rule shall be inserted, namely :-

“(4) The Monitoring Committee of the said locality shall meet at least once in every month to assess the progress made in regard to implementation of the Animal Birth Control Programme”.
5. In rule 7 of the said rules, in rule (6) for the words “other institutions” the words “other recognized institutions” shall be substituted.

[F. No.27-2/2009-AWD]

(Gaz. of India, Exty., Pt. II-Sec. 3(ii) , No. 261, dt. 9-2-2011, P.2.J. = 2011CCS/P. 292/H. 154.)

FOREIGN TRADE (REGULATION) RULES, 1993

Ministry of Commerce

Notification No. GSR 791 (E), dated 30-12-1993

In exercise of the powers conferred by Section 19 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), the Central Government hereby makes the following rules, namely:

1. Short title and commencement.

- (1) These rules may be called the Foreign Trade (Regulation) Rules, 1993.
- (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 Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992);
- (b) “charitable purpose” includes relief of the poor, education, medical relief and the advancement of any other object of general public utility;
- (c) “importer” or “exporter” means a person who imports or exports goods and holds a valid Importer-exporter Code Number granted under section 7;
- (d) “licensing authority” means an authority authorised by the Director General under sub-section (2) of section 9 to grant or renew a licence under these rules;
- (e) “Policy” means the export and import Policy formulated and announced by the Central Government under section 5;
- (f) “schedule” means a Schedule appended to these rules;
- (g) “section” means a section of the Act;
- (h) “special licence” means a licence granted under sub-section (2) of section 8;
- (i) “value” has the meaning assigned to it in clause (41) of section 2 of the Customs Act, 1962 (52 of 1962);
- (j) words and expression used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Grant of special licence.

- (1) Where the Importer-exporter Code Number granted to any person has been suspended or cancelled under sub-section (1) of section 8, the Director General may, having regard to the following factors, grant to him a special licence, namely:
 - (1) that the denial of a special licence is likely to affect the foreign trade of India adversely; or

- (2) that the suspension or cancellation of the Importer-exporter Code Number is likely to lead to non-fulfilment of any obligation by India under any international agreement.
 - (2) The special licence granted to any person under sub-rule (1) shall be non-transferable.
- 4. Application for grant of licence.**

A person may make an application for the grant of a licence to import or export goods in accordance with the provisions of the Policy or an Order made under section 3.
- 5. Fee.**
 - (1) Every application for a licence to import shall be accompanied by the fee specified in the Schedule.
 - (2) The mode of deposit of fee shall be as specified in the Schedule.
 - (3) No fee shall be payable in respect of any application made by:
 - (a) the Central Government, a State Government or any department or any office of the Government;
 - (b) any local authority for the bona fide import of goods required by it for official use;
 - (c) any institution set up for educational, charitable or missionary purposes, for the import of goods required for its use;
 - (d) an applicant for the import of any goods (other than a vehicle) if the import of the goods is for his personal use which is not connected with trade or manufacture.
 - (4) The fee once received will not be refunded except in the following circumstances, namely :-
 - (i) where the fee has been deposited in excess of the specified scale of fee; or
 - (ii) where the fee has been deposited but no application has been made; or
 - (iii) where the fee has been deposited in error but the applicant is exempt from payment of fee.
- 6. Conditions of licence.**
 - (1) It shall be deemed to be a condition of every licence for export that:-
 - (i) no person shall transfer or acquire by transfer any licence issued by the licensing authority except in accordance with the provisions of the Policy;

- (ii) the goods for the export of which the licence is granted shall be the property of the licensee at the time of the export.
- (2) The licensing authority may issue a licence for import subject to one or more of the following conditions, namely: -
 - (a) that the goods covered by the licence shall not be disposed of except in accordance with the provisions of the Policy or in the manner specified by the licensing authority in the licence;
 - (b) that the applicant for a licence shall execute a bond for complying with the terms and conditions of the licence.
- (3) It shall be deemed to be a condition of every licence for import that:
 - (a) no person shall transfer or acquire by transfer any licence issued by the licensing authority except in accordance with the provisions of the Policy;
 - (b) the goods for the import of which a licence is granted shall be the property of the licensee at the time of import and upto the time of clearance through customs;
 - (c) the goods for the import of which a licence is granted shall be new goods, unless otherwise stated in the licence;
 - (d) the goods covered by the licence for import shall not be exported without the written permission of the Director General.
- (4) Any person importing goods from the United States of America in accordance with the terms of the Indo-US Memorandum of Understanding on Technology Transfer shall also comply with all the conditions and assurances specified in the Import Certificate issued in terms of such Memorandum, and such other assurances given by the person importing those goods to the Government of the United States of America through the Government of India.

7. Refusal of licence.

- (1) The Director General or the licensing authority may for reasons to be recorded in writing, refuse to grant or renew a licence if
 - (a) the applicant has contravened any law relating to customs or foreign exchange;
 - (b) the application for the licence does not substantially conform to any provision of these rules;
 - (c) the application or any document used in support thereof contains any false or fraudulent or misleading statement;

- (d) it has been decided by the Central Government to canalise the export or import of goods and distribution thereof, as the case may be, through special or specialised agencies;
 - (e) any action against the applicant is for the time being pending under the Act or rules and Orders made thereunder;
 - (f) the applicant is or was a managing partner in a partnership firm, or is or was a Director of a private limited company, having controlling interest against which any action is for the time being pending under the Act or rules and Orders made thereunder;
 - (g) the applicant fails to pay any penalty imposed on him under the Act;
 - (h) the applicant has tampered with a licence;
 - (i) the applicant or any agent or employee of the applicant with his consent has been a party to any corrupt or fraudulent practice for the purposes of obtaining any other licence;
 - (j) the applicant is not eligible for a licence in accordance with any provision of the Policy;
 - (k) the applicant fails to produce any document called for by the Director General or the licensing authority;
 - (l) in the case of a licence for import, no foreign exchange is available for the purpose;
 - (m) the application has been signed by a person other than a person duly authorised by the applicant under the provisions of the Policy;
 - (n) the applicant has attempted to obtain or has obtained cash compensatory support, duty drawback, cash assistance benefits allowed to Registered Exporters or any other similar benefits from the Central Government or any agency authorised by the Central Government in relation to exports made by him on the basis of any false, fraudulent or misleading statement or any document which is false or fabricated or tampered with.
- (2) The refusal of a licence under sub-rule (1) shall be without prejudice to any other action that may be taken against an applicant by the licensing authority under the Act.

8. Amendment of licence. -

The licensing authority may of its own motion or on an application by the licensee, amend any licence in such manner as may be necessary or to rectify any error or omission in the licence.

9. Suspension of a licence.

- (1) The Director General or the licensing authority may, by order in writing, suspend the operation of a licence granted to

- (a) any person, if any order of detention has been made against such person under the provisions of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974); or
- (b) a partnership firm or a private limited company, if the person referred to in clause (a) is a partner or a whole time director or managing director, as the case may be, of such firm or company:

Provided that the order of suspension shall cease to have effect in respect of the aforesaid person or, as the case may be, the partnership firm or company, when the order of detention made against such person,

- (i) being an order of detention to which the provisions of section 9 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) do not apply, has been revoked on the report of Advisory Board under section 8 of that Act or before receipt of the report of the Advisory Board or before making a reference to the Advisory Board; or
 - (ii) being an order of detention to which the provisions of section 9 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) apply, has been revoked on the report of the Advisory Board under section 8 read with sub-section (2) of section 9 of the Act or before receipt of such report;
 - (iii) has been set aside by a court of competent jurisdiction.
- (2) The Director General or the licensing authority may by an order in writing suspend the operation of any licence granted under these rules, where proceedings for cancellation of such licence has been initiated under rule 10.

10. Cancellation of a licence.

The Director General or the licensing authority may by an order in writing cancel any licence granted under these rules if

- (a) the licence has been obtained by fraud, suppression of facts or misrepresentation; or
- (b) the licensee has committed a breach of any of the conditions of the licence; or
- (c) the licensee has tampered with the licence in any manner; or
- (d) the licensee has contravened any law relating to customs or foreign exchange or the rules and regulations relating thereto.

11. Declaration as to value and quality of imported goods.

On the importation into, or exportation out of, any customs ports of any goods, whether liable to duty or not, the owner of such goods shall in the Bill of Entry or the Shipping Bill or any other documents prescribed under the Customs Act, 1962

(52 of 1962), state the value, quality and description of such goods to the best of his knowledge and belief and in case of exportation of goods, certify that the quality and specification of the goods as stated in those documents, are in accordance with the terms of the export contract entered into with the buyer or consignee in pursuance of which the goods are being exported and shall subscribe a declaration of the truth of such statement at the foot of such Bill of Entry or Shipping Bill or any other documents.

12. Declaration as to Importer-exporter Code Number.

On the importation into or exportation out of any Customs port of any goods the importer or exporter shall in the Bill of Entry or Shipping Bill or, as the case may be, in any other documents prescribed by rules made under the Act or the Customs Act, 1962 (52 of 1962), state the Importer-exporter Code Number allotted to him by the competent authority.

13. Utilisation of imported goods.

- (1) No person shall use any imported goods allotted to him by the State Trading Corporation of India or any other agency recognised by the Central Government in a manner and for the purpose, otherwise than as declared by him in his application for such allotment or in any document submitted by him in support of such application.
- (2) No person shall dispose of any goods imported by him against a licence except in accordance with the terms and conditions of such licence.

14. Prohibition regarding making, signing of any declaration, statement or documents.

- (1) No person shall make, sign or use or cause to be made, signed or used any declaration, statement or document for the purposes of obtaining a licence or importing any goods knowing or having reason to believe that such declaration, statement or document is false in any material particular.
- (2) No person shall employ any corrupt or fraudulent practice for the purposes of obtaining any licence or importing or exporting any goods.

15. Power to enter premises and inspect, search and seize goods, documents, things and conveyances.

- (1) Any person authorised by the Central Government under sub-section (1) of section 10 (hereinafter called the authorised person) may, at any reasonable time enter any premises in which
 - (i) any imported goods or materials which are liable to confiscation under the provisions of the Act; or
 - (ii) any books of accounts or documents or things which, in his opinion, will be useful for, or relevant to any proceedings under the Act, are

suspected to have been kept or concealed and may inspect such goods, materials, books of accounts, documents or things and may take such notes or extracts therefrom as he may think fit.

- (2) If the authorised person has reasons to believe that
- (i) any imported goods or materials liable to confiscation under the Act; or
 - (ii) any books of accounts or documents or things which, in his opinion, will be useful for, or relevant to, any proceedings under the Act, are secreted in any premises he may enter into and search such premises for such goods, materials, books of accounts, documents or things.

- (3) (a) If the authorised person has reason to believe that any imported goods or materials are liable to confiscation under the Act, he may seize such goods or materials together with the package, covering or receptacle, if any, in which such goods or materials are found to have been mixed with any other goods or materials :

Provided that where it is not practicable to seize any such goods or materials, the authorised person may serve on the owner of the goods or materials an order that he shall not remove, part with or otherwise deal with the goods or materials except with the previous permission of the authorised person.

- (b) Where any goods or materials are seized under clause (a) and no notice in respect thereof is given within six months of the seizure of the goods or materials, the goods or materials shall be returned to the person from whose possession they were seized:

Provided that the aforesaid period of six months may, on sufficient cause being shown, be extended by the Director General for a further period not exceeding six months.

- (c) The authorised person may seize any books of accounts or documents or things which in his opinion, will be useful for, or relevant to, any proceedings under the Act.
- (d) The person from whose custody any documents are seized under this sub-rule, shall be entitled to make copies thereof or take extracts therefrom in the presence of the authorised person.
- (e) If any person legally entitled to the books of account or other documents or things seized under this sub-rule objects, for any reason, to the retention by the authorised person of the books of account or the documents or things, he may move an application to the Central Government stating therein the reasons for such objection, request for the return of the books of account or documents or things.

- (f) On receipt of the application under clause (e), the Central Government may, after giving the applicant an opportunity of being heard, pass such order as it may think fit.
- (g) Where any document is produced or furnished by any person or has been seized from the custody or control of any person under the Act or has been received from any place outside India in the course of the investigation for any contravention referred to in section 11 by any person and such document is tendered in evidence against the person by whom it is produced or from whom it was seized or against such person or any other person who is jointly proceeded against, the Adjudicating Authority shall, notwithstanding anything to the contrary contained in any other law for the time being in force, -
 - (i) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the handwriting of any particular person of which the Adjudicating Authority may reasonably assume to have been signed by or to be in the handwriting of any particular person, is under the person's handwriting, and in the case of a document executed or attested, it was executed or attested by the person by whom it purports to have been so executed or attested;
 - (ii) admit the document in evidence notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence.
- (4) The authorised person, may, if he has reason to suspect that any conveyance or animal is being or is about to be used for the transportation of any imported goods or material which are liable to confiscation under the Act, and that by such transportation any provision of the Act has been, is being or is about to be contravened at any time, stop such conveyance or animal or in the case of aircraft compel it to land, and
 - (a) rummage and search the conveyance or any part thereof;
 - (b) examine and search any goods or material in the conveyance or on the animal;
 - (c) if it becomes necessary to stop any conveyance or animal, he may use all lawful means for stopping it and where such means fail, the conveyance or animal may be fired upon,
 and where he is satisfied that it is necessary so to do to prevent the contravention of any provision of the Act or of the rules and orders made thereunder or the Policy or condition of any licence, he may seize such conveyance or animal.

Explanation. - Any reference in this rule to a conveyance shall, unless the context otherwise requires, be construed as including a reference to an aircraft, vehicle or vessel.

16. Settlement.

- (1) The Adjudicating Authority may determine the amount of settlement to be paid by the person to whom a notice has been issued and who has opted for settlement and has admitted the contravention specified in the notice, in the following cases, namely:
 - (i) where it is of the opinion that the contravention of any provision of the Act or these rules or the Policy has been made without mens rea or without wilful mistake or without suppression of facts, or without any collusion, or without fraud and forgery, or without an intent to cause loss of foreign exchange; or
 - (ii) where the person importing the goods has not met the requirements of the actual user conditions as specified in the Policy and has not misutilised the said imported goods; or
 - (iii) where the person importing the goods has not fulfilled the export obligation and has not misutilised the said imported goods.
- (2) Where a person has opted for settlement under sub-rule (1), the settlement made by the Adjudicating Authority shall be final.

17. Confiscation and redemption.

- (1) Any imported goods or materials in respect of which
 - (a) any condition of the licence, or letter of authority under which they were imported relating to their utilisation or distribution; or
 - (b) any condition relating to their utilisation or distribution, subject to which they were received from or through, an agency recognised by the Central Government; or
 - (c) any condition imposed under the Policy with regard to the sale or disposal of such goods or materials, has been, is being, or is attempted to be, contravened, shall together with any package, covering or receptacle in which such goods are found, be liable to be confiscated by the Adjudicating Authority, and where such goods or materials are so mixed with any other goods or materials that they cannot be readily separated, such other goods or materials shall also be liable to be so confiscated :

Provided that where it is established to the satisfaction of the Adjudicating Authority that any goods or materials which are liable to confiscation under this rule, had been imported for personal use, and not for any trade or industry, such goods or materials shall not be ordered to be confiscated.

- (2) The Adjudicating Authority may permit the redemption of the confiscated goods or materials upon payment of redemption charges equivalent to the market value of such goods or materials.

18. Confiscation of conveyance.

- (1) Any conveyance or animal which has been, is being, or is attempted to be used, for the transport of any goods or materials that are imported and which are liable to confiscation under rule 17, shall be liable to be confiscated by the Adjudicating Authority unless the owner of the conveyance or animal proves that it was, is being, or is about to be so used without the knowledge or connivance of the owner himself, his agent, if any, and the person in-charge of the conveyance or animal and that each of them had taken all reasonable precautions against such use.
- (2) The Adjudicating Authority shall permit redemption of the confiscated conveyance or animal used for the transport of goods or passengers for hire upon payment of redemption charges equivalent to the market value of such conveyance or animal.

• • •

MEAT FOOD PRODUCTS ORDER, 1973

Extraordinary Gazette of India, Part-II-Section 3-Sub-section (ii) dated 28-3.1973

MINISTRY OF AGRICULTURE

(Department of Agriculture)

New Delhi

S.O. 176 (E). - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order, namely :-

1. Short title and commencement:

- (1) This order may be called the Meat Food Products Order, 1973.
- (2) It shall come into force with effect from the 15-07-1975.

2. Definitions :

In this order, unless, the context otherwise requires

- (a) “animal” means an animal belonging to any of the species specified below :-
 - (i) ovines;
 - (ii) caprines;
 - (iii) suillines;
 - (iv) bovines;and includes poultry;
- (b) “carcass” means the dead body or any part thereof including the viscera of any animal which has been slaughtered;
- (c) “Committee” means the Meat Food Products Advisory Committee constituted under clause 3;
- (d) “factory” means any premises including the precincts thereof, wherein meat food products are manufactured or packed for sale,
- (e) “licensee” means a manufacturer to whom a licence is granted under this order;
- (f) “licensing authority” means the Agricultural Marketing Adviser to the Government of India and includes any other officer authorised by him in this behalf with the previous approval of the Central Government;
- (g) “local authority” means a municipal council, committee, corporation, panchayat, notified area committee or other authority entrusted with the regulation and licensing of slaughter houses in any local area;

- (h) “Manufacturer” means a person engaged in the business of manufacturing, packing, repacking, relabelling meat food products meant for sale, but shall not include a person who manufactures such products and serves on the spot for consumption in a restaurant, hotel, boarding house, snack bar, eating house or any other similar establishment;
- (i) “meat” means the flesh and other edible parts of a carcass;
- (j) “meat food products” means any article of food or any article intended for, or capable of, being used as a food which is derived or prepared from meat by means of drying, curing, smoking, cooking, seasoning, flavouring or following a method of processing meat akin to any of the above methods, but shall not include the following products unless the manufacturer himself desires to be covered under the provisions of the said order, namely :-
 - (i) Meat extracts, meat consomme and stock, meat sauces and similar products not containing fragments of meat;
 - (ii) Whole, broken or crushed bones, meat peptones, animal gelatin, meat powder, pork-rind powder, blood plasma, dried blood, dried blood plasma, cellular proteins, bone extracts and similar products;
 - (iii) Fats melted down from animal tissues;
 - (iv) Stomachs, bladders and intestines, clean and bleached, salted or dried;
 - (v) Products containing fragments of meat, but which contain a quantity of meat or meat product not exceeding ten percent of the total weight of the final product;
 - (vi) Patties, puffs, rolls, samosas, cutlets, koftas, kababs, chops, tikkas and soups made from mutton, chicken, goat meat, buffalo meat, beef and grilled chicken which are prepared for immediate consumption, the ampoules of chicken essence, hot-dogs and hamburgers prepared for immediate consumption which can not be stored even under refrigerated conditions;
- (k) “Meat Food Products Inspector” means an official veterinarian appointed by the licensing authority and includes any officer of a local authority authorised to perform the functions of the Meat Food Products Inspector under this Order;
- (l) “Schedule” means a Schedule appended to this order;
- (m) “Slaughter house” means the building, premises or place which is licensed as a slaughter house by the local authority for the slaughter of animals intended for human consumption;
- (n) “year” means a calendar year or part thereof;

3. Constitution of the Committee :-

- (1) As soon as may be, after the commencement of this Order and thereafter at an interval of every two years, the Central Government shall, by Order published in the Official Gazette, constitute a Committee to be called Meat Food Products Advisory Committee which shall consist of the Agricultural Marketing Adviser to the Government of India in the Department of Agriculture, who shall be the Chairman thereof and the following members, namely :
 - (a) Anima! Husbandry Commissioner, Government of India or his nominee;
 - (b) Director General of Health Services, Government of India or his nominee,
 - (c) Director General of Technical Development, Government of India or his nominee;
 - (d) Executive Director, Food and Nutrition Board, Department of Food, Government of India or his nominee;
 - (e) Director, Central Food Technological Research Institute, Mysore or his nominee;
 - (f) two officers of the Department of Animal Husbandry or Veterinary Services of State Governments to be nominated by the Central Government;
 - (g) two persons from among the manufacturers to be nominated by the Central Government;
 - (h) an officer of the Directorate of Marketing and Inspection to be nominated by the licensing authority who shall act as the Secretary of the Committee. *2
- (2) A member of the Committee shall hold office for the period for which the Committee has been constituted:

Provided that a member may resign his office by notice in writing given to the Chairman of the Committee.
- (3) If a vacancy occurs by death or resignation, in the office of any member of the Committee, the vacancy so caused shall be filled by nomination and any person so nominated to fill a casual vacancy shall hold office only so long as the member in whose place he is nominated would have held office.
- (4) The quorum for a meeting of the Committee shall be five, but subject thereto, the Committee may act notwithstanding any vacancy in its membership.

- (5) The Committee may regulate its proceedings in such manner as it thinks fit, but on any matter on which the votes of the Committee are equally divided, the Chairman or the person presiding at a meeting of the Committee shall have a second or casting vote.
- (6) The functions of the Committee shall be to aid and advise the Department of Agriculture in the Government of India dealing with Animal Husbandry on any matter pertaining to meat food products industry.
- (7) The Central Government may at any time, if it deems expedient in the public interest so to do, by order, dissolve the Committee and there upon the Committee shall stand dissolved and all persons nominated to the Committee shall cease to be members thereof with effect from the date of the order:
Provided that the Central Government shall take steps to reconstitute the Committee as soon as possible in the manner provided in the sub-clause (1).

4. Licence :-

- (1) No person shall carry on business as a manufacturer except under and in accordance with the terms and conditions of a licence granted to him under this Order.
- (2) Every application for the grant of a licence shall be made in Form "A" set cut in the First Schedule and shall be accompanied by a treasury challan evidencing the payment of the fees as specified in sub-clause (3).
- (3) For the purpose of this order, there shall be three categories of manufacturers as specified in column (2) of the Table below and the licence fee payable by each category of manufacturer shall be specified in the corresponding entry in column (3) of the said table:

S.No.	Category of manufacturer	Licence Fee (per annum)
I.	Category "A"	
	Manufacturer who makes meat food products exclusively from meat of animal (s) slaughtered and dressed in his factory-	
	(i) If the quantity of meat food products manufactured is more than 150 tons per annum:	Rs.5.000/-
	(ii) If the quantity of meat food products manufactured is less than 150 tons per annum;	Rs.2,500/-

II. Category “B”

Manufacturer who makes meat food products exclusively from meat of animal (s) slaughtered and dressed in a recognised slaughter house and whose factory is situated in close

(i) If the quantity of meat food products I manufactured is more than 150 tons per annum; Rs.2,500/-

(ii) If the quantity of meat food products manufactured is less than 150 tons per annum; Rs. 1,000/-

III. Category “C”

Manufacturer who makes meat food products exclusively from poultry and/or pig meat at places where authorised slaughter houses do not exist and the total quantity manufactured is less than 30 tons per annum Rs.1,000/-

- (4) A licensing authority may either grant or refuse to grant a licence; Provided that where a licence is refused, the licensing authority shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant.
- (5) Where a licence is not granted to a person under this clause, the fee paid by him shall be refunded to him.
- (6) A licence unless it is cancelled or suspended shall be valid till the end of the year during which it is issued.

5. Renewal of licence :

- (1) An application for the renewal of a licence issued under this Order shall be made at least sixty days before the expiry of the licence.
- (2) Every application for the renewal of a licence shall be made in Form “A” set out in the First Schedule and shall be accompanied by a treasury challan or a Bank Draft evidencing the payment of the licence fees as specified in sub-clause 3 of clause 4. *7
- (3) An application for the renewal of a licence shall be disposed of before the date of expiry of the licence and if it is not disposed of before that date, it shall be deemed to have been granted for a further period of five years. *6
- (4) The licensee shall not manufacture meat food products after the expiry of validity of licence until it is renewed On receipt of late application for renewal from the licensee, the licensing authority if satisfied with the reasons for delay, may renew the licence after charging the penalty at the rate of

Rs.100 per month or part thereof. *7

- (5) Where a licence is lost, destroyed, torn, defaced or mutilated, the licensee may apply for a duplicate copy of the licence during the validity period and every such application shall be accompanied with a fee of rupees one hundred. On receipt of an application the licensing authority may grant a duplicate copy of the licence to the licensee *7
- (6) The licensee shall present the licence book whenever it is demanded by the licensing authority or any other officer duly authorised by him for inspection.
*7

6. Conditions of licence :

A licence granted under this Order shall be in Form “B” set out in the First Schedule and shall be subject to such terms and conditions as the licensing authority may impose.

7. Cancellation or suspension of licence : -

- (1) The licensing authority may after giving the licensee a reasonable opportunity of being heard, cancel or suspend a licence or impose a fine not exceeding Rs.1000 (*7)
on any one or more of the following grounds, namely:-
 - (a) that there has been a breach of any of the conditions subject to which the licence was granted;
 - (b) that the licensee has contravened all or any of the provisions of this Order;
 - (c) that the licensee has failed to comply with any order or direction issued under this order.
- (2) Where a licence is cancelled or suspended under sub-clause (1), the licensing authority shall record a brief statement of the reasons for such cancellation or suspension and furnish a copy thereof to the licensee whose licence has been cancelled or suspended.

8. Appeal : -

Any person aggrieved by an order of the licensing authority under sub-clause(4) of clause 4 or clause 7 may, within thirty days from the date of receipt of the copy of the statement of the reasons for the refusal to grant the licence, appeal to the Central Government for its decision.

Provided that before passing an order rejecting the appeal, the Central Government shall give a reasonable opportunity of being heard to the persons likely to be affected by such order.

9. Requirements to be satisfied by the licensee : -

- (1) No licensee shall manufacture any meat food products except under and in accordance with the provisions of this Order,

- (2) Every licensee shall manufacture meat food products in conformity with the sanitary and other requirements specified in the Second Schedule.
- (3) Every licensee who slaughters animals for the purpose of manufacturing meat food products shall confirm to the hygienic and other requirements specified in the Third Schedule.
- (4) Every licensee shall, in regard to packing, marking and labelling containers of food products comply with the requirements specified in the Fourth Schedule.
- (5) Notwithstanding anything contained in sub-clause (1), (2) and (3) the licensing authority may by order, published in the Official Gazette, specify any additional requirements to be complied with by a licensee and it shall be the duty of every licensee to conform to the additional requirements so specified.

10. Return :-

Every licensee shall, on or before the last day of every year, submit a return in duplicate in Form "C" set out in the First Schedule, to the licensing authority in respect of each class of meat food products manufactured, sold or exported by him during the year.

11. Prohibition as to sale, etc. by dealer etc. :-

No person, who is a dealer, agent, broker or vendor of meat food products shall sell or expose for sale or despatch or deliver any meat food products manufactured in India, unless such meat food products are manufactured by a licensee.

12. Power to issue directions :-

The licensing authority may issue such directions as it deems fit for the purpose of giving effect to the provisions of this order

13. Manufacturer to be bound by directions or order:-

Every licensee to whom any direction or order is issued in pursuance of any provisions of this order shall be bound to comply with such directions or order and any failure on the part of the manufacturer to comply with such direction or order shall be deemed to be a contravention of the provisions of this order.

14. Power of entry, search, seizure etc. :-

- (1) The licensing authority or any officer not below the rank of Marketing Officer of the Directorate of Marketing and Inspection *4 authorised by him in this behalf may with a view to securing compliance with this order: -
 - (a) require any person to give any information in his possession with respect to the manufacture and disposal of any meat food products manufactured by him;
 - (b) enter upon and inspect the premises of any licensee at anytime with a view to satisfying himself that the requirements of this Order are being

complied with and :

- (i) on giving a proper receipt, seize or detain any meat food product manufactured, marked, packed or labeled or suspected to be manufactured, marked, packed or labeled in contravention of the provisions of this order;
 - (ii) seize or detain, on giving a proper receipt, raw materials, documents, account books or other documents, evidence connected with the manufacture of meat food products in respect of which he has reason to believe that the contravention of this order has taken place and proximity to such slaughter house;
 - (iii) dispose of all meat food products or raw materials so seized or detained as he deemed fit;
 - (c) inspect any books or other documents of a licensee relating to the manufacture and disposal of meat food products;
 - (d) collect * 3 from the licensee, free of charge, on giving a proper receipt, or collect from any other person, on payment samples of meat food products, sold or intended or exposed for sale or under despatch or delivered to any dealer, agent or broker for the purpose of sale and cause such samples to be analysed in a laboratory selected for the purpose by the licensing authority.
 - (e) collect from the licensee, free of charge on giving a proper receipt, samples of any meat food products or any chemicals, dye or any other ingredients used for the preparation of such meat food products from the premises of the licensee, in respect of which he has reason to believe that a contravention of this Order has taken place; or
 - (f) by an order in writing prohibit the sale or manufacture of any meat food products in respect of which he has reason to believe that a contravention of this Order has taken place.
- (2) No person shall refuse to furnish any information which he is legally bound to furnish and which may be lawfully demanded of him under the provisions of this Order or cancel, destroy, mutilate or deface any book or other documents with a view to evading the provisions of this order.
- (3) The provisions of the code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, so far as may apply to searches and seizures under this clause.*4

15. Sanction of prosecution : -

No prosecution for contravention of any of the provisions of this Order shall be instituted without the previous sanction of the licensing authority.

(Now Repealed)

• • •

The Prevention of Food Adulteration Rules-1955

PART VII PACKING AND LABELLING OF FOOD

32. Package of food to carry a label

Every package of food shall carry a label and unless otherwise provided in these rules, there shall be specified on every label :-

- (a) the name, trade name or description of food contained in the package;
- (b) the names of ingredients used in the product in descending order of their composition by weight or volume as the case may be;

Provided that in the case of artificial flavouring substances, the label may not declare the chemical names of the flavours, but in the case of natural flavouring substances or nature-identical flavouring substances, the common name of flavours shall be mentioned on the label.

Provided also that whenever Gelatine is used as an ingredient, a declaration to this effect shall be made on the label by inserting the word "Gelatine-Animal Origin."

In case of packages of confectionery weighing 20 gm or less, which are also exempted from the declaration of ingredients, will be exempted from the declaration of "Animal Origin" even if it contains Gelatine provided that such declaration shall be given on the multi- piece package in such a manner that the same is readable even without opening the package.

Provided also that when any article of food contains whole or part of any animal including birds, fresh water or marine animals or eggs or product of any animal origin, but not including milk or milk products, as ingredient.-

- (a) a declaration to this effect shall be made by a symbol and colour code so stipulated for this purpose to indicate that the product is Non-Vegetarian Food. The symbol shall consist of a brown colour filled circle having a diameter not less than the minimum size specified in the Table given below, inside the square with brown outline having side double the diameter of the circle, as indicated in clause (16) of sub-rule(ZZZ) of rule 42;

Table

S.No.	Area of principal display panel	Minimum size of diameter in mm
1.	Upto 100 cms square	3
2.	Above 100 cms square upto 500 cms square	4
3.	Above 500 cms square upto 2500 cms square	6
4.	Above 2500 cms square	8

- (b) The symbol shall be prominently displayed
 - (i) on the package having contrast background on principal display panel,
 - (ii) just close in proximity to the name or brand name of the product, and
 - (iii) on the labels, containers, pamphlets, leaflets, advertisements in any media;

Provided also that where any article of food contains egg only as Non-Vegetarian ingredient, the manufacturer, or packer or seller may give declaration to this effect in addition to the said symbol.

Provided further that the provisions of these rules shall not apply in respect of any Non-Vegetarian Food which is manufactured and packed without the symbol before the commencement of the Prevention of Food Adulteration (Fourth Amendment) Rules, 2001.

Provided also that for all Vegetarian Food -

- (a) a declaration to this effect shall be made by a symbol and colour code so stipulated for this purpose to indicate that the product is Vegetarian Food. The symbol shall consist of a green colour filled circle, having a diameter not less than the minimum size specified in the Table given below, inside the square with green outline having size double the diameter of the circle, as indicated in clause (17) of sub-rule (ZZZ) of rule 42;

Table

S.No.	Area of principal display panel	Minimum size of diameter in mm
(1)	(2)	(3)
1.	Upto 100 cms square	3
2.	Above 100 cms square upto 500 cms square	4
3.	Above 500 cms square upto 2500 cms square	6
4.	Above 2500 cms square	8

- (b) The symbol shall be prominently displayed,
- (i) on the package having contrast background on principal display panel,
 - (ii) just close in proximity to the name or brand name of the product, and
 - (iii) on the labels, containers, pamphlets, leaflets, advertisements in any media;

Provided further that the provisions of these rules shall not apply in respect of any Vegetarian Food which is manufactured and packed without the symbol before the commencement of the Prevention of Food Adulteration (9th Amendment) Rules, 2001:

Provided also that the provisions of these rules shall not apply in respect of mineral water or packaged drinking water or carbonated water or liquid and powdered milk.

Provided further that when statement regarding addition of colours or flavours is displayed on the label in accordance with rule 24 and rule 64 BB respectively, addition of such colours or flavours need not be mentioned in the list of ingredients:

Provided also that in case both colour and flavour are used in the product, one of the following combined statements in capital letters shall be displayed just beneath the list of ingredients on the label attached to any package of food, so coloured and flavoured, namely:-

- I) CONTAINS PERMITTED NATURAL COLOUR (S) AND ADDED FLAVOUR(S)
OR
II) CONTAINS PERMITTED SYNTHETIC FOOD COLOUR(S) AND ADDED FLAVOUR(S)
OR
III) CONTAINS PERMITTED NATURAL AND SYNTHETIC FOOD COLOUR(S) AND ADDED FLAVOUR (S)
OR
IV) CONTAINS PERMITTED NATURAL*/AND* SYNTHETIC* COLOURS AND ADDED FLAVOURS(For the period upto and inclusive of 1st September, 2001

NOTE :- A specific name shall be used for ingredients in the list of ingredients:

Provided that for ingredients falling in the falling in the respective classes the following class titles may be used, namely:

Name of the Classes	Class names
Edible vegetable oil	Edible vegetable oil/Edible vegetable fat or both
Edible vegetable fat	Hydrogenated or partially hydrogenated oil.
Animal fat/oil, other than milk fat	Give name of the source of fat, Lard and beef fat or extracts thereof shall be declared by specific names.
Starches, other than chemically modified starches	Strach
All species of fish where the fish constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a species of fish.	Fish

42. (ZZZ) (16) Every package of Non-Vegetarian Food shall bear the following symbol on the principal display panel just close in proximity to the name or brand name of food namely :-

☐ Brown Colour Circle

42. (ZZZ) (17) Every package of Vegetarian Food shall bear the following symbol in green colour on the principal display panel just close in proximity to name or brand name of the Food, namely:

☐ Green Colour Circle

(Now Repealed)

• • •

Indian Railway Rules

CHAPTER IV

RULES AND RATES FOR LIVE-STOCK AND OTHER ANIMALS

401. Notice of despatch.

Owners desiring to send horses, ponies, donkeys, cattle and other animals by rail are required to give 24 hours' notice to the Station Master of the despatching station.

CR.	Live-stock cannot be booked to and from stations on the following sections of the Central Railway :— Pachora—Jarnner, Neral—Matheran. Central Provinces Railways, viz, Murtajapur—Yavatmal, Murtajapur—Achalpur and Pulgaon—Arvi..
N.E; (B & N.W. portion of O. T. Zone)	When live-stock is to be booked to another Railway where there is a break of gauge. 48 hours notice must be given.
S.R.	Live stock is not accepted for conveyance over the Nilgiri Section.

402. Pre-payment of charges

Freight on consignments of live-stock and other animals must in all cases be pre paid, except where otherwise specified. ?

403. Attendants, fodder, buckets, etc.

No consignments of live-stock and other animals will be accepted for conveyance unless each wagon load of animals is accompanied by an attendant or attendants, according to circumstances as specified below and with fodder to feed the animals on the journey, and a bucket with which the animals can be given water. The fodder and bucket will be carried free, vide Rule 416. The attendant or attendants will also be carried free ;—

- (1) one attendant with each four-wheeled or six-wheeled wagon load;
- (2) two attendants with-
 - (a) each Broad Gauge wagon when booked to Metre Gauge or Narrow Gauge stations and via,
 - (b) each Broad Gauge wagon in which the animals loaded have been transhipped from two Metre or Narrow Gauge wagons,
 - (c) each bogie wagon load.

The attendant or attendants must travel in the same train but not necessarily in the same wagon as the animals. Any extra attendants must pay ordinary Second

class fares. Not more than two extra attendants will be permitted with each wagon booked. The number of extra attendants should be shown on the Invoice conveying each wagon. Each attendant will be given the same free allowance of luggage as for a second class passenger, and any, luggage in excess of the free allowance must be booked as a separate consignment and must not be permitted to be carried in the same wagon with the owner.

An unstamped Indemnity Note as per Proforma at Appendix, 1/10 shall be obtained from the consignor at the time of booking live-stock and other animals, accompanied by attendants to the following effect :

I also agree to indemnify the Railways against any damage or loss arising from fire caused by smoking, cooking or carrying of open light mineral oil lamps including hurricane lanterns, by the attendant/s accompanying the animals..

CR. One attendant will be - allowed to travel free in each wagon with each consignment or wagon load; extra attendant being allowed on payment of ordinary Second class fares on the following sections :- Gwalior—Bhind, Gwalior — Shivpuri, Gwalior—Shivpur Kalan.

C.L.W.T.C..... Attendants are allowed in accordance with the provisions of the Coaching ‘Tariff, as modified by notified exceptions.

404. Loading, unloading and transhipment.

The loading, unloading and transhipment of live-stock and other animals will be done by the owner or the attendant as representing the owner at his own risk and expense. Such loading, unloading and transhipment is to be done during day time only but under special circumstances and on a written request from the owner or the attendant representing the owner, permission may be given for it to be done after dusk also within the working hours of the goods shed/station, the risk responsibility and expenses for which will be entirely that of the owner.

405. Demurrage.

The demurrage rules laid down in Chapter 1 also apply to wagons containing live-stock and other animals. :

406. Risk.-

- (1) Subject to rule 407, the liability of railways as carriers of animals, will be as per Railways (Extent of Monetary Liability and Prescription of Percentage charge) Rules 1990, issued under section 101/103 of the Railways Act 1989, a copy at Appendix 1/11.

- (2) In case the sender wishes to declare a value higher than that indicated in schedule I of the Railways (Exemption of Monetary Liability and Prescription or Percentage charge) Rule 1990, and engages to pay percentage charge on the excess value, he shall record in the Forwarding Note the value of each animal and an undertaking that he engages to pay the percentage charge on the excess value. In cases where percentage charge as prescribed has been paid on excess value declared, the liability of the railway administration for loss, destruction, damage, deterioration or non-delivery of the animal, shall not exceed the value so declared.
- (3) If the sender elects to pay the percentage charge on excess value, as provided for above, Owner's Risk rates, if any will not be applicable. In such cases only the Railway Risk rates will be applicable.

407. Non responsibility of the Railway for loss or damage by fright or restiveness.—

- (1) Railway Administration shall not be responsible for any loss or destruction of, or injuries to any animal carried by railway arising from fright or restiveness of the animal or for overloading of wagons by the consignor or his agent, irrespective of whether the sender has engaged to pay the percentage charge on excess value or not.
- (2) Railways will not be responsible for the loss, destruction, damage, deterioration or non-delivery of the animals after the termination of transit as defined in Rule 134.

408. Percentage charge on excess value.—

The percentage charges on excess value of animals and birds are as follows:

Description for animals	Percentage charge on excess value per 160 kilometres or part of 160 Kilometres
Elephants	One rupee per 100 rupees or part thereof on the excess-value over Rs. 6,000 as declared.
Horses, carried in horse boxes	One rupee per 100 rupees or part thereof on the excess value over Rs.3,000 as declared.
Mules, camels, giraffes, or horned made ?	One rupee per 100 rupees of part thereof on the excess value for Rs. 800 as declared.
Donkey, sheep, goats & other animals & birds	One rupee per 100 rupees of part thereof on the excess value for Rs. 100 as declared.

.....

.....

409. Pigs, sheep and goats in small numbers :

Pigs, sheep and goats in less than wagon loads will not be carried by goods train.

C. I. W. I.C. Conveyed over the Steamer Services at coaching rates only. Goods documents may be issued if made convenient, but coaching freight must be charged in all cases.

410. Pigs, sheep and goats in wagon-loads.

- (1) Pigs, sheep and goats when carried in vehicles, other than horseboxes or specially constructed sheep vans, etc., by goods or mixed trains booked together by one consignor and carried together for one consignee, conveyed together for the same sender and consignee are charged at class 220-B for a minimum weight of 60 quintals per 4-wheeled B.G. wagon. 45 quintals per 4-wheeled M.G. wagon and 35 quintals per 4-wheeled N.G. wagon.

These rates apply at Owner's Risk. At Railway Risk, the freight charges to be levied are 20 percent, higher than the charges leviable at Owner's Risk the total charges being rounded off in accordance with Rule 190 (1) and (2).

E.R.
N.R.

The following are the charges for the carriage of sheep and goats in special 4-wheeled vans over the Eastern Railway and over the Allahabad, Lucknow and Moradabad Divisions of the Northern Railway:—

- (1) In special vans constructed to carry 270 animals :—

Per Wagon

Any number up to 140.	50 percent over and above the ordinary tariff rates.
Any number from 141 to 176	75 percent over and above the ordinary tariff rates. AT O.R.
Any number from 177 to 200	100 percent over and above the ordinary tariff rates.
Any number from 201 to 270	170 percent over and above the ordinary tariff rates.

- (2) In special vans constructed to carry 176 animals :

Per Wagon

Any number up to 140	50 percent over and above the ordinary tariff rates.
Any number from 141 to 176	75 percent over and above the ordinary tariff rates. AT O.R.
When carried at Railway Risk, charge will be 20 percent higher.	

CJ.W.T.C. - See exception to Rule 409

- (2) (a) The rates per wagon referred to in Rule 410 (1) apply to the following number of animals, when loaded in a 4-wheeled wagon; 6-wheeled and bogie wagons will be reckoned as 1.5 and two 4-wheeled wagons respectively. BOX and BOX wagons will be charged as for two – 4 – wheeled B. G. wagons and OZ type wagons as for one 4-wheeled B. G. wagon and CRT type wagon as for 1.10 times a 4-wheeled B. G. wagon when loaded with sheep and goats. BOX and CRT types of wagon will not, however, be normally utilized for carriage of animals :

Broad Gauge	Sheep and goats	Pigs
Animals loaded in a 4- wheeled wagon of Floor area less than 21.1 sq. metre.	70	50
Animals loaded in a 4-wheeled wagon of Floor area 21.1 sq. metre and above	100	-
Animals loaded in a BOX type of wagon	170	-
Animals loaded in a BOX type of wagon	200	-
Animals loaded in a CRT type of wagon	110	-
Animals loaded in a OZ type of wagon	70	-
Metre Gauge		
Animals loaded in a 4-wheeled, wagon of floor Area less than 12.5 sq. metres.	50	35
Animals loaded in a 4-wheeled wagon of floor Area 12.5 sq. metres and above	60	--
Narrow Gauge	25	20

- (b) When the carrying capacity of wagons in which pigs, sheep and goats are carried differ from the numbers of animals specified in Rule 410 (2) (a), the carrying capacity of such wagons is separately notified by individual Railway! and should not be exceeded in any circumstances. In the absence of such notifications, the numbers of animals specified in Rule 410 (2) (a) will be the carrying capacity of the wagon used.
- (c) Consignors in loading sheep, goats and pigs are not permitted to exceed the number of animals notified in Rule 410 (2) (a) unless—
- (i) the notified carrying capacity of the wagon used is in excess of this number;

- (ii) consignors are by specific notification permitted to increase the load for the same rate.
- (d) Should the load exceed the carrying capacity notified *by* individual railways under Rule 410 (2) (b) or. in the absence of any such notification by individual railways, the number specified under Rule 410 (2) (a), charges for the excess number of animals so loaded will be levied on a proportionate basis unless such excess loading has been permit-led free of charge under Rule 410 (2) (c) (ii), the charge per extra animal being arrived at by dividing the total freight charges per wagon by the number of animals permitted to be loaded.

411. Low priced horse, ponies, mules, donkeys, horned cattle and other animals (except pigs, sheep, goats, wild animals, camels, giraffs or elephants).—

- (1) Low priced horses, etc. booked together by one consignor and carried together for one consignee, when carried in vehicles other than horse-boxes by goods or mixed trains, are charged at Class 220-B for a minimum weight of 60 quintals per 4-wheeled B.G. wagon, 45 quintals per 4-wheeled M.G. wagon and 35 quintals per 4-wheeled N.G. wagon. The charges will be reckoned on the through distance at the rate applicable and on the number of wagons used at the forwarding station, the total amount being divided between the Railways in the ratio of distances over the Railways involved.

These rates apply at Owner's Risk, At Railway Risk, the freight charges to be levied are 20 per cent higher than the charges leviable at Owner's Risk, the total charges being rounded off in accordance with Rule 190 (1) and (2).

C.R. :	Bulls despatched for breeding purposes—
N.R. :	<p>The following arrangements have been introduced over the Central (G.I.P. Section) and Northern (Allahabad, Lucknow and Moradabad Divisions) Railways for the carriage of bulls for breeding purposes despatched from Mathura (C.R.) by the Director of Animal Husbandry, U.P.</p> <ul style="list-style-type: none"> (1) The bulls for different destinations which are situated en the Central (G.I.P. Section) and Northern (Allahabad, Lucknow and Moradabad Divisions) Railways in the same direction may be accepted for despatch loaded in one wagon provided they are situated on the direct route. Charges will be made at the ordinary tariff rates on the total through distance from the original booking station to final destination. (2) The Railway Receipt will be issued for the ultimate destination and collected there.

	(3)	The bulls must be detrained at particular specified stations enroute, the Railway Receipts being endorsed with such particulars.
	(4)	Loading and unloading will be done by the consignors and consignees.
	(5)	A certificate to the effect that the bulls are intended for breeding purposes, will be issued by the local Deputy Director of Veterinary Services or an Officer not below the rank of a Farm Superintendent whose name will be notified by the Director of Animal Husbandry, U.P. and must be produced at the forwarding station at the time of booking of the animals.
	(6)	The Railway will accept no responsibility for consignees failing to be present en route, to effect delivery and in their absence the wagon will not be detained or detached.
N.E. :	--	When the sender requires a horse-box to be used, rates as per Coaching Tariff will be charged but when a horse-box is supplied by the Railway for its own convenience the rates laid down in Rule 411 (1) will be charged.
N. R. :		Over the Kalka—Simla Section 2 horses can only be booked with prior arrangements with the Chief Operating Superintendent, Northern Railway.
C.I.W.T.C.		See exception to Rule 409.

- (2) (a) The rates referred to in Rule 411 (1) apply to the following number of animals when loaded in a 4-wheeled wagon; 6- wheeled and bogie wagons will be reckoned as 1.5 and 2 four-wheeled wagons respectively

	B.G.	M.G.	KG.
Horned Cattle	10	8	6
Horned Cattle with calves, and sucklings	8	6	4
Calves and sucklings of horned cattle	20	15	10
Donkeys	12	10	8
Horses	8	6	4
Ponies and mules	10	8	6

The number of animals that can be loaded in BOX, CRT and OZ type wagons —

- (i) should be computed to two times a 4-wheeled B.G. wagon in the case of BOX wagons;
- (ii) should be computed to one 4-wheeled B.G. wagon in the case of OZ type wagons; and
- (iii) in the case of CRT wagons, to which charges at 1. 10 times the charges for 4-wheeled B.G. wagon applies.

should be as under :

Horned cattle	...	11
Horned cattle with calves and sucklings	...	9
Calves and sucklings	...	22
Donkeys	...	13
Horses	...	9
Ponies and Mules	...	11

When more than one variety of the animals mentioned above are loaded in the same wagon, the wagon rate will apply for the lowest of the numbers prescribed, e.g., if donkeys and horses are loaded in a B.G 4-wheeled wagon, the wagon rate will apply to 8 animals in all.

Note:

- (a) (i) One suckling or calf not exceeding 1.07 metres high at the rear base of the hump in case of horned cattle, 0.65 metre at the highest points of withers, in case of mules and ponies, 0.45 Metres, at the highest point of withers, in case of donkeys, 0.75 metre at the highest point of withers, in case of horse, is carried free with its parent animals. If off springs of the animals exceed these heights, such sucklings and the calves should be treated as full grown animals and charged accordingly.
- (ii) Calves of Nagaur, Haryana, Hissar and Hybrid breeds and calves of ordinary breed when booked in mixed lots unaccompanied by parent animals are to be treated as one variety of animals and their loadability will be 16 for B. G., 12 for M.G. and 8 for N.G. 4-wheeled wagon.
- (b) Two such calves or sucklings of heights as mentioned in (a) (i) above when “un-accompanied” by then parent animals are to be treated as one full grown animal and will be charged as such i.e. carrying capacity in such cases would be assessed on the basis of double the number of full grown animals.

N. R.	<p>Calves of cows of Nagaur, Haryana. Hissar and Hybrid breed only, unaccompanied by parent animals, exceeding 1.07 metres and upto 1.22 metres in height at the rear base of the hump, when booked—</p> <p>(i) from B.G. stations on Allahabad. Delhi, Firozpur and Moradabad Divisions of Northern Railway are allowed to be loaded upto 16 in a 4-wheeled wagon;</p> <p>(ii) from M.G. stations locally over Northern Railway are allowed to be loaded upto 12 in a 4-wheeled wagons and will be charged at the ordinary tariff rates at owner's risk both in local and through booking.</p> <p>Pre-payment of charge is compulsory. In offering consignments of such calves, the consignor should invariably declare on the Forwarding Note that these are of Nagaur, Haryana, Hissar or Hybrid breeds, as the case may be.</p> <p>The consignor should also produce at the time of booking a certificate from an official of veterinary department to the effect that calves offered for booking belong to the Hybrid breed.</p>
N. E. :	<p>Calves of cows of Haryana breed only, unaccompanied by parent animals, exceeding 1.07 metres but not exceeding 1.22 metres in height at the rear base of the hump, when booked from Mathura Cant in local booking only are allowed to be loaded upto 12 animals in 4-wheeled M.G. wagon and will be charged at the ordinary tariff rates. Declaration from the consignors should invariably be obtained on the Forwarding Note that calves are of Haryana breed.</p> <p>The consignor should also produce at the time of booking a certificate from an official of veterinary department to the effect that calves offered for booking belong to the Hybrid breed.</p>
W. R. :	<p>Calves of horned cattle of Haryana breed and Nagaur breed only unaccompanied by parent animals, exceeding 1.07 metres and upto 1.22 metres in height at the rear base of the hump, when booked from Jhunjhunu and Chirawa M.G. stations on Sikar-Loharu Section of Western Railway are allowed to be loaded upto 12 in 4-wheeled M.G. wagon and will be charged at the ordinary tariff rates at Owner's Risk both in local and through booking.</p> <p>This applies to the booking of calves of cows only. Pre-payment of charge is compulsory.</p> <p>In offering consignments of such calves, the consignors should invari-</p>

ably declare on the Forwarding Note that these are of Haryana breed.

Calves of horned cattle of Haryana breed only, unaccompanied by parent animals exceeding 107 centimetres and upto 122 centimetres in height at the rear base of the hump, when booked from “Hindaun city” B.G station on Kota Division of Western Railway are allowed to be loaded upto 16 in B.G. 4-wheeled wagon and will be charged at the ordinary tariff rates appearing in Rule 411 (1) at owner’s Risk both in local and through booking.

Calves of hooted cattle of Haryana, Nagaur, Rathi, Dharparkar, Gir and Parbatsar breeds only, unaccompanied by parent animals exceeding 107 Cms. and upto 122 Cms. in height at the rear base of the hump, when booked from Kota on Western Railway are allowed to be loaded upto Sixteen number in a B.G. 4-whceled wagon and will be charged at the ordinary tariff rates as appearing in Rule 411 (1) at owner’s risk both in local and through booking.

This applies to the booking of calves of cows only. Pre-payment of charge is compulsory. In offering consignments of such calves, the consignors should invariably declare on Forwarding Note that these are of Haryana breed.

- (b) Consignors in booking are not permitted to exceed the number of animals notified in Rule 411 (2) (a) unless—
 - (i) the notified carrying capacity of the wagon used is in excess of this number, or
 - (ii) consignors are by specific notification permitted to increase the load for the same rate.
- (c) Should the load exceed the numbers notified in Rule 411 (2) (a) charges for the excess number of animals loaded will be levied on a proportionate basis, the charge per extra animal being arrived at by dividing the total freight charges per wagon by the number of animals permitted to be loaded
- (d) When the carrying capacity of wagons in which low-priced horses, etc.. are carried differ from the numbers of animals specified in Rule 411 (2) (a), the carrying capacity of such wagons is separately notified by individual Railways and should not be exceeded in any case. In the absence of such notifications, the number of animals, specified in Rule 411 (2) (a) will be the carrying capacity of the wagon used.

E.R.	Young bulls under 1.37 metres in height, -when despatched by the Superintendent, Government Cattle Farms, Madhuri Kunda District Supdt. Mathura. Bharari (District Jhansi) from station Mathura and Jhansi respectively may be loaded for stations on the Eastern Railway and on the Allahabad, Lucknow and Moradabad Divisions of the Northern Railway to the extent of 12 animals per 4-wheeled wagon. :
N.R.	

412. Camels and Giraffe

Camels and Giraffs are accepted for conveyance under special arrangements only and are charged at Class 220-B for a minimum weight of 60 quintals per 4-wheeled B.G. wagon; 45 quintals per 4-wheeled M.G. wagon and 35 quintals per 4-wheeled. N,G. wagon at Owner's Risk applicable for each animal. Every additional animal loaded in the same wagon and despatched by the same sender to and from the same station will be charged at 50 per cent of the rate for the first animal.,

At Railway Risk, the freight charges to be levied are 20 per cent higher than the charges leviable at Owner's Risk.

C. R.	(a)	Camels are accepted for carriage over the Central Railway only by special arrangement with the Chief Commercial Superintendent, Bombay..
	(b)	Camels are not booked over Gwalior - Shivpuri, Gwalior - Sheopur Kalan and Gwalior-Bhind Sections of Central Railway.
C.I.W.T.C.		See exception to Rule 409.

413. Elephant calves.

Elephant calves are charged at class 220-B for a minimum weight of 60 quintals per 4-wheeled B.G. wagon, 45 quintals per 4-wheeled M.G. wagon and 35 quintals per 4-wheeled N.G. wagon at .Owner's Risk applicable for each animal. Every additional animal loaded in the same wagon and despatched by the same sender to and from the same station will be charged* at 50 per cent of the rate for the first animal.

At Railway Risk the freight charges to be levied are 20 per cent higher than the charges leviable at Owner's Risk.

N. R.	Elephant calves are accepted for carriage under special arrangements only over Western Railway
N.E. (i)	
W.R. (ii)	Jodhpur Division and stations on Delhi-Rewari—Fazilka section of Bikaner Division of the Northern Railway.
(iii)	Fategarh District of North Eastern Railway.
C.I.W.T.C.	Section exception to Rule 409.

414. Elephants

Elephants are conveyed only under special arrangement and are charged at class 220-B for a minimum weight of 60 quintals per 4-wheeled B.G. wagon, 45 quintals per 4-wheeled M.G. wagon and 35 quintals per 4-wheeled N.G. wagon at Owner's Risk applicable for each animal. Every additional animal loaded in the same wagon and despatched by the same sender to and from the same station will be charged at 50 per cent of the rate for the first animal.

At Railway Risk the freight charges to be levied are 20 per cent higher than the charges at Owner's Risk.

A Haulage charge of 34 paise per kilometer per 4-wheeled wagon over Government Railways is made on elephant wagons from and to the station of supply. Haulage charge for a bogie wagon is double this rate.

C.R.	(a)	Elephants are accepted for carriage over the Central Railway, only by special arrangement 'with the Chief Commercial Superintendent.
	(b)	Elephants are not booked over Gwalior-Shivpuri, Gwalior—Sheopur Kalan and Gwalior—Bhind Sections of Central Railway.
E.R. N.R.		Elephants carried in the ex. E. I. Railway bogie elephant trucks—Elephant trucks Nos 22376 and 22377 each filled with a cage for accommodation for one full size animal are charged over the Eastern Railway and over the Northern Railway (Allahabad, Lucknow and Moradabad Divisions) at the rates laid down in this rule subject of a minimum charges of Rs. 78 per bogie truck. The usual haulage charge of 68 paise per kilometre is made on bogie elephant trucks from and to the station of supply.
C.I.W.T.C.		See exception to Rule 409.

415. Wild animals in cages.

Wild animals in cages are charged at class 220-B for a minimum weight of 60 quintals per 4-wheeled B.G. wagon, 45 quintals per 4-wheeled M.G. wagon and 35 quintals per 4-wheeled N.G. wagon. The cages in which such animals are loaded must be fitted with strong and suitable handles to enable them to be lifted with safety.

These rates apply at Owner's Risk. At Railway Risk, the freight charges to be levied -are 20 per cent higher than the charges leviable at Owner's Risk, the total charges being rounded off in accordance with Rule 190 (1) and (2).

C. R.	Wild animal including wild monkeys are accepted for carriage only by special arrangement with Chief Commercial Superintendent, Bombay. Cages must be provided with strong and suitable handles to allow the staff lifting them with security.
CJ.W.T.C.	See exception Rule 409.

416. Rations, rest, etc., for horses, ponies and cattle en route.

- (1) At the written request and risk of owners, horses, ponies and cattle which have travelled over 320 kilometres, may be unloaded and, allowed to break journey, for not more than 24 hours, at Junctions or other first class stations.
- (2) The following rations, kit, etc., necessary for the journey are carried free, any excess being charged at ordinary rates

Ration and kit	For each horse or pony	For each head of cattle
Stable kit including a bucket	40 kilograms	20 kilograms
Grain, etc.	10 kilograms for every 160 kilometres	5 kilograms for every 160 kilometres
Grass	As much as can conveniently be put into the stall.	

C.I.W.T.C.	This Rule is not in force.
-------------------	----------------------------

• • •

Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011

MINISTRY OF HEALTH AND FAMILY WELFARE

(Food Safety and Standards Authority of India)

Notification

New Delhi, dated the 1st August, 2011

F.No. 2-15015/30/2010 Whereas in exercise of the powers conferred by clause (o) of sub section (2) of section 92 read with section 31 of Food Safety and Standards Act, 2006 (34 of 2006) the Food Safety and Standards Authority of India proposes to make Food Safety and Standards Regulations in so far as they relates to Food Safety and Standards(Licensing and Registration of Food Businesses) Regulations, 2011, and;

Whereas these draft Regulations were published in consolidated form at pages 1 to 776 in the Gazette of India Extraordinary Part III – Sec. 4 dated 20th October 2010 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification were made available to the public;

And whereas the copies of the Gazette were made available to the public on the 21st October 2010;

And whereas objections and suggestions received from the stakeholders within the specified period on the said draft Regulations have been considered and finalized by the Food Safety and Standards Authority of India.

Now therefore, the Food Safety and Standards Authority of India hereby makes the following Regulations, namely,-

CHAPTER 1

GENERAL

1.1: Short title and commencement-

1.1.1: These regulations may be called the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.

1.1.2: These regulations shall come into force on or after 5th August, 2011

1.2: Definitions-

1.2.1: In these regulations unless the context otherwise requires:

1. “Central Licensing Authority” means Designated Officer appointed by the Chief Executive Officer of the Food Safety and Standards Authority of India in his capacity of Food Safety Commissioner.
2. “District” means a revenue district in state and UTs provided that the Commissioner of Food Safety may, for the purpose of this Act declare any local area as a district on the basis of:

- Concentration of specific category of food businesses which may need special attention.
 - Risk assessment carried out by the Authority from time to time.
 - Any other specific regulatory requirements.
3. “Licensing Authority” means the Designated Officer appointed under section 36 (i) of the Act by the Commissioner of Food Safety of the state or by the Chief Executive Officer of the Food Safety and Standards Authority of India in his capacity of Food Safety Commissioner ;
 4. “Petty Food Manufacturer” means any food manufacturer, who (a) manufactures or sells any article of food himself or a petty retailer, hawker, itinerant vendor or temporary stall holder; or distributes foods including in any religious or social gathering except a caterer;
or
 - (b) such other food businesses including small scale or cottage or such other industries relating to food business or tiny food businesses with an annual turnover not exceeding Rs 12 lakhs and/or whose
 - (i) production capacity of food (other than milk and milk products and meat and meat products) does not exceed 100 kg/ltr per day or
 - (ii) procurement or handling and collection of milk is up to 500 litres of milk per day or
 - (iii) slaughtering capacity is 2 large animals or 10 small animals or 50 poultry birds per day or less.
 5. Registering Authority” means Designated Officer/ Food Safety Officer or any official in Panchayat, Municipal Corporation or any other local body or Panchayat in an area, notified as such by the State Food Safety Commissioner for the purpose of registration as specified in these Regulations.
 6. “State Licensing Authority” means Designated Officers appointed under Section 36(1) of the Act by the Food Safety Commissioner of a State or UT. The expressions used in these Regulations but have not been defined herein shall have the meaning ascribed to them in the Act or as provided in the regulations, chapters and Appendices.

Chapter-2

LICENSING AND REGISTRATION OF FOOD BUSINESS

2. 1 Registration and Licensing of Food Business

All Food Business Operators in the country will be registered or licensed in accordance with the procedures laid down hereinafter;

2.1.1 Registration of Petty Food Business

- (1) Every petty Food Business Operator shall register themselves with the

Registering Authority by submitting an application for registration in Form A under Schedule 2 of these Regulations along with a fee as provided in Schedule 3.

- (2) The petty food manufacturer shall follow the basic hygiene and safety requirements provided in Part I of Schedule 4 of these Regulations and provide a self attested declaration of adherence to these requirements with the application in the format provided in Annexure-1 under Schedule 2.
- (3) The Registering Authority shall consider the application and may either grant registration or reject it with reasons to be recorded in writing or issue notice for inspection, within 7 days of receipt of an application for registration.
- (4) In the event of an inspection being ordered, the registration shall be granted by the Registering Authority after being satisfied with the safety, hygiene and sanitary conditions of the premises as contained in Part II of Schedule 4 within a period of 30 days.

If registration is not granted, or denied, or inspection not ordered within 7 days as provided in above sub regulation (3) or no decision is communicated within 30 days as provided in above sub regulation (4), the petty food manufacturer may start its business, provided that it will be incumbent on the Food Business Operator to comply with any improvement suggested by the Registering Authority even later.

Provided that registration shall not be refused without giving the applicant an opportunity of being heard and for reasons to be recorded in writing.

- (5) The Registering Authority shall issue a registration certificate and a photo identity card, which shall be displayed at a prominent place at all times within the premises or vehicle or cart or any other place where the person carries on sale/manufacture of food in case of Petty Food Business.
- (6) The Registering Authority or any officer or agency specifically authorized for this purpose shall carry out food safety inspection of the registered establishments at least once in a year.

Provided that a producer of milk who is a registered member of a dairy Cooperative Society registered under Cooperative Societies Act and supplies or sells the entire milk to the Society shall be exempted from this provision for registration.

2.1.2 License for food business

- (1) Subject to Regulation 2.1.1, no person shall commence any food business unless he possesses a valid license.

Provided that any person or Food Business Operator carrying on food business on the date of notification of these Regulations, under a license, registration or permission, as the case may be, under the Acts or Orders mentioned in the Second Schedule of the Act shall get their existing license

converted into the license/registration under these regulations by making an application to the Licensing/Registering Authority after complying with the safety requirements mentioned in the Schedule 4 contained under different Parts dependent on nature of business, within one year of notification of these Regulations. In case of difficulty, the licensing authority with the approval of the Food Safety Commissioner in the State will determine the advisability of applying any specific condition keeping in view the need to ensure safety of food and public interest. No license fee will have to be paid for the remaining period of the validity of the earlier license or registration granted under any of the said Acts or Orders. Non-compliance with this provision by a Food Business Operator will attract penalty under section 55 of the Act.

Provided further that any food business operator holding Registration/License under any other Act/Order as specified under schedule 2 of the FSS Act, 2006 with no specific validity or expiry date, and other wise entitled to obtain a license under these regulations, shall have to apply and obtain a Registration/License under these Regulations within one year from the date of notification by paying the applicable fees.

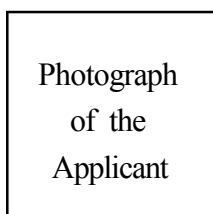
- (2) Notwithstanding the provisions contained in Regulation 2.1.2(1) above or in any of the registration or license certificates issued under existing Acts or Orders mentioned in the second schedule of the Act, the Licensing Authority, if it has reason to believe that the Food Business Operator has failed to comply with all or any of the conditions of the existing registration or license or the safety requirements given in Schedule 4, may give appropriate direction to the Food Business Operator to comply with.

SCHEDULE 2

[See Regulation 2.1.1 and Regulation 2.1.7]

Form 'A'

Application for Registration / Renewal of Registration under Food Safety and Standards Act, 2006



Kind of business:

- Fish/meat/poultry shop/seller

- (a) Name of the Applicant/Company: _____
- (b) Designation
- ☐ Individual
 ☐ Partner
 ☐ Proprietor
 ☐ Secretary of dairy co-operative society.
 ☐ Others (Please specify)

- (c) Proof of Identity of applicant: _____
[Note: Please submit a copy of photo ID like Driving License, Passport, Ration Card or Election ID card]
- (d) Correspondence address: _____
Tel No: _____ Mobile No.: _____
Fax No.: _____ Email: _____
[Note: In case the number(s) are a PP or common number(s), please specify the name of the contact person as well]
- (e) Area or Location where food business is to be conducted/Address of the premises: _____
- (f) Description of the food items proposed to be Manufactured or sold:
- | S.No. | Name of Food category | Quantity in Kg per day or
M.T. per annum |
|--|-----------------------|---|
| Please attach separate sheet if required | | |
- (g) Total Annual turnover from the food business, if existing, alongwith any supporting document(s) showing proof of income (*In case of renewal): _____
- (h) In case of new business - intended date of start: _____
- (i) In case of seasonal business, state the opening and closing period of the year: _____
- (j) Source of water supply:
Public supply Private supply Any other source
- (k) Whether any electric power is used in manufacture of the food items:
☐ Yes ☐ No
If yes, please state the exact HP used or sanctioned Electricity load: _____
- (l) I/We have forwarded a sum of Rs. towards registration fees according to the provision of the Food Safety and Standards (Licensing and Registration) Regulations, 2011 vide:
☐ Demand Draft no. (payable to _____) ☐ Cash

(Signature of the Applicant)

Form 'B'

[See Regulation 2.1.2, Regulation 2.1.3 and Regulation 2.1.7]

Application for License / Renewal of license under

Food Safety and Standards Act, 2006

Kind of business (Please tick more than one, if applicable):

- ☐ Manufacturing/Processing including sorting, grading etc.
- ☐ Milk Collection/chilling
- ☐ Slaughter House
- ☐ _____

Annexure-2

Documents to be enclosed for new application for license to State/Central Licensing Authority

15. Source of raw material for meat and meat processing plants.

2.1.5 Procedure for License in certain local areas

- (1) A single license may be issued by the Licensing Authority for one or more articles of food and also for different establishments or premises in the same local area including collection and chilling units run by milk cooperatives or its members.
- (2) The Chief Executive Officer of the Food Safety and Standards Authority of India in the capacity of Food Safety Commissioner may appoint a Designated Officer or Food Safety Officer for Central Government organizations like Railways, Defense etc., which have a large number of food establishments, to ensure food safety in those establishments and to ensure that all other conditions laid down for running food business under the Act and these Regulations are complied with. Provided further that the Food Authority may carry out food safety audit of these establishments once in a year through its own or accredited agencies.

2.1.14 Food Business Operator to be bound by directions or order

- (1) Every Food Business Operator to whom any direction or order is issued in pursuance of any provisions of this regulation shall be bound to comply with such directions or regulation and any failure on the part of the Food Business Operator to comply with such direction or order shall be deemed to be contravention of the provisions of these Regulations and will attract legal action under the provisions of the Act.
- (2) Guarantee Every manufacturer, distributor or dealer selling an article of food to a vendor shall give either separately or in the bill, cash memo, or label a warranty in Form E. (Refer Form A for form of Guarantee)

Schedule 1

- III. All slaughter houses equipped to slaughter more than 50 large animals or 150 or more small animals including sheep and goats or 1000 or more poultry birds per day.
- IV. Meat processing units equipped to handle or process more than 500 kg of meat per day or 150 MT per annum.

FOOD SAFETY AND STANDARDS (PROHIBITION AND RESTRICTIONS ON SALES) REGULATIONS, 2011

MINISTRY OF HEALTH AND FAMILY WELFARE

(Food Safety and Standards Authority of India)

Notification

New Delhi, dated the 1st August, 2011

F.No. 2-15015/30/2010 Whereas in exercise of the powers conferred by clause (1) of subsection (2) of section 92 read with section 26 of Food Safety and Standards Act, 2006 (34 of 2006) the Food Safety and Standards Authority of India proposes to make Food Safety and Standards Regulations in so far as they relates to Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011, and;

Whereas these draft Regulations were published in consolidated form at pages 1 to 776 in the Gazette of India Extraordinary Part III – Sec. 4 dated 20th October 2010 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification were made available to the public;

And whereas the copies of the Gazette were made available to the public on the 21st October 2010;

And whereas objections and suggestions received from the stakeholders within the specified period on the said draft Regulations have been considered and finalized by the Food Safety and Standards Authority of India.

Now therefore, the Food Safety and Standards Authority of India hereby makes the following Regulations, namely,—

FOOD SAFETY AND STANDARDS (PROHIBITION AND RESTRICTIONS ON SALES) REGULATIONS, 2011

CHAPTER 1 : GENERAL

1.1: Title and commencement-

1.1.1: These regulations may be called the Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011.

1.1.2: These regulations shall come into force on or after 5th August, 2011.

1.2: Definitions-

In these regulations unless the context otherwise requires:

1. “ingredient” means any substance, including a food additive used in the manufacture or preparation of food and present in the final product, possibly in a modified form;

CHAPTER 2 : PROHIBITION AND RESTRICTIONS ON SALES

2.3.13: Use of flesh of naturally dead animals or fowls prohibited.

No person shall sell or use as an ingredient in the preparation of any article of food intended for sale, the flesh of any animal or fowl which has died on account of natural causes.

PART IV

(See Regulation 2.1.2 (1)(5))

Specific Hygienic and Sanitary Practices to be followed by Food Business Operators engaged in manufacture, processing, storing and selling of Meat and Meat Products

A. Slaughter House

Food Business Operator which slaughters large animals and small animals including sheep and goat or poultry birds within the premises of his factory for production of meat/ meat products for supply / sale/ distribution to the public shall comply with the following requirements:—

1. General Requirements:

1.1 No Objection Certificate to be obtained from local Authority before grant of license.

2. Location of Premises:

Such establishments / Slaughter Houses should be linked to a meat market located away from Vegetable, fish or other food markets and shall be free from undesirable odour, smoke, dust or other contaminants. The premises shall be located at elevated level in a sanitary place.

3. Premise requirements:

3.1 The slaughter house shall have a reception area/animal holding yard/resting yard, lairage, slaughter hall, side halls for hide collection, paunch collection, offals collection, and separation, holding room for suspected/ condemned carcass, by-product harvesting, refrigeration room/cold room etc.

3.2 Every such establishment / Slaughter House shall make separate provision in the slaughter hall for the slaughter of different species which are proposed to be slaughtered (like large animal viz; Cattle and Buffalo, Pigs and small animals like Sheep & Goat) and for different methods of slaughter (like Halal, Jewish and Jhatka). After every type of operation the slaughter house shall be cleaned, washed wiped/dried and sanitized thoroughly.

3.3 The slaughter house shall have separation between clean and dirty sections and shall be so organized that from the introduction of a live animal into the slaughter house up to the emergence of meat and offal classed as fit for human consumption there shall be a continuous forward movement without any possibility of reversal, intersection or overlapping between the live animal meat, and between meat and bye products or waste.

3.4 The reception area/animal holding yard/ resting yard shall have facilities for watering and examining animals before they are sent to holding pens/lairage. Animals suspected of contagious or infectious diseases shall be segregated and kept in separate isolation pens which shall also be provided with

arrangements for watering and feeding. After confirmation for any notifiable disease, the designated Veterinary Authority shall notify the disease as per the existing procedures. The resting yard must have overhead protective shelter.(This is not mandatory for registration category)

- 3.5 The lairage shall be adequate in size for the number of animals to be laired.
- 3.6 Separate space shall be provided for stunning (Wherever applicable), for collection of blood and for dressing of the carcasses. The slaughtering of an animal shall not be done in the sight of other animals. The dressing of the carcass shall not be done on the floor. Suitable hoists will be provided to hang the carcass before it is eviscerated.
- 3.7 All the floors in lairage, slaughter halls, work rooms, hanging rooms shall be of impervious and nonslippery material.
- 3.8 The internal walls will be paved with impervious glazed tiles up to 1 meter height in case of poultry and small ruminant animals and 5 meter height in case of large ruminant animals . The walls and floors should be epoxy coated so as to avoid accumulation/absorption of dust, blood/meat particles, microbial/fungal growth.
- 3.9 Ceiling or roofs shall be so constructed and finished so as to minimise condensation, mould development, flaking and accumulation of dirt.
- 3.10 Suitable and sufficient accommodation shall be provided for segregation, storage and disposal of condemned meat.
- 3.11 The establishments / Slaughter Houses shall be so constructed and maintained as to permit hygienic production.
- 3.12 Windows, doors and other openings suited to screening shall be fly proof. All doors shall have strong springs so that they may close automatically.
- 3.13 All operations in connection with the preparation or packing of meat / meat food products shall be carried out under hygienic conditions. No portion of the establishments / Slaughter Houses premises shall ever be used for living or sleeping purposes unless it is separated from the factory by a wall.
- 3.14 There shall be efficient drainage and plumbing systems and all drains and gutters shall be properly and permanently installed. There shall be provision for the disposal of refuse.
- 3.15 The drainage system for blood shall either be underground with facility for easy cleaning or a portable receptacle with lid. All drainages will have traps and screens so as to prevent entry of scavengers like rats, mice, vermin etc.
- 3.16 The rooms and compartments where edible products are handled shall be separate and distinct from the rooms and compartments for inedible products.

- 3.17 Suitable and separate space shall be provided for the storage of hides and skins. This room shall have a separate exit.
- 3.18 A constant and sufficient supply of clean potable cold water with pressure hose pipes and supply of hot water should be made available in the slaughter hall during working hours.
- 3.19 Suitable and sufficient facilities shall be provided for persons working in the slaughter house for changing their clothes and cleaning their footwear, and cleaning their hands before entering rooms used for the preparation and storage of meat.
- 3.20 Provision for latrines, toilets and change rooms will be made . Sufficient number of latrines, urinals, washbasins and bathrooms for each sex shall be provided.
- 3.21 Suitable and sufficient facilities shall be provided in convenient places within the slaughter house for the sterilisation of knives and sharpner (mushtala) and other equipment used in the slaughter house. The knives and sharpner (mushtala) shall be of stainless steel only.
- 3.22 Whenever cooking is done on open fire, chimneys shall be provided for removal of smoke and soot.
- 3.23 Whenever the dressed meat is not used up for the preparation of meat food products and some portion has to be stored without further immediate processing, such storage shall be in a room maintained at 0° C to 2°C.
- 3.24 All slaughter house refuse and waste materials will be suitably processed to prepare animal bye products or dumped in pits that are suitably covered so as to prevent its access to scavengers. For large slaughter houses, a suitable provision of Effluent Treatment Plant will be made.
- 3.25 In case of small slaughter houses, waste material should be composted which can be used for manure purpose and in case of large slaughter houses, waste material should be rendered (cooked) in a rendering plant to produce meat, bone meal and inedible fats.
- 3.26 Suitable and sufficient facilities shall be provided for the isolation of meat requiring further examination by the authorised veterinary officer in a suitable laboratory (within the premises of the slaughter house).
- 3.27 Consistent with the size of the factory and volume and variety of meat food products manufactured, a laboratory shall be provided, equipped and staffed with qualified (chemist/analyst and Veterinary Microbiologist) and trained personnel. The licensing authority shall accord approval of the laboratory after inspection.
- 3.28 The Chemist/analyst shall have passed graduation with Chemistry as one subject and the. Veterinary Microbiologist shall be a qualified veterinarian

with two years of experience in Meat analysis or having degree of Master in Veterinary Public Health with specialization in Meat Hygiene.

- 3.29. Adequate natural or artificial lighting should be provided throughout the abattoir/ meat processing unit. Where appropriate, the lighting should not alter colours and the intensity should not be less than 540 Lux (50 foot candles) at all inspection points, 220 Lux (20 foot candles) in work rooms and 110 Lux (10 foot candles) in other areas. Light bulbs and fixtures suspended over meat in any stage of production should be of safety type and protected to prevent contamination of meat in case of breakage. As far as possible meat inspection shall be carried out in day light. Every abattoir shall be provided with well distributed artificial light.

4. Sanitary Practices:

- 4.01 Every part of the internal surface above the floor or pavement of such slaughter house shall be washed thoroughly with hot lime wash within the first 10 days of March, June, September and December. Every part of the floor or pavement of the slaughter house and every part of the internal surface of every wall on which any blood or liquid refuse or filth may have been spilt or splashed or with which any offensive or noxious matter have been brought into contact during the process of slaughtering, dressing and cutting, shall be thoroughly cleaned, washed with water, wiped/dried and disinfectant within three hours after the completion of slaughter.
- 4.02 Rooms and compartments in which animals are slaughtered or any product is processed or prepared shall be kept sufficiently free from steam, vapours and moisture and obnoxious odours so as to ensure clean and hygienic operations. This will also apply to overhead structures in those rooms and compartments.
- 4.03 All parts of the establishments / Slaughter Houses shall always be kept clean, adequately lighted and ventilated and shall be regularly cleaned, and disinfected. The floorings shall be impervious and washed daily. Lime washing, colour washing or painting as the case may be, shall be done at least once in every twelve months.
- 4.04 All yards, outhouses, stores and all approaches to the establishments / Slaughter Houses shall always be kept clean and in a sanitary condition.
- 4.05 Suitable and sufficient receptacles furnished with closely fitted covers shall be provided for collection and removal of all garbage, filth and refuse from the slaughter house at a convenient time to a place away from the factory for disposal.
- 4.06 All blood , manure, garbage, filth or other refuse from any animal slaughtered and the hide, fat, viscera and offal there from, shall be removed

from the slaughter house within 8 hours after the completion of the slaughtering and in such a manner and by such means as will not cause nuisance at the premises or elsewhere. Every such vessel or receptacle shall be thoroughly cleaned and disinfected immediately after use and shall be kept thoroughly clean when not in actual use.

- 4.07 The inner side of the skin shall not be rubbed or caused to be rubbed upon the ground within any portion of the slaughter hall. Hides and skins shall not be dragged within the slaughter hall. No gut-scraping, tripe cleaning, manufacture or preparation of meat food products, household washing of clothes or work of any nature other than is involved in the slaughter and dressing of the carcass shall be permitted in any slaughter hall except in the adjuncts to the slaughter hall intended for these products and purposes.
- 4.08 The premises shall be cleaned thoroughly with disinfectants, one day in advance of production of meat food products and the equipments shall be sterilized/sanitized before use. The rooms and compartments in which any meat food product is prepared or handled shall be free from dust and from odours emanating from dressing rooms, toilet rooms, catch basins, hide cellars, casing rooms and livestock pens.
- 4.09 Every practicable precaution shall be taken to exclude flies, rats, mice and vermin from the establishments / Slaughter Houses. The use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden. The use of approved bait poisons in hide cellars, compartments where inedible products are stored, outhouses or similar buildings containing canned products is, however, not forbidden.
- 4.10 It shall be ensured that dogs, cats or birds do not have access to the slaughter hall. Open areas in the factory shall have covered wire rope netting to prevent carrion birds from access to the slaughter hall or the factory.
- 4.11 Water used in the establishments / Slaughter Houses shall be potable and suitable arrangements shall be made for ensuring potability of water if bore well water is used for production of meat and meat products. If required by the licensing authority, the water shall be got examined chemically and bacteriologic ally by a recognised laboratory. The water quality shall comply the standards prescribed by the licensing Authority.
- 4.12 Warm meat' meant for immediate sale need not be stored in cool conditions. It can be transported in a hygienic and sanitary condition in clean insulated containers with covers (lids) to the meat shops/selling units with precautions to ensure that no contamination/cross contamination or deterioration takes place.

5. Equipment & Machinery:

- 5.1 The equipment and fittings in slaughter hall except for chopping blocks, cutting boards and brooms, shall be of such material and of such construction as to enable them to be kept clean. The implements shall be of metal or other cleanable and durable material resistant to corrosion.
- 5.2 No vessel, container or other equipment, the use of which is likely to cause metallic contamination injurious to health shall be employed in the preparation, packing or storage of meat food products. (Copper or brass vessels shall always be heavily lined. No iron or galvanised iron shall come in contact with meat food products).

6. Personnel Hygiene:

- 6.1 No person suffering from infectious or contagious diseases shall be allowed to work in the factory. Arrangements shall be made to get the factory staff medically examined at such intervals as the licensing authority deems fit, to ensure that they are free from infectious, contagious and other diseases. A record of these examinations signed by a registered medical practitioner shall be maintained for inspection.
- 6.2 The staff shall be inoculated against the enteric group of diseases and a certificate thereof shall be kept for inspection.
- 6.3 In case of an epidemic, all workers should be inoculated or vaccinated.
- 6.4 The workers working in processing and preparation shall be provided with proper aprons and head wears which shall be clean. The management shall ensure that all workers are neat, clean and tidy.

(a) Animal Welfare

Animal welfare is a major concern in meat production. It is essential that animals be reared, handled, transported, and slaughtered using humane practices. A healthy and peaceful animal is an essential requirement for hygienic slaughter and safety of the meat product.

Careful handling of animals during loading / unloading, transportation and at slaughtering helps in improving the quality of meat and reduction in losses in the value of the carcass/meat.

1. Pre Slaughter Handling of Animal:

Livestock are transported en masse from the farm to the slaughterhouse, a process called "live export". Depending on its length and circumstances, this exerts stress and injuries on the animals and some may die en route. Apart from being inhumane, unnecessary stress in transport may adversely affect the quality of the meat. In particular, the muscles of stressed animals are low in water and glycogen, and their pH fails to attain acidic values.

Transportation of Animals

Following requirements shall be satisfied for Transportation of Animals from a farm to the slaughter house.

1.0 General Conditions

- 1.1 Only healthy animals in good condition shall be transported unless they are meant for emergency slaughter. These animals should be certified by a qualified veterinary inspector for freedom from infectious diseases and ectoparasitic diseases and their fitness to undertake the journey.
- 1.2 When animals are to be transported from endemic areas of a disease to non-endemic areas, the animals should be given protective vaccination and kept in quarantine for 30 days, before transportation.
- 1.3 Female animals in advanced stages of pregnancy shall not be transported.
- 1.4 When transporting large animals particularly bears/bulls, special arrangements by providing suitable partitions should be made to protect the animals from infighting. Similar arrangements should also be made to protect the young ones from being crushed when they are transported.
- 1.5 To avoid exhaustion, the animals shall be given humane treatment and care during transportation. The animals shall not be bound or chained during transit and space provided for them shall be large enough to stand or lie.
- 1.6 An attendant along with first aid equipment shall accompany the animals in transit.
- 1.7 Before loading, the animals should not be fed heavily. Only light feed may be allowed. For journeys less than 12 hours no feed need be carried but for longer journeys sufficient feed shall be carried to last during the journey. Watering facilities shall be provided at regular intervals.
- 1.8 Light and heavy animals shall be separated by providing partitions; animals from different pens/sheds shall not be mixed during transportation. Male stock shall not be transported with female stock (adults).
- 1.9 All vehicles should be inspected for safety, suitability and cleanliness before loading the animals. The floor and walls should be undamaged and there should be no nails or sharp projections which may injure the animals.
- 1.10 The Vehicles should be thoroughly sprayed with suitable disinfectant before loading the animals.
- 1.11 A layer of clean sand to cover the floor to a thickness of not less than 6 cm shall be provided. This layer of sand shall be moistened with water during the summer months. During hot months arrangements shall be made to sprinkle water on the animals at frequent intervals. In winter, a 2-cm layer of clean sand with another 6-cm layer of whole-straw shall be provided.

- 1.12 Animals when driven for loading or unloading shall never be struck with stick. Driving could best be done by soft-rubber pipe.
- 1.13 If animals are to be transported in extreme cold or hot climate, it is preferable to transport them in covered Lorries on road so that they may not die or get exhausted or suffer from acute respiratory disease. Journey under such adverse climate shall be minimised.
- 1.14 Each consignment should bear a label showing the following particulars:
 - a) Number and kind of the animals loaded;
 - b) Name, address and telephone number, if any, of the consignor;
 - c) Name address and telephone number, if any, of the consignee;
 - d) Instructions regarding feeding and watering.

2.0 Loading

- 2.1 Loading during extremes of temperatures shall be avoided.
- 2.2 Suitable ramp shall be provided for loading and unloading the animals. The floor of the ramp shall have cleats at intervals, so that animals do not slip as they climb or descend. The ramp shall be covered with straw to avoid slipping. At any time of loading and unloading the vehicle shall be kept clean to avoid slipping of animals. Bale
- 2.3 In case of railway wagons when loading is done on the platform, the door of the wagon may be used as ramp. In such cases, bales or bags of hay, agricultural wastes etc. may be placed on the either side of the dropped door to prevent the animals from getting their legs between the sides of the wagons and platform.

3.0 Space Requirements

- 3.1 Overcrowding shall be avoided. Each animal shall have enough space to lie down.
- 3.2 Railway wagons shall not accommodate more animals than those specified in IS specifications.
- 3.3 The speed of truck transporting animals shall not exceed 40 kilometres per hour, avoiding jerks and jolts. The truck shall not load any other merchandise and shall avoid unnecessary stops on the road.
- 3.4 For journeys, exceeding 12 hours, the animals shall be transported by railway. Loading shall be done by evening.

4.0 Slaughter:

Animals are slaughtered by being first stunned and then exsanguinated (bled out). Stunning can be effected through asphyxiating the animals with carbon dioxide, shooting them with a gun or a captive bolt pistol, or shocking them with electric

current.

4.1. Stunning:

Stunning before slaughter should be mandatory. By inducing unconsciousness and insensibility, stunning can avoid and minimise reactions of fear and anxiety as well as pain, suffering and distress among the animals concerned. Stunning methods induce temporary loss of consciousness and rely on prompt and accurate sticking procedures to cause death.

It is important that the equipment utilized for stunning and slaughter is maintained in good working condition and that all operators involved are well trained and have a positive attitude towards the welfare of animals.

Electrical stunning consists of passing electricity through the brain to produce instantaneous insensibility.

The following method of slaughter shall be considered humane:—

- (i) Mechanical stunning of cattle may be carried out by one of three methods; captive bolt stunning, mushroom head percussive stunning and pneumatic percussive stunning. For cattle, pneumatic stunning should be preferred and the optimum position is that the centre of the stunner should contact the animal at a point of intersection of lines drawn from the medial corners of the eyes and the base of the ears. The best position for pigs is on the midline just above eye level, with the host directed down the line of the spinal cord. The optimum position for sheep and goat is behind the poll, aiming towards the angle of the jaw. If an animal shows signs of regaining consciousness after the initial stun, the animal must be immediately killed by the use of a captive bolt gun.
- (ii) Electrical stunning - Electrical Head Stunners may be preferred for sheep and goat where both electrodes are placed on the head region. Water bath electrical stunning may be used for poultry birds. A low and controlled voltage must be maintained so that the stunning will not damage the heart and brain or cause physical disability and death to the animals. The minimum current level recommended for stunning are indicated in the table below.

Species	Minimum current levels for head-only stunning
Cattle	1.5 Amps
Calves (bovines of less than 6 month of age)	1.0 Amps
Pigs	1.25 Amps
Sheep and goats	1.0 Amps
Lambs	0.7 Amps
Broilers	100 milli Amps

Turkeys

150 milli Amps

- (iii) Gas stunning - Stunning of pigs by exposure to carbon dioxide (CO₂) may be preferred. The concentration of CO₂ should be 90% by volume but shall not be less than 80% by volume. Ideally pigs should be exposed for 3 minutes. Sticking should be done immediately after exit from the gas chamber. Over-crowding of animals should be avoided in the gas chamber.

5. Precautions for animal welfare:

a. General:

- (1) The floor of the slaughter area should not cause slipping or falling of animals.
- (2) Vocalization is an indicator of animal discomfort and need to be watched for.
- (3) Use of electric prods for moving animal should be discouraged. Movement of animals can be managed by grouping, use of plastic wrapped sticks etc.
- (4) Pen stocking density should be monitored. All animals should have room to lie down simultaneously. The condition of animals arriving for slaughter should be closely monitored so that injured, diseased animals are not slaughtered.
- (5) High pitch sounds such as whistling and yelling should be avoided to spare distress to animals.

b. The following factors have been identified as critical to animal welfare:

- (a) supervision and training of employees.
- (b) Designing of animal transport cart and unloading bay.
- (c) Proper construction of holding/resting pen, stunning box, maintenance of stunning equipment, restraining systems, gates and other animal handling equipment.
- (d) Avoiding distractions that make animals refuse to move.
- (e) Monitoring the condition of animals arriving at the plant.
- (f) Proper design of equipment in the slaughter house.

Keeping this in view, the following need to be observed to ensure humane treatment of animals brought for slaughter:

- Pre-slaughter handling of animal should be carefully done to reduce stress. Resting of the animals is essential. Only animals which are disease free and in a condition to walk should be brought for slaughter.
- Distractions that impede animal movements such as, reflections, air blowing towards animals and movement or high pitch noise, need to be avoided. Herding of animals should not be done through electric prods but with the help of plastic bags or sticks.

- A high standard of training is required for employees to ensure that the basic hygiene and safety practices are followed while handling animals.
- Equipment which is used for slaughter such as captive bolt stunner, gates, hooks etc should be kept in good working condition and cleanliness of floors etc. needs to be ensured. There should be daily check to ensure the smooth working of equipment and cleanliness of floors.
- The condition of the animals arriving at the plant should be monitored. Animals which are injured or not in a condition to walk should not be slaughtered.
- Inspecting personnel should pay particular attention to these points to ensure reasonable standards of animal welfare.

6. Poultry welfare:

Welfare programme

The conditions under which broilers are housed and the way that they are managed during their growing phase, transportation and slaughter are set down in several government/industry endorsed Model Codes of Practice designed to safeguard their welfare.

A model welfare program needs to be developed for pick-up, transport and broiler/chicken processing sectors. Processing unit shall incorporate elements of this welfare audit in their own quality plans and manuals.

A Model programme shall envisage following:

Poultry Suppliers and processors must have a documented program for poultry welfare envisaging following;

- (a) Catching: Poultry intended for slaughter plant should be clean and in good health. Every reasonable precaution should be taken to minimize injury to poultry. The catcher needs to be trained to this effect.
- (b) Transport: For transport of poultry crates shall be in good repair. There shall be no crate/cage damage that would allow injury to poultry or allow crates to accidentally open. Transport crates should not be over-filled and enough space should be provided to allow all poultry to lie down.
- (c) Holding: Poultry held in storage sheds should be provided adequate ventilation and climate control such as fans or curtains.
- (d) Stunning: Stunning equipment should be properly maintained to confirm that poultry are insensible prior to slaughter, and the time between stunning and slaughter should be limited to minimize any likelihood that poultry may regain consciousness prior to slaughter.

Economic performance and welfare:

High standards of poultry welfare and high levels of flock performance and economic performance are not incompatible - quite the contrary, they go hand in hand. It simply makes good economic sense as well as being in the poultry's best interests to ensure that flocks are maintained in an environment, in which they are thermally comfortable, protected from injury, fed optimally and kept healthy. Therefore, all measures described elsewhere to ensure that chickens are kept in conditions which optimize their comfort (in terms of temperature, humidity, air flow and air quality), in which they are provided with water, shelter, and a high quality diet that matches their physiological needs, and which optimize their health have just as important effect in terms of poultry welfare as they do on the overall efficiency of the farming operation.

Poultry health and welfare:

When producing chicken meat in a welfare-friendly manner it is also important that the poultry receive prompt and appropriate medication and treatment to prevent and treat diseases if this should become necessary, and that they do not suffer any unnecessary pain, distress, fear or physical injury. It is also important that sick or injured poultry that cannot be adequately or successfully treated are culled quickly and in a humane manner so that they do not suffer.

Humane slaughter (poultry):

While the chickens are reared specifically for human consumption and they therefore at some stage have to be slaughtered, they should be slaughtered in a humane manner, and all poultry should be stunned (rendered insensible to pain) prior to slaughter.

Slaughter equipment at all supply facilities should be properly maintained to confirm that the poultry are slaughtered quickly.

7. Ante-mortem inspection

- (1) All animals shall be rested before slaughter and shall be subjected to ante-mortem examination and inspection well in advance of the time of slaughter.
- (2) No animal which has been received into a slaughter hall for the purpose of being slaughtered shall be removed from the slaughter hall before being slaughtered except with the written consent of the Qualified Veterinary Doctor. An animal which, on inspection is found to be not fit for slaughter shall be marked as "suspect" and kept separately. Each such animal shall be marked as "suspect" only by or under the personal supervision of the Qualified Veterinary Doctor and the marking shall not be removed or obliterated except by the Qualified Veterinary Doctor himself.
- (3) An animal showing signs of any disease at the time of ante-mortem inspection that would cause its carcass being ultimately condemned on

post-mortem shall be marked as "condemned" and rejected.

- (4) An animal declared as "suspect" on ante-mortem inspection but which does not plainly show any disease or condition that would cause its entire carcass to be condemned shall maintain its identity as "suspect" until its carcass and all organs are finally inspected by the Qualified Veterinary Doctor.
- (5) No animal in a febrile condition shall be permitted for slaughter. No suspect animal shall be slaughtered until all other animals intended for slaughter on the same day have been slaughtered. All animals which, on ante-mortem inspection, show symptoms of railroad sickness, parturient paresis, rabies, tetanus or any other communicable diseases shall be marked as "condemned" and disposed of in accordance with the provisions contained in sub paragraph (8) below.
- (6) Animals presented for slaughter and found in a dying condition on the premises of a factory due to recent disease shall be marked as "condemned" and disposed of as provided for "condemned" animals.
- (7) Every animal which, upon examination, is found to show symptoms of or is suspected of being diseased or animals declared as "suspect" shall at once be removed for treatment to such special pen and kept there for observation for such period as may be considered necessary to ascertain whether the animal is diseased or not.
- (8) All animals declared as "condemned" on ante-mortem inspection shall be marked as "condemned" and killed if not already dead. Such carcasses shall not be taken into the factory to be slaughtered or dressed, nor shall they be conveyed into any department of the factory used for edible products.

8. Post-mortem inspection

1. A careful and detailed post-mortem examination and inspection of the carcasses and parts thereof of all animals slaughtered shall be made soon after slaughter. All organs and parts of the carcasses and blood to be used in the preparation of meat food products shall be held in such a manner as to preserve their identity till the completion of the post-mortem inspection so that they can be identified in the event of the carcasses being condemned.
2. Every carcass including all detached parts and organs thereof which show evidence of any condition which will render the meat or any part or organ unfit for human consumption and which for that reason may require subsequent inspection, shall be retained by the Qualified Veterinary Doctor. The identity of such carcass including the detached parts and organs thereof shall be maintained until the final inspection is completed. Retained carcasses, detached parts and organs thereof shall be maintained until the final inspection is completed. Retained carcasses, detached parts and

organs thereof shall in no case be washed, trimmed or mutilated in any manner unless otherwise authorized by the Qualified Veterinary Doctor.

3. No air shall be blown by mouth into the tissues of any carcass or part of a carcass.
4. Every carcass or part thereof which has been found to be unfit for human consumption shall be marked by the Qualified Veterinary Doctor as "Inspected and condemned".
5. All such condemned carcasses, parts and organs thereof shall remain in the custody of the Qualified Veterinary Doctor pending disposal at or before the close of the day on which they are marked "Inspected and condemned" in accordance with sub-paragraphs (11),(12) and (13) below.
6. Carcasses, parts and the organs thereof found to be sound, wholesome, healthful and fit for human consumption shall be marked as "Inspected and passed".
7. Carcasses found affected with anthrax before evisceration shall not be eviscerated but condemned and disposed of immediately in accordance with sub-paragraph (12) below. Any part of a carcass contaminated with anthrax infected material through contact with soiled instruments or otherwise shall be immediately condemned and disposed of as provided in sub-paragraph (12) below.
8. The portion of the slaughtering department including equipment, employees' boots and aprons, etc., contaminated by contact with anthrax material shall be cleaned and thoroughly disinfected immediately.
9. When on inspection only a portion of a carcass on account of slight bruises is decided to be condemned, either the bruised portion shall be removed immediately and disposed of in accordance with sub-paragraph (13) below or the carcass shall be retained and kept till such time it is chilled and the bruised portion removed and disposed of as provided above.
10. Post-mortem inspection shall be a detailed one and shall cover all parts of the carcass, the viscera, lymph glands and all organs and glands.
11. The post-mortem inspection shall be in accordance with the general rules laid down for such inspection in public slaughter houses under the control of local bodies besides special instructions that may be issued from time to time by the licensing authority.
12. All condemned carcasses, organs or parts thereof shall be completely destroyed in the presence of the Qualified Veterinary Doctor by incineration or denatured, after being slashed freely with a knife, with crude carbolic acid, cresylic disinfectant or any other prescribed agent unless such carcasses, organs or parts thereof are sterilized for the preparation of

bone-cum-meat meal before leaving the slaughter house premises, subject to sub-paragraph (13) below.

13. Carcasses, organs or parts thereof condemned on account of anthrax shall be disposed of either by (i) complete incineration or (ii) thorough denaturing with prescribed denaturant in the manner prescribed in the foregoing paragraphs and also in accordance with the rules and regulations prescribed by the local authority.
14. Destruction of condemned carcasses, organs or parts thereof shall be carried out under the direct supervision of the Qualified Veterinary Doctor.
15. If in the opinion of the Qualified Veterinary Doctor a carcass, organ or part thereof is to be held back for further detailed examination, the carcass, organ or part concerned shall not be released till the examination in detail is completed by the Qualified Veterinary Doctor and it is declared thereafter by him as fit. When it is to be detained for detailed examination, the carcass, organ or part thereof shall be marked as "Held". If on subsequent inspection, the carcass, organ or part thereof is found to be unwholesome and unfit for human food, the Qualified Veterinary Doctor shall mark such a carcass, organ or part thereof as "condemned" and shall dispose it of as described in the foregoing paragraphs.

a. Sanitary and Hygienic Requirements for Meat processing units

Following Sanitary and Hygienic requirements shall be satisfied by the meat processing unit.

1. Location:

- 1.1 Meat processing unit should be located in areas not subjected to regular and frequent flooding and free from objectionable odours, smoke dust and other contaminants;
- 1.2 Roadways and areas serving the meat processing unit which are within its boundaries or in its immediate vicinity should have a hard paved surface suitable for wheeled traffic. There should be adequate drainage and provision for cleaning;
- 1.3 Where appropriate, meat processing unit should be so designed that access can be controlled.

2. Building and Facilities:

- 2.1 The meat processing unit should provide adequate working space for the satisfactory performance of all operations.
- 2.2 The construction should be sound and ensure adequate ventilation, good natural or artificial lighting and easy cleaning.
- 2.3 The meat processing unit should be laid out and equipped so as to facilitate

proper supervision of meat hygiene including performance of inspection and control;

- 2.4 The meat processing unit should be of such construction as to protect against the entrance and harbouring of insects, birds, rodents or other vermin as well as the entry of environmental contaminants such as smoke, dust etc.
- 2.5 Buildings and facilities should be designed to provide separation by partition, location or other effective means, between those operations which may cause cross-contamination;
- 2.6 Meat processing unit should be laid out and equipped so as to ensure, that edible meat does not come into contact with floors, walls or other fixed structures, except those which are specifically designed for contact with meat;
- 2.7 The construction and lay out of any chilling room, freezing room, freezer store or freezer should satisfy the requirements of these rules;
- 2.8 In meat handling areas :
 - Floors should be of waterproof, non-absorbent, washable non-slippery and made of nontoxic materials, without crevices and should be easy to clean and slope sufficiently for liquids to drain to trapped outlets;
 - Walls should be of waterproof, non-absorbent, washable and nontoxic materials and should be light coloured. Up to a height of at least 1.5 metres, they should be smooth and without crevices, and should be easy to clean , space between walls and ceilings should be sealed and covered to facilitate cleaning;
 - Ceilings should be so designed, constructed and finished as to prevent any accumulation of dirt and minimize condensation, mould development and flaking and should be easy to clean;
 - Windows and other openings should be so constructed as to avoid a ccumulation of dirt and those which open should be fitted with insect screen. Screens should be easily movable for cleaning and kept in good repair. Internal window sills, if present, should be sloped to prevent use as shelves;
 - Doors should have smooth, non-absorbent surfaces and where appropriate, be self-closing and close fitting; and
 - Stairs, lift cages and auxiliary structures such as platforms, ladders, chutes, should be so situated and construced as not to cause contamination of meat. They should be capable of being effectively cleaned. Chutes should be constructed with inspection and cleaning hatches;

- 2.9 The use of construction materials which cannot be adequately cleaned and disinfected such as wood, should be avoided unless its use would clearly not be a source of contamination, and
- 2.10 Office accommodation should be provided for the use of the meat inspection agency.

3. Sanitary Facilities:

- 3.1 Water Supply:
 - 3.1.1. Supply of potable water under pressure should be available with facilities for its storage, where necessary for distribution, and with protection against contamination;
 - 3.1.2. An supply of hot potable water should be available at all times during working hours; Note - This provision is intended to cover water for both cleaning purposes and the destruction of microorganisms (especially those pathogenic to man) on knives, utensils etc., and coming into direct contact with meat. For cleaning purposes the temperature of the water should be 65 degree Celsius. The hot water for disinfection purposes should be at 82 degree Celsius and dispensed in such a way (e.g. in specially designed boxes near the working area) that blades of knives etc., can be submerged in the water for a contact time (no less than two minutes). Often this water supply is separate from other hot water supplies used for cleaning, hand washing etc. But if there is only one hot water supply the term "adequate" should mean that even at times where large amounts of hot water is used (e.g. during cleaning operations) the water supply from any tap in the establishment should not be decreased;
 - 3.1.3 Ice should be made from potable water and should be manufactured, handled and stored so as to protect it from contamination; and
 - 3.1.4 Steam used in contact directly with meat should be produced from potable water and contain no substances which may be hazardous to health or may contaminate the food.
- 3.2 Effluent and Waste Disposal - Meat processing unit should have an efficient effluent and waste disposal system. All effluent lines (including sewer systems) should be large enough to carry peak loads and should be constructed in such a manner as to avoid contamination of potable water supplies. Biological oxygen demand level shall be less than 1500, and for that an effluent treatment plant, if necessary may be installed.
- 3.3 Facilities for Storage of Waste and Inedible Material. - Facilities should be provided for the storage of waste and inedible material prior to removal from the establishment. These facilities should be designed to prevent access to waste or inedible material by pests and to avoid contamination of food,

potable water and equipment or building.

- 3.4 Changing Facilities and Toilets.- Suitable and conveniently located changing facilities and toilets should be provided in all establishments. Toilets should be so designed as to ensure hygienic removal of waste matter. These areas should be well lit and ventilated and should not open directly on to food handling areas. Hand washing facilities with warm or hot and cold water with suitable hygienic means of drying hands should be provided adjacent to toilets and in such a position that the employee must pass them when returning to the processing area. Where hot and cold water are available, mixing taps should be provided. Where paper towels are used, a sufficient number of dispensers and receptacles should be provided near to each washing facility. Taps of non-hand operable type are preferable. Notices should be posted directing personnel to wash their hands after using the toilets.
- 3.5 Hand Washing Facilities in Processing Areas:
- 3.5.1 Adequate and conveniently located facilities for hand washing and drying should be provided wherever the process demands. Where appropriate, facilities for hand disinfection should be provided. The facilities should be furnished with properly trapped waste pipes leading to drains.
- 3.5.2 All rooms used for deboning, preparing, packing or other handling of meat should be equipped with adequate facilities for cleaning and disinfecting implements, conveniently located for the use of personnel during operations. These facilities are for use exclusively in the cleaning and disinfection of knives, steels, cleavers, saws and other implements.
- 3.5.3 All facilities for cleaning and disinfecting implements should be of such nature and sizes as to permit proper cleaning and disinfection of implements. These facilities should be constructed of corrosion - resistant materials and should be capable of being easily cleaned.
- 3.5.4 All facilities for cleaning and disinfecting of implements should be fitted with suitable means of supplying hot water in sufficient quantity at all times while meat is being handled in that part of the Meat Processing Unit.
- 3.5.5 Lighting - Adequate natural or artificial lighting should be provided throughout the meat processing unit. Where appropriate, the lighting should not alter colours and the intensity should not be less than
- 540 Lux (50 foot candles) at all inspection points.
- 220 Lux (20 foot candles) in work rooms.
- 110 Lux (10 foot candles) in other areas.
- Light bulbs and fixtures suspended over meat in any stage of production should be of a safety type and
- protected to prevent contamination of meat in case of breakage.

- 3.6 Ventilation - Ventilation should be provided to prevent excessive heat, steam condensation, dust and to remove contaminated air. The direction of the air flow should never be from a dirty area to clean area. Ventilation openings should be provided with an insect screen or other protective enclosure of non-corrodible material. Screens should be easily removable for cleaning.

4. Equipment and Utensils :

- 4.1 Materials - All equipments, implements and utensils used in establishments which come into contact with exposed meat and meat products should present a smooth impervious surface and be resistant to corrosion and should be made of material which is non-toxic, does not transmit odour or taste, is free from pits and crevices, is non-absorbent and capable of withstanding repeated exposure to normal cleaning and disinfection. Such equipment should be so constructed that they may be easily cleaned.
- 4.2 Sanitary Design, Construction and Installation:
- 4.2.1 All equipments and utensils should be so designed and constructed as to prevent hygiene hazards and permits easy and thorough cleaning and disinfection and where practicable be visible for inspection. Stationary equipment should be installed in such a manner as to permit easy access and thorough cleaning.
- 4.2.2 Containers for inedible material and waste should be leak proof, constructed of non-corrosive metal or other suitable impervious materials which should be easy to clean or disposable and where appropriate, able to be closed securely; and
- 4.2.3 All refrigerated spaces should be equipped with temperature measurement or recording devices.
- 4.3 Equipment Identification - Equipment and utensils used for inedible material or waste should be so identified and should not be used for edible products.

5. Hygiene Requirements :

- 5.1 Maintenance. The buildings, rooms, equipment and all other physical facilities of the meat processing unit, including drains, should be maintained in good repair and in orderly condition. Except for rooms where meat processing or cleaning operations are performed, they should be free from steam, vapour and surplus water.
- 5.2 Cleaning and Disinfection - Cleaning and disinfection should meet the following requirements :
- (i) Amenities provided for the use of employee and the inspection service including changing facilities, toilets and the inspection office space should be kept clean at all times.

- (ii) If rooms, intended and most of the time used for the handling, preparation, processing, packaging or storage of meat, are used for any other food preparation purposes, then cleaning and disinfection are necessary immediately before and after such use.
 - (iii) The temperature in rooms for boning out and trimming should be controlled and held suitably low, unless cleaning of equipment and utensils are carried out at least every four hours;
 - (iv) To prevent contamination of meat, all equipments, implements, tables, utensils including knives, cleaves, knife pouches, saws, mechanical instruments and containers should be cleaned at frequent intervals during the day and immediately cleaned and disinfected whenever they come into contact with diseased material, infective material or otherwise become contaminated. They shall also be cleaned and disinfected at the conclusion of each working day.
 - (v) If any skip or trolley or any container used in a department where edible material is handled, enters an area where inedible material is handled it should be cleaned and disinfected immediately before re-entering the edible department.
 - (vi) Immediately after the cessation of work for the day or at such other times as may be required, the floors and walls should be cleaned to remove contamination. Floor drains should be kept in good condition and repair with strainers in place; and
 - (vii) Roadways and yards in the immediate vicinity of and serving the meat processing unit should be kept clean.
- 5.3 Hygiene Control Programme.-It is desirable that each meat processing unit in its own interest designates a single individual whose duties are diverted from production, to be held responsible for the cleanliness of the meat processing unit. His staff should be a permanent part of the organisation or employed by the organisation and should be well trained in the use of special cleaning tools, methods of dismantling the equipment for cleaning and in the significance of contamination and the hazards involved. A permanent cleaning and disinfection schedule should be drawn up to ensure that all parts of the meat processing unit are cleaned appropriately and that critical areas, equipment and material are cleaned and disinfected daily or more frequently if required.
- 5.4 Storage and Disposal of Waste - Waste material should be handled in such a manner so as to exclude contamination of food or potable water. Precautions should be taken to prevent access to waste by pests. Waste should be removed from the meat handling and other working areas at

intervals and at least daily. Immediately after disposal of the waste, receptacles used for storage and any equipment which has come into contact with the waste should be cleaned and disinfected. At least daily the waste storage area should also be cleaned and disinfected.

- 5.5 Dogs, cats or other pet animals should be not allowed to enter meat processing unit.

6. Pest Control

- 6.1 There should be an effective and continuous programme for the control of insects, birds, rodents or other vermin. Meat processing unit and surrounding areas should be regularly examined for evidence of infestation.
- 6.2 Should pests gain entrance to the meat processing unit or surrounding areas, eradication measures should be instituted. Control measures involving treatment with physical or chemical or biological agents should only be undertaken by or under direct supervision of personnel who have a thorough understanding of the potential hazards to health resulting from the use of these agents, including those which may arise from residues retained in the product. Such measures should be carried out in accordance with the recommendation of the official agency having jurisdiction and with the full knowledge of its inspector, and
- 6.3 Pesticides should only be employed if other precautionary methods cannot be used effectively. Only pesticides approved for use in the meat processing unit by competent authority should be used and the greatest care should be exercised to prevent any contamination of the meat equipment or utensils. Before pesticides are applied all meat should be removed from the room and all equipment and utensils should be thoroughly washed prior to being used again.
- 6.4 Handling and Storage of Hazardous substances - Pesticides or other substance which may represent a hazard should be labelled with a warning about their toxicity and use. Except as required for purpose of hygiene such substance which may contaminate meat packing material and ingredients should be handled and stored in a part of the meat processing unit which is not used for preparation, processing, handling, packing or storage of meat. They should be handled and dispensed only by authorised and properly trained personnel. Extreme care should be taken to avoid contamination of meat. However, materials employed in the construction and maintenance of an establishment may be used at any time with the approval of Food Safety Officer.
- 6.5 Personal Effects and Clothing : - Personal effects and clothing should not be deposited in meat handling areas.

- 6.6 Maintenance Tools - Cleaning and maintenance tools and products should not be stored in meat handling area.

7. Personnel Hygiene and Health Requirements :

- 7.1 Medical examination - Persons who come into contact with meat in the course of their work should have a medical examination prior to their employment. Medical examination of a meat handler shall be carried out routinely and when clinically or epidemiologically indicated, at least once in 12 months.
- 7.2 Communicable Diseases - The management should take care to ensure that no person, while known or suspected to be suffering from, or to be a carrier of a disease likely to be transmitted through meat or while afflicted with infected wounds, skin infections, sores or with diarrhoea, is permitted to work in any area in any capacity in which there is any likelihood of such a person directly or indirectly contaminating meat with pathogenic microorganisms. Any person so affected should immediately report to the management that he is ill.
- 7.3 Injuries - Any person who is cut or injured should discontinue working with meat and until he is suitably bandaged should not be engaged in any meat processing unit in the preparation, handling, packing or transportation of meat. No person working in any meat processing unit should wear exposed bandage unless the bandage is completely protected by a water proof covering which is conspicuous in colour and is of such a nature that it cannot become accidentally detached. first aid facilities should be provided for this purpose.
- 7.4 Washing of Hands : Every person engaged in a meat handling area should wash his hands frequently and thoroughly with a suitable hand cleaning preparation under running potable water while on duty. Hands should always be washed before commencing work, immediately after using the toilets, after handling contaminated material and whenever else necessary. After handling diseased or suspect materials hands should be washed and disinfected immediately. Notices requiring hand-washing should be displayed.

8. Personnel Cleanliness:

- 8.1 Every person engaged in an area in meat processing unit where meat is handled should maintain a high degree of personnel cleanliness while on duty, and should at all times while so engaged wear suitable protective clothing including head covering and foot wear, all of which should be washed unless designed to be disposed and which should be maintained in a clean condition consistent with the nature of the work in which the person is engaged.

- 8.2 Aprons and similar items should not be washed on the floor; and
- 8.3 Such items should not be left on equipment in the working area.
- 8.4 Personal Behavior : Any behavior which can potentially contaminate the meat such as eating, use of tobacco, chewing, spitting, should be prohibited in any part of meat processing unit used for the preparation, handling, packaging or transportation of meat.
- 8.5 Visitors: Every person who visits an area in any meat processing unit where meat is handled should wear clean protective clothing and head cover.
 - b) Sanitary & Hygienic Requirements for the Retail Meat Shops
For ensuring the hygiene and safety of meat being sold at retail meat shops, the following requirements should be followed under the supervision of the qualified Veterinary staff.

1. Location of Meat Shop

- 1. The meat shop / sale outlet should preferably be a unit of meat market located away from Vegetable, fish or other food markets and shall be free from undesirable odour, smoke, dust or other contaminants. Wherever a meat market is not available, individual meat shop can be set up considering the above factors, which have a direct bearing on the hygiene conditions of the premises and health of consumers.
 - (a) The minimum distance between the licensed meat shop and any place of worship should not be less than 50 meters;
 - (b) The condition of 100 meters distance will apply in case the premises situated directly opposite to the entry gate of religious place of any community.
- 2. All the meat shops located in the vicinity of religious places shall be fitted with black glass doors, which must be kept closed all times except in case of entry or exit. It must be the responsibility of the meat shop owners to maintain a high standard of hygiene not only inside the shops, but also in the way leading to the shops road pavements or other adjoining place, particularly for insanitary materials originating from the meat business for example, blood, part of offal, meat scrap etc.

2. Size of Meat Shops

- 2.1 Considering the constraints of commercial space in residential areas in concerned Panchayats / Municipalities the size of meat shops may vary according to the size of business and activities being carried out there in the meat shops.
- 2.2 The height of shop in all above categories of meat shops should be not less than 3 meters, while in case of airconditioned meat shops, it should not be less than 2.5 meters.

3. Premises

- 3.01 The premises shall be structurally sound. The walls up to the height of minimum 5 feet from the floor level shall be made of impervious concrete material (e.g. glazed tiles or hygienic panels, etc.) for easy washing and cleaning purposes.
- 3.02 The floor should be made of impervious and non-slippery materials with a slope for easy cleaning and removal of filth, waste and dirty water. The slope of the floor shall not be less than 5 cm. for a floor of 3 meters.
- 3.03 All the fittings in the stall should be of non-corroding and non-rusting type.
- 3.04 All processing tables, racks, shelves, boards, etc. shall have zinc/aluminium/stainless steel/marble-granite top to facilitate proper cleaning.
- 3.05 A sign board indicating the type of meat sold shall be displayed prominently. Nothing else but meat should be sold at the premises.
- 3.06 The premises should have provision of sewer connection for drainage of wastewater.
- 3.07 There should be provision of continuous supply of potable water inside the premises. In case the water supply is from bore well the arrangement for softening of water for making the same potable shall be made in the premises and intermittent store arrangement should be made.
- 3.08 The door of the shop should be of self-closing type. The door of the shop should be of dark glass top and be kept closed. No carcasses should be kept in a manner so as to be seen by the public from outside.

4. Ventilation

- 4.01 The meat shop should be ventilated with facility of cross ventilation and may be provided with at-least one electric fan and one exhaust fan.
- 4.02 The rails and hanging hooks, if provided for hanging carcasses, should be of non-corrosive metal. The noncorrosive hanging hooks for carcasses shall be 30 cm. apart and the distance between rails shall be 60 to 70 cm. depending upon the size of animals slaughtered and carcasses hanged.

5. Equipment and Accessories

- 5.01 The meat shop should have suitable arrangement for fly proofing in the form of air-curtains, flytraps, etc.
- 5.02 It should have display cabinet type refrigerator of size for maintaining a temperature of 4 to 8 degrees C. or freezing cabinet if the meat is to be stored for more than 48 hours.
- 5.03 The weighing scales used shall be of a type which obviates unnecessary handling and contamination and the plate sketch of the scale shall be made of stainless steel or nickel coated

- 5.04 The knives, tools and hooks used shall be made of stainless steel. Sufficient cupboards or racks should be for storing knives, hooks, clothes and other equipments.
- 5.05 There should be a provision of geysers in all the meat shops to have hot water at a temperature not less than 82 degree C to clean the premises and equipment used in meat shop.
- 5.06 Washbasin made of stainless steel / porcelain shall be provided with liquid soap dispenser or other soap and nail brush for thorough cleaning of hands.
- 5.07 The chopping block should be of food-grade synthetic material, which does not contaminate the meat. If the block is of wooden it should be of hard-wood trunk, which is solid enough and should not contaminate the meat.
- 5.08 A waste bin with a pedal operated cover shall be provided in the premises for collection of waste material.

6. Transportation

- 6.01 The transportation of carcasses from the slaughter house to the premises shall be done under hygienic conditions in boxes of adequate size linked with zinc/aluminium/stainless steel or wire gauze meat safes, which must be washed daily.
- 6.02 The transportation of carcasses from the slaughter house to the meat shops should be done in insulated refrigerated vans. Under no circumstances, carcasses will be transported in vehicles used for commuting of human beings, or in an exposed condition.

7. Pest Control

- 7.01 The meat shop should have an effective and continuous programme for control of insects, rodents or other vermin within the premises. The surrounding area of the shop should also be free from insects, birds, rodents and other vermin.
- 7.02 The pest control measures adopted by the owner of shop should be kept as a record in the premises to be shown to any officer of the concerned Panchayats / Municipalities responsible for local administration/Corporation at the time of inspection.
- 7.03 Chlorinated hydrocarbons, organo-phosphorus compounds and synthetic perithroids, rodenticides etc should neither be used as pesticide nor shall be stored at the meat shop.
- 7.04 No live animals or birds should be allowed inside or adjacent to the meat shops.

8. Personnel Hygiene

- 8.01. Every person employed for meat handling at the meat shop shall be

medically examined annually by a authorized registered medical practitioner and examination shall include examination of sputum and x-ray of the chest for tuberculosis. The medical examination shall also include examination of stool for protozoal and helminthic infestations for those parasites, which are transmitted by ingestion, and also for the presence of enteropathogenic *Escherichia coli*, *Salmonella*, *Shigella* species and *Vibrio cholera*.

- 8.02. A certificate / records of medical fitness of all workers handling meat should be kept as a record in the premises to be shown to any officer of the concerned Panchayats / Municipalities responsible for local administration / Corporation at the time of inspection.
- 8.03. No worker suspected to be suffering from fever, vomiting, diarrhoea, typhoid, dysentery or boils, cuts and sores and ulcers (however small) shall be permitted to work in the meat shops.
- 8.04 All the workers of the meat shop shall keep their finger nails short and clean and wash their hands with soap or detergent and hot water before commencement of work and after each absence, especially after using sanitary conveniences.
- 8.05. Eating, spitting, nose cleaning or the use of tobacco in any form or chewing betel leaves shall be prohibited within the premises of meat shop processing, packing and storage area of the unit. "No smoking "and "No Spitting "boards shall be prominently displayed in the shop.

9. Sanitary Practices

- 9.01 The chopping block should be sanitized daily by covering its top with sea-salt, after cleaning it with hot water at close of business activity.
- 9.02 The floor should be washed with appropriate disinfectant / detergent / sanitizer at the start and close of the business each working day.
- 9.03 There should be high standard of cleanliness and tidiness in the working area of shop with no organic or other material lying on the floor.
- 9.04 The refrigerated / freezing cabinet should be regularly cleaned and well maintained.
- 9.05 Slaughtering of animal / birds inside the shop premises should be strictly prohibited.
- 9.06 The carcasses shall not be allowed to be covered with wet-clothes.
- 9.07 Wholesome meat obtained from the authorized slaughter house shall only be sold at the meat shops and a record thereof shall be kept in the premises to be shown to any officer of the concerned Panchayats / Municipalities responsible for local administration Corporation at the time of inspection.
- 9.08 Waste bins should be emptied, transported for disposal as per the

arrangements made by the concerned Panchayats / Municipalities and waste bin / dhalau (burial pits) shall be treated daily with a disinfectant.

- 9.09 The premises shall not be used for residential purposes nor it shall communicate with any residential quarter. No personal belonging like clothing, bedding, shoes etc. shall be kept in the premises. Only dressed carcasses of clean meat shall be stored at the premises.
- 9.10 Hides, skins, hoofs, heads and unclean gut will not be allowed to be stored in the premises at any time.
- 9.11 The chopping instruments should be cleaned with hot water at a temperature of 82 degree C.
- 9.12 The preparation of food of any type inside the meat sale outlet should be strictly prohibited.
- 9.13 The meat obtained from unauthorized sources or unstamped meat is liable to be confiscated and destroyed.
- 9.14 Waste of the meat shop to be disposed of packed in heavy polythene bags in dhalaos (burial pits).

10. Other Requirements

- 10.01 The prepared meat shall be packed in waxed paper and then placed in polyethylene bags or packed directly in bags made of food grade plastics.
- 10.02 Failure to comply with any of these instructions may entail legal action against the defaulters, and even result in cancellation of license by the appropriate authority of the concerned Panchayats/Municipalities/ Corporation.
- 10.03 No Objection Certificate from law and order point of view to be obtained from police department or the concerned Panchayats/Municipalities/ Corporation before grant of license for buffalo meat and pork shop.
- 10.04 The concerned Panchayats/Municipalities responsible for local administration in the country shall appoint qualified Veterinary staff for the meat inspection (Ante mortem and Post mortem inspection) or if regular staff cannot be made available or deployed for the purpose shall make contractual arrangements for availing the services of qualified Veterinary staff for meat inspection available with the Animal Husbandry Depts. of the concerned state/UT in the country.
- 10.05 Retail meat shop license shall be granted subject to fulfillment of all the above technical and administrative instructions in relation to the trade.

• • •

The Bombay Animal Preservation Act, 1954

BOMBAY ACT No. LXXII OF 1954*1

[14th December 1954]

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Adapted and modified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Guj. 16 of 1961*

„ „ „ 23 of 1979.

„ „ „ 4 of 1994

An Act to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes.

WHEREAS it is expedient to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes ; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

1. Short title extent and commencement :

(1) This Act may be called the Bombay Animal Preservation Act, 1954.

2[(2) It extends to the whole of the State of Gujarat.

3[.x x ‘x x]

2. Application of Act :

(1) This Act shall in the first instance apply to the animals specified in the Schedule.

(2) The State Government may, by notification in the Official Gazette, apply the Provisions of this Act to any other animal, which in its opinion, it is desirable to preserve. .

3. Definitions :

In this Act, unless there is anything repugnant in the subject or context,—

(1) “Animal” means an animal to which this Act applies ;

(2) “Competent Authority “ means a person or body of persons appointed under section 4 to perform the functions of a Competent Authority under this Act:

(3) “Prescribed “ means prescribed by rules made under this Act;

(4) “Schedule “ means a Schedule appended to this Act.

4. Appointment of Competent Authority :

The State Government may, by notification in the Official Gazette, appoint a person or a body of persons to perform the functions of a Competent Authority under this Act For such local area as may be specified in the notification.

5. Prohibition against slaughter without certificate from Competent Authority :

- (1) Notwithstanding any law for the time being in force or any usage to the contrary, no person shall slaughter or cause to be slaughtered any animal unless, he has obtained in respect of such animal a certificate in writing from the Competent Authority appointed for the area that the animal is fit for slaughter.

[(1A) No certificate under sub-section (7) shall be granted in respect of—

- (a) a cow ;
- (b) the calf of a cow, whether male or female and if male, whether castrated or not ;
- (c) a bull ;
- (d) a bullock ;]

- (2) ²[In respect of an animal to which sub-section (1A) does not apply, no certificate] shall be granted under sub-section (1) if in the opinion of the Competent Authority —

- (a) the animal, whether male or female, is useful or likely to become useful for the purpose of draught or any kind of agricultural operations;
- (b) the animal if male, is useful or likely to become useful for the purpose of breeding ;
- (c) the animal, if female, is useful or likely to become useful for the purpose of giving milk or bearing offspring. . ‘ .

3[(3) Nothing in this section shall apply to —

- (a) the slaughter of any of the following animals for such bonafide religious purposes, as may be prescribed, namely : —
 - (i) any animal above the age of fifteen years other than a cow, bull or bullock.
- (b) the slaughter of any animal not being a cow or a calf of a cow, bull or bullock, on such religious days as may be prescribed :

Provided that a certificate in writing for the slaughter referred to in clause (a) or (b) has been obtained from the competent authority.]

- (4) The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by a Competent Authority granting or refusing to grant any certificate under this section, call for and examine the records of the case and may pass such order in reference thereto as it thinks fit.
- (5) A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed.

6. Prohibition of slaughter of animal in places not specified for the purpose.

No animal in respect of which a certificate has been issued under section 5 shall be slaughtered in the place other than a place specified by such authority or officer as the State Government may appoint in this behalf.

7. Power to enter and inspect premises.

(1) For the purposes of this Act, the Competent Authority or any person authorised in this behalf by the Competent Authority (hereinafter referred to as the authorised person) shall have power to enter and inspect any premises where the Competent Authority or the authorised person has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person in occupation of any such premises shall allow the Competent Authority or the authorised person such access to the premises as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the Competent Authority or by the authorised person.

8. Penalties

Whoever contravenes any of the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

9. Offences under the Act to be cognizable

Notwithstanding any thing contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable.

10. Abetments and attempts

Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

11. Persons exercising powers under this Act deemed to be public servants

All persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

12. Protection of persons acting in good faith under the Act or rules :

No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

13. Exemption under this Act :

Subject to any conditions prescribed in this behalf, this Act shall not apply to-

(1) any animal operated upon for vaccine lymph, serum, or for any experimental or research purposes at an institution established, conducted or recognised

- by the State Government;
- (2) any animal or class of animals—
- (i) slaughter of which is certified by a Veterinary Surgeon authorized in this behalf by the State Government to be necessary in the interest of the public health,
 - (ii) which are suffering from any disease which is certified by such Veterinary Surgeon as being contagious and dangerous to other animals.

14. Delegation of powers :

The State Government may by notification in the Official Gazette,, delegate .

- (1) to any local authority, its powers and functions under section 4 within the local area subject to the jurisdiction of such local authority;
- (2) to any officer of the State Government, its powers and functions under subsection (4) of section 5.

15. Power to make rules :

- (1) The State Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing Provision, such rules may provide for—
 - (a) the powers and duties of a Competent Authority, in addition to those provided in this Act;
 - (b) the form of the certificate under section 5;
 - (c) the amount of the fee to be paid under section 5;
 - (d) the conditions subject to which the Act shall not apply to any animal under section 13 ;
 - (e) any other matter which is or may be prescribed.
- (3) The rules made under this section shall be subject to the condition of previous publication in the Official Gazette.
- (4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following.

16. Repeal of Bombay Animal Preservation Act. 1948 :

The Bombay Animal Preservation Act, 1948/is hereby repealed Provided that :

- (a) every appointment, certificate, application, order, rule, notification or recognition made, issued or given under the provisions of the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act,

unless and until superseded by any appointment, certificate, application, order, rule, notification or recognition made, issued or given under this Act;

- (b) any proceedings relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed in such proceedings shall be recovered under the Act so repealed.

17. Repeal and Saving

The Saurashtra Animal Preservation Act, 1956, is hereby repealed:

Provided that—

- (a) every appointment, certificate, application, order, rule, notification or recognition made, issued or given under the provisions of the Act, so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until supersede any appointment, certificate, application, order, rule, notification or recognition made, issued or given under this Act;
- (b) any proceedings relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act and had not been repealed but had continued in operation and any penalty impose in such proceedings shall be recovered under the Act so repealed.]

SCHEDULE

[Section 2(1).]

Bovines (bulls, bullocks, cows, calves, male and female buffaloes and buffalo-calves).

• • •

**THE BOMBAY ANIMAL PRESERVATION (GUJARAT
AMENDMENT) BILL, 1994.**

GUJARAT BILL NO. 2 OF 1994.

A BILL

further to amend the Bombay Animal Preservation Act, 1954.

WHEREAS it is established that cow and her progeny sustain the health of the nation by giving them the life giving milk which is so essential an item in a scienceficalty balanced diet.

AND WHEREAS the working bullocks are indispensable for our agriculture for their supply of power more than any other animal ;

AND WHEREAS the working bullocks are often useful in ploughing the fields, drawal of water from the wells and also very useful for drawilng carts for transporting grains and fodders from the fields to the residences of farmers as well as to the Agricultural Market Yards ;

AND WHEREAS the dung of the animal is cheaper than the artificial manures and extremely useful for production of bio-gas ;

AND WHEREAS it is established that the back-bone of Indian agriculture is, in a manner of speaking, the cow and her progeny and have, on their back, the whole structure of the Indian agriculture and its economic system;

AND WHEREAS it is expedient to give effect to the policy of the policy of the State towards securing the principles laid down in articles 47, 48 and in clauses (b) and (c) of articles 39 of Constitution of India and to protect, preserve and sustain cow and its progeny :

It is hereby enacted in the Forty-fifth Years of the Rupublic of India as follows :

1. Short title and commencement

1. (1) This Act may be called the Bombay Animal Preservation (Gujarat Amendment) Act, 1994.
(2) It shall be deemed to have come into force on the 23rd September, 1993.
2. In the Bomaby Animal Preservation Act, 1954 (hereinafter referred to as "th principal Act"), in section 5

2. Bom. LXXII of 1954.

- (1) in sub-section (1A), for clauses (c) and (d), the following clauses shall be substituted, namely -
 - (c) a bull;
 - (d) a bullock;
- (2) in sub-section (3)
 - (i) in clause (a), sub-clauses (ii) and (iii) shall be deleted;
 - (ii) in clause (b), after the words "calf of a cow", the words "bull or bullock" shall be inserted.

3. Repeal and Savings

- (1) The Bombay Animal Preservation (Gujarat Amendment) Ordinance, 1993 is hereby repealed.

Guj. Ord. 4 of 1993.

- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The existing provision of the Bombay Animal Preservation Act, 1954 provides for prohibition against the slaughter of cow, calf of a cow, and the bulls and bullocks progeny sustain the health of the nation by giving them the life giving milk which is so essential an item a scientifically balanced diet.

The economy of the State of Gujarat is still predominantly agricultural. In the agricultural section use of animals for milch, daught, breeding or agricultural purposes has gorss importance. It has, therefore, become necessary to emphasise preservation and protection of agricultural animals like balls and bullocks. With the growing adoption of non-conventional energy sources like bio-gas plants, even waste material have come to assume considerable value. After the cattle cease to breed or are too old to do work; they still continue to give dung for fuel, manure and bio-gas and, therefore, they cannot to be useless. It is well established that the backbone of Indian agriculture is, in a manner of speaking the cow and her progeny and have, on their back, the whole structure of the Indian agriculture and its economic system.

In order to give effect to the policy of the State towards securing the principles laid down in articles, 47, 48 and clauses (b) and (c) of article 39 of the constitution of India, it was considered necessary also to impose total prohibition against slaughter of progeny of cow.

As the Gujarat Legislative Assembly was not in session, the Bombay Animal Preservation (Gujarat Amendment) Ordinance, 1993 to amend the said Act was promulgated to achieve the aforesaid object in the interest of general public. This Bill seeks to replace the said ordinance by an Act of the State Legislature.

Dated the 19th January, 1994.

SHANKARJI THAKOR.

STATEMENT OF OBJECTS AND REASONS

It is noticed that activities of a person keeping common gaming house punishable under section 4 of the Bombay Prevention of Gambling Act, 1887 and activities of a person unauthorisedly killing animals, punishable under section 8 of the Bombay Animal Preservation Act, 1954, which are anti-social in character, in certain circumstances cause feeling of insecurity among the general public and also grave and widespread danger to the life of the public and thereby affect the maintenance of public order in the State. With a view to maintaining the public order in the State, it is considered necessary to prevent such persons from carrying on anti-social activities and for that purpose, it is proposed to amend the Gujarat Prevention of Anti-social Activities Act, 1985 to achieve the aforesaid object.

Gandhinagar,

HAREN PANDYA

Dated the 18th March, 2000.

**THE GUJARAT ANIMAL PRESERVATION (AMENDMENT)
ACT, 2011.**

GUJARAT ACT 28 OF 2011.

AN ACT

Further to amend the Gujarat Animal Preservation Act, 1954.

It is hereby enacted in the Sixty-second Year of the republic of India as follows:-

1. Short Title and Commencement

- (1) This Act may be called the Gujarat Animal Preservation (Amendment) Act, 2011.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Insertion of new sections 6A and 6B

In the Gujarat Animal Preservation Act, 1954 (hereinafter referred to as “the principal Act”), after section 6, the following new sections shall be inserted, namely:-

“6A Prohibition against transportation of specified animals for slaughter.

- (1) No person shall transport or offer for transport or cause to be transported any animal specified in sub-section (1A) of section 5 from any place within the State to any another place within the State for the purpose of its slaughter in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be so slaughtered:

Provided that a person shall be deemed to be transporting such animal for the purpose of slaughter unless contrary is proved thereto to the satisfaction of the concerned authority or officer by such person or he has obtained a permit under sub-section (2) for transporting animal for bon fide agricultural or animal husbandry purpose from such authority or officer as the State Government may appoint in this behalf.

- (2) (a) A person may make an application in the prescribed form to the authority or officer referred to in sub-section (1) for grant of permit in writing for transportation of any animal specified in sub-section (1A) of section 5 from any place within the State

to any another place within the State.

- (b) If, on receipt of any such application for grant of permit, such authority is of the opinion that grant of permit shall not be detrimental to the object of the Act, it may grant permit in such form and on payment of such fee as may be prescribed and subject to such conditions as it may think fit to impose in accordance with such rules as may be prescribed.
- (3) Whenever any person transports or causes to be transported in contravention of provisions of sub-section (1) any animal as specified in sub-section (1A) of section 5, such vehicle or any conveyance used in transporting such animal alongwith such animal shall be liable to be seized by such authority or officer as the State Government may appoint in this behalf.
- (4) The vehicle or conveyance so seized under sub-section (3) shall not be released by the order of the court on bond or surety before the expiry of six months from the date of such seizure or till the final judgement of the court, whichever is earlier.

6B. Prohibition against selling or buying beef or beef products.

- (1) No person shall directly or indirectly sell, keep, store, transport, offer or expose for sell or buy beef or beef products in any form.
- (2) Whenever any person transports or causes to be transported the beef or beef products, such vehicle or any conveyance used in transporting such beef or beef products alongwith such beef or beef products shall be liable to be seized by such authority or officer as the State Government may appoint in this behalf.
- (3) The vehicle or conveyance so seized under sub-section (2) shall not be released by the order of the court on bond or surety before the expiry of six months from the date of such seizure or till the final judgment of the court, whichever is earlier.

Explanation:-For the purpose of this section “beef” means flesh of any animal specified in sub-section (1A) of section 5, in any form.”

3. Substitution of section 8

In the principal Acts, for section 8, the following section shall be substituted, namely:-

“8. Penalties

- (1) Whoever in contravention of the provisions of sub-section (1) of section 5, slaughters any animal without a certificate for which such certificate is required, shall, on conviction be punished with

imprisonment for a term which may extend to one year and with fine which may extend to ten thousand rupees.

- (2) Whoever in contravention of the provisions of sub-section (1) of section 5, slaughters any animal as specified in sub-section (1A) of section 5 shall, on conviction, be punished with extend imprisonment for a term which may to seven years but shall not be less than three years and with fine which may extend to fifty thousand rupees.
- (3) Whoever contravenes the provisions of sections 6 shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to ten thousand rupees.
- (4) Whoever contravenes the provisions of sections 6A or 6B shall on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to twenty-five thousand rupees.”

4. Amendment of section 15

In the principal Acts, in section 15,-

- (i) in sub-section (2), after clause (c), the following clause shall be inserted, namely:-

“(cc) the form of application, the from of permit, the fees to be paid and conditions for granting permit under section 6A,”;
- (ii) to sub-section (3), the following proviso shall be added, namely:-

“provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.”

• • •

**THE GUJARAT ANIMALS AND BIRDS SACRIFICES
(PROHIBITION) ACT, 1972**

CONTENTS

1. Short title, extent and commencement.
2. Definitions
3. Sacrifice of animals and birds in temples or its precincts prohibited.
4. Officiating at sacrifice etc, prohibited.
5. Temple or its precincts not be allowed to be used for sacrifice,
6. Penalties
7. Trial of offences.
8. Issue of injunction
9. Duty of officer-in-charge of police station to file complaint or apply for injunction.

**THE GUJARAT ANIMALS AND BIRDS SACRIFICES
(PROHIBITION) ACT, 1972
(GUJ. ACT NO. 19 OF 1972)¹**

(First published, after having received the assent of the President in the Gujarat Government Gazette on the 18th September, 1972)

(30th August, 1972)

An Act to provide for prohibition of sacrifices of animals and birds in, or in the precincts of, Hindu temples in the State of Gujarat.

It is hereby enacted in the Twenty third Year of the Republic of India as follows :

1. Short title, extent and commencement.

- (1) This Act may be called the Gujarat Animal and Birds Sacrifices (Prohibition) Act, 1972.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

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

- (a) “precincts” in relation to a temple includes any Mandap, building and land appertaining to the temple and ordinarily used for any purpose connected with the worship in the temple or not, and the entire area of land appertaining to the temple on which Jatra or fair is held;
- (b) “sacrifice” means the killing or maiming of any animal or bird for the purpose, or with the intention of, propitiating any deity;
- (c) “temple” means a place, by whatever designation known, used as a place of public religious worship, and dedicated to, or for the benefit of, or used as of right by the Hindu community or any section thereof, as a place of public religious worship.

3. Sacrifice of animal and birds in temples or its precincts prohibited.

No person shall sacrifice or cause to be sacrificed any animal or bird in any temple or its precincts.

4. Officiating at sacrifice, etc., prohibited. - No. person shall -

- (a) officiate or offer to officiate at, or
- (b) perform or offer to perform, or
- (c) serve, assist, or participate, or offer to serve, assist or participate, in any sacrifice in a temple or its precincts,

5. Temple or its precincts not to be allowed to be used for sacrifice :

No person shall knowingly allow any sacrifice to be performed at any place which -

- (a) is situated within any temple or its precincts, and
- (b) is in his possession or under his control.

6. Penalties -

- (1) Whoever contravenes, or abets the contravention of, the provision of section 3 shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or both.
- (2) Whoever contravenes, or abets the contravention of, the provisions, of section 4 or 5 shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to three hundred rupees or with both.

7. Trial of Offences.

No. offence under this Act shall be tried in any area outside the City of Ahmedabad by a court inferior to that of a Magistrate of the First Class.

8. Issue of injunction -

- (1) If a court is satisfied on information laid before it through a complaint or otherwise that a sacrifice in contravention of the provisions of this Act has been arranged or is about to be performed, it may issue an injunction against any of the persons concerned in arranging or performing it, prohibiting the performing of such sacrifice.
- (2) Whoever knowing that an injunction has been issued against him under sub-section (1) disobeys such injunction shall, on conviction, be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

9. Duty of officer-in-charge of police station of file complaint or apply for injunction.

On receipt of any information that a sacrifice in contravention of the provisions of this Act has been arranged or is about to be performed, the officer-in-charge of a police station shall, unless he has reasonable grounds which shall be recorded by him in writing, for not believing the information, forthwith file a complaint in the court for an offence which appears to him to have been committed, or as the case may be make an application to the court for an injunction under section 8.

For Statement of objects and Reasons see Gujarat Government Extra-ordinary Gazette, Part V, dated June 21, 1972 page 57,

*Came into force on 2-10-1972; G.G. Gaz., Pt. IV-B dt. 5-10-1972, page 1248.

• • •

GUJARAT ACT NO. 15 OF 2005.
THE GUJARAT ESSENTIAL COMMODITIES AND CATTLE
(CONTROL) ACT, 2005.]

[23RD MARCH, 2005]

An Act to provide, in the interests of the general public, for the control and regulation of the production, movement, supply and distribution of and trade and commerce in certain commodities and the maintenance and movement of cattle in the State of Gujarat

WHEREAS it is expedient to provide, in the interest of the general public, for the control and regulation of the production, movement, supply and distribution of certain commodities essential to the life of the community and for the control and regulation of trade and commerce therein, and for the maintenance, licensing and movement of cattle, and the licensing of dealers in such commodities and cattle, and for certain other purposes;

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows

1. Short title and extent :

- (1) This Act may be called the Gujarat Essential Commodities and Cattle (Control) Act, 2005.
- (2) It extends to the whole of the State of Gujarat.

2. Definitions :

In this Act, unless the context otherwise requires,

- (a) “cattle” means any of the animals specified in Part II of the Schedule;
- (b) “essential commodity” means a commodity specified in Part I of the Schedule;
- (c) “notified order” means an order notified in the Official Gazette.

3. Amendment of Schedule.

The State Government may, by notification in the Official Gazette, direct additions to, or omissions from, either or both Parts of the Schedule whether generally, or with reference to any particular area specified in the notification, and the Schedule shall, on the issue of the notification, be deemed to be amended accordingly.

4. Powers to control production, supply, distribution, etc.

- (1) If the State Government is of opinion that it is necessary or expedient so to do for maintaining or increasing the supply, or for securing the equitable distribution and availability at fair prices, of any essential commodity or cattle, it may, by order provide -

- (a) for regulating or prohibiting the production, supply and distribution of, or trade and commerce in, such essential commodity,
 - (b) for regulating or prohibiting movement, supply and distribution of or trade and commerce in, or for regulating the maintenance of cattle.
- (2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide -
- (a) for regulating licence, permit or otherwise the production or manufacture of any essential commodity;
 - (b) for regulating by licence, permit or otherwise the storage, movement, transport, distribution, disposal, acquisition, use or consumption of any essential commodity;
 - (c) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;
 - (d) for requiring any person holding in stock any essential commodity to sell the whole or a specified part, of the stock at such price to the Government or to an officer or agent, of such Government or to such other person or class of persons, and in such circumstances, as may be specified in the order;
 - (e) for controlling the price at which any essential commodity or cattle may be brought or sold;
 - (f) for regulating by licence, permit or otherwise, the movement, transport, distribution, disposal, acquisition, use and keeping of cattle;
 - (g) for collecting any information or statistics with a view to regulating or prohibiting any of the matters aforesaid;
 - (h) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential commodity or cattle to maintain and produce for inspection such books, accounts and records, relating to their business and to furnish such information relating thereto, as may be specified in the order;
 - (i) for requiring owners as well as persons in charge of cattle to maintain and produce for inspection, such books, accounts and records relating to the number of cattle owned, controlled and maintained by them as may be specified in the order;
 - (j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles and vessels, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the

order has been, is being or is about to be committed, and of any vehicle, vessel or animal which he has reason to believe has been, is being or is about, to be used for carrying such articles, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

- (3) Where any person sells any essential commodity in compliance with an order made with reference to clause (d) of sub-section (2), there shall be paid to him the price therefor as hereinafter provided :-
- (a) where the price can consistently with the controlled price, if any, fixed under this section, be agreed upon, the agreed price;
 - (b) where no such agreement can be reached, the price calculated with reference to such controlled price, if any;
 - (c) where neither clause (a) nor clause (b) applies, the price calculated at the market rate prevailing in the locality at the date of sale.

5. Publication and service of order :

- (1) An order made under section 4 shall -
- (a) if it is an order of a general nature or affecting a class of persons be notified in the Official Gazette;
 - (b) if it is an order affecting an individual corporation or firm, be served in the manner provided for the service of a summons in Rule 2 of Order XXIX or, as the case may be, rule 3 of Order XXX in the First Schedule of the Code of Civil Procedure, 1908;
 - (c) if it is an order affecting an individual person other than a corporation or firm, be served on the person -
 - (i) personally, by delivering or tendering to him the order, or
 - (ii) by post, or
 - (iii) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain and a written report of such affixing shall be prepared and witnessed by two persons living in the neighborhood.
- (2) Where a question arises whether a person was duly informed of an order made in pursuance of section 4, compliance with the requirements of sub-section (1) shall be conclusive proof that he was so informed, but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

6. Delegation of powers :

The State Government may, by notified order, direct that the power to make orders under section 4 shall be exercisable also by such officer or authority and in relation to such matters and subject to such conditions, if any, as may be specified in the order.

7. Effects of orders inconsistent with other enactment :

Any order made or deemed to be made under section 4 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or any instrument having effect by virtue of any enactment other than this Act.

8. Ordinary avocations of life to be interfered with as little as possible :

Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the general interest of the public.

9. Penalties :

(1) If any person contravenes any order made or deemed to be made under section 4, shall on conviction be punished, -

- (i) in the case of an order made with reference to clause (g), (h) or (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine;
- (ii) in the case of any other order, with imprisonment for a term which may extend to three years and shall also be liable to fine :

Provided that if the court is of opinion that a sentence of fine only will meet the ends of justice, it may, for reasons to be recorded, refrain from imposing a sentence of imprisonment.

(2) Any Court trying the contravention of an order may direct that any property in respect of which the Court is satisfied that the order has been contravened, and any vehicle, vessel or animal which the Court is satisfied has been used with the knowledge of the person having the control thereof for carrying such property, shall be forfeited to Government :

Provided that if the court is of opinion that it is not necessary to direct forfeiture in respect of the whole or, as the case may be, any part of the property, it may, for reasons to be recorded, refrain from doing so.

10. Attempts and abetment :

Any person who attempts to contravene, or abets a contravention of, any order made or deemed to be made under section 4, shall be deemed to have contravened that order.

11. False Statements :

If any person-

- (i) when required by any order made or deemed to be made under Section 4 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular, and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or
- (ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish,
he shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

12. Offences by companies :

- (1) If the person contravening an order made or deemed to be made under section 4 is a company, every person who at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly :
Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.
- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :

For the purposes of this section,

- (a) “company” means any body corporate and includes firm or other association of individuals; and
- (b) “director” in relation to a firm means a partner in the firm.

13. Cognisance of offences and composition thereof :

- (1) No Court shall take cognisance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by the person aggrieved by such offence or by a person who is a public servant as defined in section 21 of the Indian Penal Code.

- (2) The public servant aforesaid may, either before or after the institution of any proceedings for any offence punishable under this Act, accept from any person charged with such offence by way of composition of the offence a sum of money not exceeding one thousand rupees, and direct the release of any property which has been seized as liable to forfeiture under this Act on payment of the value thereof as estimated by him.
- (3) On payment by such person of such sum of money, or such value or both, as the case may be, such person if in custody shall be set at liberty and if any proceedings have been instituted against such person in any criminal court, the composition shall be deemed to amount to an acquittal and in no case shall any further proceedings be taken against such person or property in respect of the same offence.

14. Special provision regarding fine :

Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1973, it shall be lawful for any Magistrate of the first class specially empowered by the State Government in this behalf to pass a sentence of fine exceeding the pecuniary limit specified in that section as in force in any part of the State on any person convicted of contravening any order made or deemed to be made under section 4.

15. Presumption as to order :

Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall presume that such order was so made by that authority within the meaning of the Indian Evidence Act, 1872.

16. Burden of proofs in certain cases :

Where a person is prosecuted for contravening any order made or deemed to be made under section 4 which prohibits him from doing any act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document shall be on him.

17. Power to try offence summarily :

Any Magistrate or Bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1973, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Act.

18. Protection of action taken in good faith :

- (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4.

- (2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4.

19. Power to make rules :

The State Government may, by notification in the official Gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

20. Repeal and savings :

- (1) The Bombay Essential Commodities and Cattle (control) Act, 1958 is hereby repealed.
- (2) Notwithstanding such repeal of the said Act, anything done or any action taken (including any rule or order made, notification issued or appointment made) by or under the said Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or taken by or under this Act and shall continue in force until superceded by anything done or any action taken under the provisions of this Act.

21. Act not to apply to essential commodity dealt with by Act X of 1955 :

Nothing in this Act shall apply to any commodity or class of commodities which is an essential commodity, or which is declared to be an essential commodity, under the Essential Commodities Act, 1955, and if any commodity included in Part I of the Schedule is declared to be an essential commodity under that Act, then on such declaration, this Act shall cease to apply thereto except as respects things done or omitted to be done before such declaration.

SCHEDULE

PART - I

ESSENTIAL COMMODITIES

1. Bricks used for building purposes.

PART - II

CATTLE

- | | |
|-------------|--------------|
| 1. Bulls | 5. Calves |
| 2. Bullocks | 6. Buffaloes |
| 3. Cows | 7. Goats |
| 4. Heifers | 8. Sheep |

• • •

PART IV.-B

**Rules and Orders (Other than those published in Part I, I-A and I-E) made by
the Government of Gujarat under the Gujarat Acts.**

ORDER

AGRICULTURE & CO-OPERATION DEPARTMENT,

Sachivalaya, Gandhinagar, 16th November, 2005

GUJARAT ESSENTIAL COMMODITIES AND CATTLE (CONTROL) ACT, 2005

No. GHKH-40-2005-SLT-2005-2546-P-1: WHEREAS, the State Government is of the opinion that it is necessary and expedient so to do for maintaining the supply and equitable distribution of cattle; ;

NOW, THEREFORE, in exercise of the power conferred by clause (b) of sub-section (1) of section 4 of the Gujarat Essential Commodities and Cattle (Control Act), 2005 (Guj.15 of 2005) and of all other powers enabling it in this behalf and in supersession of the Government Notifications, Agriculture, Urban and Co-operation Department, No. GHRB/189/76/SLT/117-3/66928/R, dated the 15th October, 1976 and Agriculture and Rural Development Department, No. GHKH.23-89-SLT-1489-292-P1, dated the 11th December, 1989, the Government of Gujarat hereby directs that the numbers of buffaloes that may be slaughtered during any week commencing on Sunday at a slaughter house situated at the place specified in column 2 of the Schedule appended hereto shall not exceed the number specified against each of them in column 3 thereof. ‘

: SCHEDULE :

Sr. No.	Places-	Maximum number of buffaloes that may be slaughtered in a week
1.	2	3
1.	Ahmedabad	212
2.	Dholka	5
3.	Kalol (Dist. Gandhinagar)	4

Sr. No.	Places-	Maximum number of buffaloes that may be slaughtered in a week
1.	2	3
4.	Chhotaudepur	7
5.	Surat	100
6.	Rander	1
7.	Kapadvanj	40
8.	Borsad	141
9.	Nadiad	132
10.	Petlad	35
11.	Cambay (Khambhat)	35
12.	Bhalej	40
13.	Anand	45
14.	Balashinor	7
15.	Godhra	22
16.	Dahod	12
17.	Bharuch	60
18.	Ankleshwar	16
19.	Junagadh	177
20.	Una	30
21.	Kutiyana	15
22.	Mangrol	80
23.	Rajkot	40
24.	Dhoraji	150
25.	Gondal	25
26.	Malia-Miyana	7
27.	Dasada	7
28.	Bhavnagar	18
29.	Mahuva	6

Explanation:- For the removal of doubt, it is clarified that by virtue of section 5 of the Bombay Animal Preservation Act, 1954, the slaughtering of Cow, the calf of a cow whether male or female, a bull and a bullock is prohibited.

By order and in the name of the Government of Gujarat.

(A.M. Solanki)

Additional Secretary to Government:

Bombay Police Act, 1951

101. Exposing animals for hire or sale, etc.

No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal, except at such times and places as a competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repair the vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public.

105. Doing offensive acts on or near street or public place.

No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place (except at a place set apart for the purpose by order of a competent authority) so as to cause annoyance to the neighbouring residents or to passer by.

119. Punishment for cruelty to animals :

Whoever in any place (in any area for which a Commissioner has not been appointed) cruelly beats, goods, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, over-worked, ill-treated or tortured any animal, shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

• • •

The Gujarat Prevention of Anti-Social Activities Act, 1985

Gujarat Act No. 16 of 1985

An Act to provide for preventive detention of boot-leggers, dangerous persons, drug offenders, immoral traffic offenders and property grabbers for preventing their anti-social and dangerous activities prejudicial to the maintenance of public order.

It is hereby enacted in the Thirty-Sixth Year of the Republic of India as follows :

1. Short title, extent and commencement

- (1) This act may be called the Gujarat Prevention of Anti-social Activities Act, 1985.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall be deemed to have come into force on the 27th May, 1985.

2. Definitions :

In this act, unless the context otherwise requires :

- (a) "authorised officer" means a District Magistrate or a Commissioner of Police authorised under sub-section (2) of section (3) to exercise the powers conferred under sub-section (1) of that section.
- (bbb) "cruel person" means a person, who either by himself or as a member or leader of a gang habitually commits or attempts to commit or abets the commission of an offence punishable under Sec. 8 of the Bombay Animal Preservation Act, 1954 (Bom. LXXII of 1954);"
- (d) "detention order" means an order made under section 3;
- (e) "detenu" means a person detained under a detention order;

3. Power to Make order dataining certain persons

- (1) The State Government may if satisfied with respect to any person that; with a view to preventing him from acting in any manner prejudicial to the maintenance of public order, it is necessary so to do, make an order directing that such person be detained.
- (2) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government is satisfied that it is necessary so to do, it may by order in writing, direct that the District Magistrate or the Commissioner of Police, may also, if satisfied as provided in sub-section (1), exercies the power conferred by the said sub-section.

- (3) When any order is made under this section by an authorised officer he shall forthwith report the fact to the State Government, together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the State Government,
- (4) For the purpose of this section, a person shall be deemed to be “acting in any manner prejudicial to the maintenance of public order” when such person is engaged in or is making preparation for engaging in any activities whether as a bootlegger or dangerous person or drug offender or property grabber, or drug offender or immoral traffic offender or cruel person which affect adversely or are likely to affect adversely the maintenance of public order.

Explanation. - For the purpose of this sub-section, public order shall be deemed to have been affected adversely or shall be deemed likely to be affected adversely inter alia if any of the activities of any person referred to in this sub-section directly or indirectly, is causing or is likely to cause any harm, danger or alarm or feeling of insecurity among the general public or any section thereof or a grave or widespread danger to life, property or public health.

14. Maximum period of detention

The maximum period for which any person may be detained in pursuance of any detention order made under this Act which has been confirmed under section 13, shall be one year from the date of detention.

17. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of person, for anything in good faith done or intended to be done in pursuance of this Act.

• • •

Bombay Provincial Municipal Corporations Act, 1949

CHAPTER XIX Markets and Slaughter Houses

Maintenance and Regulation of Markets and Slaughter-houses

309. Removal of carcasses of dead animals -

- (1) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within the City.
- (2) The occupier of any premises in or upon which any animal shall die or in or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in the street or in any open place, shall, within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the nearest office of the municipal health department.
- (3) For every carcass removed by municipal agency, a fee for the removal of such amount as shall be fixed by the Commissioner shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.

327. What to be deemed municipal markets and slaughter-houses.

All markets and slaughter-houses which belong to or are maintained by the Corporation shall be called “municipal markets” or “municipal slaughter-houses”. All other markets and slaughter-houses shall be deemed to be private.

328. Provision of new municipal markets and slaughter-houses.—

- (1) The Commissioner, when authorised by the Corporation in this behalf, may construct, purchase, take on lease or otherwise acquire any building or land for the purpose of establishing a municipal market or a municipal slaughter-house or stock-yard or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets, slaughter-houses and stock-yards and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets, slaughter-houses or stock-yards, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein as he shall think fit.
- (2) Municipal slaughter-houses and stock-yards may be situated within or, with the sanction of the Provincial Government, without the City.

329. Municipal markets, slaughter-houses and stock-yards may be closed.

The Commissioner may, with the sanction of the Corporation, at any time, close any municipal market or slaughter-house or stock-yard or any portion thereof, and the premises occupied for* any market or slaughter-house or stock-yark or any portion thereof so closed may be disposed of as the property of the Corporation.

330. Prohibition of sale of commodities sold in municipal markets.

- (1) It shall be lawful for the Commissioner, with the previous sanction, of the Corporation, by public notice from time to time to prohibit within a distance of fifty yards of any municipal market the sale or exposure for sale of the commodities or of any of the commodities specified in the notice ordinarily sold in the said municipal market.
- (2) Any notice issued under sub-section (I) may with like sanction at any time be cancelled or modified by the Commissioner.

331. Opening of private markets and of private slaughter-houses.

- (1) The Corporation shall from time to time determine whether the establishment of new private markets or the establishment or maintenance of private slaughter-houses shall be permitted in the City or in any specified portion of the City.
- (2) No person shall establish a private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any article of human food or live-stock or articles of food for live-stock or shall establish or maintain a private slaughter-house except with the sanction of the Commissioner who shall be guided in giving such sanction by the decisions of the Corporation at the time in force under sub-section (1).
- (3) When the establishment of a private market or a slaughterhouse has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in such language or languages as the Corporation may from time to time specify on some conspicuous spot on or near the building or place where such market is to be held.

Explanation :

For the purpose of sub-section (2) the owner or occupier of a place in which a private market or slaughter-house is established shall be deemed to have established such market.

332. Levy of stallages, rents and fees in municipal markets, slaughter-houses and stock-yards.

The Commissioner may —

- (a) charge for the occupation or use of any stall, shop, standing, shed or pen or other building in a municipal market, slaughter-house or stock-yard and for

the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house, such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the standing Committee, in this behalf;

- (b) with the approval of the Standing Committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time; or
- (c) put up to public auction, or, with the approval of the Standing Committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen or other building in a municipal market, slaughter-house or stock-yard for such term and on such conditions as he shall think fit.

333. Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, stock-yard, market or premises.

- (1) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be prescribed by him, remove any live cattle, sheep, goats or swine from any municipal slaughter-house or stockyard or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house or stock-yard:

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter-house, stockyard, market or premises and which has not been within such slaughterhouse, stockyard, market or premises for a period longer than that prescribed under orders made by the Commissioner in this behalf, or which has in accordance with any by-law, been rejected as unfit for slaughter at such slaughter-house, market or premises.

- (2) Any fee paid for permission under sub-section (I) in respect of any animal removed to a parjrapole shall, subject to the orders made by the Commissioner in this behalf, be refunded on the production of a certificate from the Panjrapole authorities that such animal has been received in their charge.

334. Power to expel persons contravening rules, by-laws or standing orders:

- (1) The Commissioner may expel from any municipal market, slaughter house or stock-yard any person, who or whose servant has been convicted of contravening any rule, by-law or standing order in force in such market, slaughter-house or stock-yard and may prevent such person, by himself or his servants, from further carrying on any trade or business in such market,

slaughter-house or stock-yard or occupying any stall, shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

- (2) If the owner of any private market or slaughter-house licensed under this Act or the lessee of such market or slaughter-house or any stall therein or any agent or servant of such owner or lessee has been convicted for contravention of any rule, by-law or standing order, the Commissioner may require such owner, lessee, agent or servant to remove himself from any such market or slaughter-house within such time as may be mentioned in the requisition and if he fails to comply with such requisition, he may in addition to any penalty which may be imposed on him under this Act, be summarily removed from such premises.
- (3) If it appears to the Commissioner that in any such case the owner or lessee is acting in collusion with a servant or agent convicted as aforesaid who fails to comply with a requisition under sub-section (2) the Commissioner may, if he thinks fit, cancel the licence of such owner or lessee in respect of such premises.

335. Prohibition of import of cattle, etc., into City without permission :

- (1) No person shall without the written permission of the Commissioner bring into the City any cattle, sheep, goats or swine intended for human consumption, or the flesh of any such animal which has been slaughtered at any slaughter house or place not maintained or licensed under this Act.
- (2) Any police officer may arrest without warrant any person bringing into the city any animal or flesh in contravention of sub-section (1).
- (3) Any animal brought into the City in contravention of this section may be seized by the Commissioner or by any municipal officer or servant or by any police officer or in or upon railway premises by any railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct and the proceeds, if any, shall belong to the Corporation.
- (4) Nothing in this section shall be deemed to apply to cured or preserved meat.

Inspection of Places of Sales, etc.

336. Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected :

- (1) If the Commissioner shall have reason to believe that any animal intended for human consumption has been or is being or is likely to be slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provisions of this Act, the Commissioner

may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein.

- (2) The Commissioner may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized under sub-section (1).
- (3) If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Commissioner or if such owner is convicted of an offence under this Act in respect of such animal or carcass or flesh the proceeds of any sale under sub-section (1) shall vest in the Corporation.
- (4) No claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1) or by the use of any force necessary for effecting such entry.

337. Commissioner to provide for inspection of articles exposed for sale for human food :

It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, dairy produce and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

338. Unwholesome articles etc., to be seized.

- (1) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.
- (2) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human consumption, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human consumption, he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided and he may arrest and take to the nearest police station any person in charge of any such animal or article.

339. Disposal of perishable articles seized under section 338 :

If any meat, fish, vegetable or other article of a perishable nature be seized under section 338 and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human consumption, as the case may be. the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

340. Saving of Bombay Animal Preservation Act, 1948 :

Nothing in this Chapter shall be deemed to affect in any manner the operation of the provisions of the Bombay Animal Preservation Act, 1948. (Bom. LXXXI of 1948.)

377 Prohibition of sale in municipal markets without licence of Commissioner :

- (1) No person shall, without a licence from the Commissioner, sell or expose for sale any animal or article in any municipal market.
- (2) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

378. Private markets not to be kept open without licence -

- (1) No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in the behalf. -
 - (a) keep open, or permit to be kept open, a private market;
 - (b) use or permit to be used any place in the City as a slaughterhouse or for the slaughtering of any animal intended for human food;
 - (c) use or permit to be used any place without the city, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the City.

Provided that -

- (i) the Commissioner shall not refuse a licence for keeping open a private market lawfully established at the appointed day if application for such licence is made within two months thereof except on the ground that the place where the market is held fails to comply with any requirement of this Act or of the rules, by-laws or standing orders;
- (ii) the Commissioner shall not cancel or suspend or refuse to renew any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act or with some standing order or with some by-law;

- (iii) the Commissioner may cancel or suspend any licence for failure of the owner of a private market to give in accordance with the conditions of his licence a written receipt for any stallage, rent, fee, or other payment received by him or his agent from any person for the occupation or use of any stall, shop, standing, shed, pen or other place therein;
- (iv) nothing in this section shall be deemed to prevent the commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.
- (2) When the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in such language or languages as the corporation may from time to time specify on some conspicuous spot on or near the building or place where such market has been held.

379. Prohibition of sale in unauthorised private markets :

No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of human food, or any live-stock or food for live-stock.

380. Slaughter of animals for skins.

No person shall slaughter any cattle, horses, sheep, goats or pigs for removing the skin thereof or cut up the carcass of any such animal at any place outside a municipal slaughter-house or a licensed slaughter-house otherwise than in conformity with the written permission of the Commissioner.

381. Prohibition, of sale of animals, etc. except in market.

No person shall, without a licence from the commissioner, sell or expose for sale -

- (a) any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market;
- (b) ices and aerated waters, kulfi, sugar-cane juice, (cut or peeled fruit) vegetable, any confectionery or sweetmeats whatsoever or such other cooked food or other articles intended for human consumption as may from time to time by public notice be specified by the Commissioner, in any

• • •

The Gujarat Municipalities Act - 1963

Gujarat Act No. 34 of 1964

Chapter - 8

Regulation of Market and Slaughter Houses

- 207. Licensing markets and slaughter - houses.
- 208. Opening, closing and letting of markets and slaughter house.
- 209. Power to remove persons from municipal markets.
- 210. Slaughter-houses, etc., beyond municipal limits.
- 211. (1) Search for and inspection of unwholesome articles.
(2) Application for summons to be refused if not applied for within reasonable time.

Gujarat Act No. 34 of 1964

The Gujarat Municipalities Act- 1963

Chapter-8 :

Regulation of Market and Slaughter Houses

207. Licensing markets a slaughter houses :

- (1) It shall be lawful for the municipality to direct that no place other than a municipal market or slaughter-house, shall be used for any of the purposes specified in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 275 except under and in accordance with the conditions of a licence from the executive committee, which may at its discretion from time to time grant, suspend, withhold or withdraw such licences either generally or in individual cases.
- (2) Whoever uses or permits the use of any place contrary to such direction, or without the licence required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such licence, shall be punished with fine which may extend to fifty rupees.
- (3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the executive committee but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has-been so ordered to be closed, shall be punished with fine which may extend to ten rupees for each day during which he continues to use, or permits such use of, the place after it has been so ordered to be closed.

- (4) Nothing in this section or in sub-clause (ii) of clause (b) of sub-section (1) of section 275 shall apply to any liquor as defined in the Bombay Prohibition Act, 1949

208. Opening closing and letting of markets and slaughter house :

- (1) The municipality may from time to time open or close any public market or slaughter-house. It may also either take stallage or other rents or fees for the use by any person of any such market and slaughter-house, or from time to time sell by public auction or otherwise the privilege of occupying and stall or space in or of otherwise using any such market or slaughter-house.
- (2) Any person who, without the permission of or a licence from the municipality, shall sell, or expose for sale, any article in the said markets or use the said slaughter-house, shall be punished with fine which may extend to fifty rupees.

209. Power to remove persons from municipal market :

If any officer specially empowered in this behalf by the municipality is satisfied that any person occupying any stall space in any market is in unauthorised occupation of the stall or space or continues to occupy the stall or space after authority to occupy has ceased, he may, with the previous sanction of the municipality, require such person to vacate the stall or space within such time as may be mentioned in the requisition, and if such person fails to comply with the requisition, such person may, in addition to any penalty which may be imposed under this Act, be summarily removed from the stall or space.

210. Slaughter houses, etc., beyond municipal limits

It shall be lawful for a municipality with the sanction of the Development Commissioner or, if authorised by him, of the Collector to establish slaughter-houses or places for the disposal of carcasses of animals beyond the limits of the municipal borough and all provisions of this Act and of by-laws in force there under relating to such slaughter-houses or places within the municipal borough, shall have full force in slaughter-houses or places established under this section, as if they were within the municipal borough.

211. Search for and inspection of unwholesome articles

- (1) The president, vice-president, chairman of the health committee, chief officer or any councillor or officers authorised by the municipality in this behalf-
- (a) May at all reasonable times enter into any place for the purpose of inspecting and may inspect any animals-meat, poultry, game, fish, fruit vegetables, corn, bread, flour milk, ghee, butter or other articles intended

for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in or brought to any place for the purpose of sale or of preparation for sale or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein; and

- (b) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine may seize the same.

Any article which is of perishable nature may under the orders of the president, vice-president, chairman, of the executive committee or chief officer, if in his opinion it is diseased, unsound, unwholesome or unfit for human food, drink or medicine be forthwith destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate.

If it appears to the Magistrate upon sufficient evidence that any such animal or article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely a bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to two hundred rupees and the Magistrate shall cause such animal or article to be destroyed or to be so disposed of as to prevent its being exposed for sale or use for human food or drink or medicine.

(2) Application or summons to be refused if not applied for within reasonable time :

In all prosecutions under this section the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

• • •

The Gujarat Fisheries Act, 2003

(8 of 2003)—Enforce w.e.f. the date to be notified—The Indian Fisheries Act* 1897—Repeal w.e.f. the date the Gujarat Act enforces.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 11th March, 2003 is hereby published for general information.

GUJARAT ACT NO. 8 OF 2003.

(First published, after having received the assent of the Governor in the “Gujarat Government Gazette”, on the 12th March, 2003).

An Act to provide for protection, conservation and development of fisheries in inland and territorial waters of the State of Gujarat and for regulation of fishing in the inland and territorial waters along the coast line of the State and for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—
 - (1) This Act may be called the Gujarat Fisheries Act, 2003.
 - (2) It extends to the whole of the State of Gujarat, including the territorial waters along the coastline of the State.
 - (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

‘(STATEMENT OF OBJECTS AND REASONS

This State of Gujarat, since its inception, do not have any separate law for the balanced development and quality improvement of the fisheries sector. The provisions of the Indian Fisheries Act, 1897 which are applied in the State, are not adequate to regulate the fisheries in the State especially when the State has an extensive maritime belt abounding in various kinds of fish. With a view to conserving the marine flora and fauna against over exploitation and to regulate the fisheries in the State, it is considered necessary to make suitable special legislation to provide for regulation, protection, conservation and development of fisheries in the inland and territorial waters of the State. This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, the important provisions of the Bill:

- Clause 1. This clause provides for short title, extent and commencement of the Act.
- Clause 2. This clause defines certain terms used in the Bill.
- Clause 3. This clause provides for the prohibition against destruction of fish by using dynamite or any explosive substance in any water.
- Clause 4. This clause provides for the prohibition against destruction of fish by poisoning the water.
- Clause 5. This clause prohibits the introduction of exotic fish in any water.
- Clause 6. This clause empowers the State Government to make rules for the protection of fish in any water other than private water for the matters, specified therein. It also empowers the State Government to apply such rules to any private water with the consent of the owner of such private water.
- Clause 7. This clause empowers the State Government to regulate, restrict or prohibit certain fishing activities in any specified area.
- Clause 8. This clause prohibits the use of any fishing vessel for fishing in any specified area for which a notification has been issued under Sec. 7.
- Clause 9. This clause prohibits the use of vessel for fishing in any water in specified area without obtaining a licence by the owner.
- Clause 10. This clause provides for procedure for obtaining a licence. It also empowers the Licensing Officer to grant or refuse to grant the licence.
- Clause 11. This clause provides for cancellation, suspension and amendment of a licence.
- Clause 12. This clause provides that the owner of fishing vessel which is used intended to be used for fishing shall get his vessel registered. It also provides for procedure for such registration.
- Clause 13. This clause provides for obtaining permission of the Registration officer for operating registered fishing vessel from any port or fishery harbour other than that specified in certificate of registration.
- Clause 14. This clause provides for furnishing return of fishing by the owner of fishing vessel.
- Clause 15. This clause empowers the Enforcement Officer to enter, search and seize fishing vessel which is being used in contravention of any of the provisions of the Act.
- Clause 16. This clause provides for finality of orders of Licensing Officer and Registration Officer.
- Clause 17. This clause contains provisions for appeal to Adjudicating Officer against

the order of licencing officer and Registration Officer.

- Clause 19. This clause empowers the State Government to call for and examine the record of order passed by an Adjudicating Officer and to pass such order thereon as it thinks just and proper.
- Clause 20. This clause bars the jurisdiction of civil court.
- Clause 21. This clause provides for penalties for contravention of any provisions of the Act or the rules or order made thereunder.
- Clause 22. This clause provides for the offences committed by the companies.
- Clause 23. This clause provides for cognisance of offences.
- Clause 24. This clause provides for the constitution and composition of Fisheries Terminal Authority.
- Clause 25. This clause provides for the functions to be performed by the Authority.
- Clause 26. This clause empowers the Authority to charge such amount, as may be fixed by the State Government, for providing services at the fisheries terminals.
- Clause 27. This clause exempt the vessels belonging to Central and State Government or Corporation from the provisions of the Act, which are being used for survey and research purpose. It also empowers the State Government to exempt, such class or classes of fishing vessels from all or any of the provisions of the Act.
- Clause 28. This clause provides that all officers and employees and the members of the Authority shall be public servants.
- Clause 29. This clause provides for usual indemnity for acts done in good faith.
- Clause 30. This clause empowers the State Government to make, by notification in the Official Gazette, rules for carrying out the purposes of Act.
- Clause 31. This clause provides for repeal of India Fisheries Act. 1897 and the savings.]

2. Definitions.

In this Act, unless the context otherwise requires,-

- (a) "Adjudicating Officer" means such fishery officer not below the rank of Deputy Director of Fisheries, as the State Government may appoint for the purpose of Sec. 17;
- (b) "biological specimen" means any living or dead organisms;

- (c) "Enforcement Officer" means such fishery officer as the State Government may appoint for the purpose of Sec. 15;
- (d) "Exotic fish" means all species of fish of any country other than India;
- (e) "fish" means any aquatic animal and aquatic vegetation in all stages of their life span;
- (f) "Fishery officer" means an officer appointed by the State Government to be Fishery officer for the purposes of this Act and includes an officer appointed to exercise the powers and perform functions of the Fishery officer;
- (g) "fishing vessel" means any type of fishing crafts whether or not fitted with mechanical device for propulsion, which is engaged in fishing;
- (h) "fishing gear" means any net, cage, trap or other contrivance used for fishing;
- (i) "Licensing Officer" means such fishery officer, not below the rank of Superintendent of Fisheries, as the State Government may appoint for the purpose of Sec. 10;
- (j) "mariculture" means the culture of fish on the margin of sea in territorial waters;
- (k) "Fishing Harbour" means the place such as port, harbour, wharf, pier, dock, jetty and landing place where landing or berthing facilities have been provided for fishing vessels and their adjoining areas set apart for repair yards, fuel and ice supply installations, auction hall, fish processing plant and within such limits as may be specified by the State Government from time to time;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "private water" means water-
 - (i) which is the exclusive property of any person, or
 - (ii) in which any person has for the time being an exclusive right of fishing whether as owner, lessee or in any other capacity;

Explanation.

Water shall not cease to be "private water" within the meaning of this definition by reason only that other persons may have by custom a right of fishing therein;

- (n) "registered fishing vessel" means a fishing vessel registered under Sec. 12;
- (o) "Registration Officer" means such fishery officer as the State Government may appoint for the purpose of Sec. 12;

- (p) “specified area” means the area of specified inland water or the territorial water as the the State Government may, by notification in the Official Gazette, specify;
- (q) “specified inland water” means such inland water as the State Government may, by notification in the Official Gazette, specify;
- (r) “territorial waters” in relations to the State of Gujarat means any part of the open sea adjoining the coast of the State within a distance of twelve nautical miles measured in accordance with sub-sec. (2) of Sec. 3 of the Territorial Waters, Continental Shelf-Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976).

CHAPTER II

PROTECTION OF FISH

3. Prohibition against destruction of fish by explosive.

No person shall use any dynamite or other explosive substance in any water with intent thereby to catch or destroy the fish therein.

4. Prohibition against destruction of fish by poisoning of water.-

- (1) No person shall put any poison, lime or noxious materials into any water with intent thereby to catch or destroy any fish therein.
- (2) The State Government may, by notification in the Official Gazette, suspend the operation of sub-sec. (1) in any specified areas and may in the like manner modify or cancel any such notification.

5. Prohibition against introduction of exotic fish.

No person shall introduce any exotic fish in any water with intent thereby to destroy any fish therein.

6. Power to make rules to protect fish.

- (1) The State Government may, by notification in the Official Gazette, make rules for any water other than private waters for all or any of the following matters, namely:
 - (a) Prohibiting or regulating :—
 - (i) the erection or use of fishing gear,
 - (ii) the construction of weirs, dam and bunds,
 - (iii) the release of any industrial waste sewage or effluent to the inland waters which may harmful to species of fish or the food of fish.
 - (b) regulating the dimension and the kind of nets to be used and the mode of using them;

- (c) prohibiting all fishing in the specified waters for a period not exceeding two years;
- (d) prohibiting the use of any gun, spear, arrow or the like in any water, with intent thereby to take or destroy any of the fish therein;
- (e) prohibiting introduction of any kind of fish which may be harmful to species of fish, without obtaining prior permission;
- (f) regulating any fishery in inland waters;
- (g) to lease out public water resource for a specified period and to charge fees for such lease;
- (h) Regulating the standard of sale of fish spawn, fry, fingerling and yearling;
- (i) prohibiting the fishing and marketing of the fish during closed season.

Explanation.—For the purpose of this clause, the ‘closed season’ means such period as the State Government may, by notification in the Official Gazette, specify.

- (2) In making rules under this section, the State Government may provide for—
 - (i) the seizure, forfeiture and removal of fishing gear erected or used in contravention of the rules,
 - (ii) the forfeiture of any fish taken by means of any such fishing gear, and
 - (iii) the forfeiture of fish taken or sold during the period specified in clause (i) of sub-sec. (1).
- (3) The State Government may, by notification in the Official Gazette, apply such rules or any of them to any private water with the consent, in writing, of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

CHAPTER III

REGULATION OF FISHING IN SPECIFIED AREA

7. Powes to regulate, restrict or prohibit certain fishing activities within specified area.

- (1) The State Government may, having regard to the matters referred to in sub-sec. (2), by notification in the Official Gazette, regulate, restrict or prohibit in any specified area,—
 - (a) the fishing by such class or classes of fishing vessels and for such period as may be specified in the notification;

- (b) the catching of such species of fish and for such period as may be specified in the notification,
 - (c) the use of such fishing gears as may be specified in the notification,
 - (d) the mariculture,
 - (e) the collection of biological specimen, and
 - (f) the number of fishing vessels which may be used for fishing.
- (2) In issuing a notification under sub-sec. (1), the State Government shall have regard to the following matters, namely :
- (a) the need to protect the interest of different sections of persons engaged in fishing, particularly of those engaged in fishing by use of traditional fishing craft such as catamaran, country craft or canoes,
 - (b) the need to conserve fish and to regulate fishing on scientific basis,
 - (c) the need to maintain law and order in the sea and on shore, and
 - (d) any other matter, that may be prescribed.

8. Prohibition of use of fishing vessels in contravention of notification issued under Sec. 7.

No owner or master of a fishing vessel shall use or cause or allow to be used, a fishing vessel for fishing in contravention of the notification issued under Sec. 7:

Provided that nothing in such notification shall be construed as preventing the passage of any fishing vessel from or to the shore through any specified area to or from any area other than specified area, for the purpose of fishing in such other area or for any other purpose :

Provided further that the passing of such fishing vessel through any specified area shall not in any manner cause any damage to any fishing nets or tackles belonging to any person who engages in fishing in the specified area by using any traditional fishing craft such as catamaran, country crafts or canoe.

9. Prohibition of using fishing vessels which are not licensed.

No fishing vessel which is not licensed under Sec. 10 shall, after the date of commencement of this Act (hereinafter referred to as “the said date”), be used for fishing in any specified area :

Provided that nothing in this section shall apply to any fishing vessel existing on the said date for a period of six months from the said date or such longer period as the State Government may, by notification in the Official Gazette, specify.

10. Licensing of fishing vessels.

- (1) An owner of a fishing vessel may make an application to the Licensing Officer for the grant of a licence for using the fishing vessel for fishing in a

specified area and for a specified period.

- (2) Every application under sub-sec. (1) shall be in such form, contain such particulars and accompanied by such fees, as may be prescribed.
- (3) The Licensing Officer may, after making such inquiry as he deems fit and having regard to the factors specified in sub-sec. (4), either grant or refuse to grant to the owner of the fishing vessel, the licence for fishing in the specified area mentioned in the licence;

Provided that no licence shall be granted in respect of a fishing vessel which is not registered under Sec. 12;

Provided further that, no licence shall be refused in respect of a fishing vessel unless the owner of the fishing vessel is given a reasonable opportunity of being heard.

- (4) In granting or refusing licence under sub-sec. (3), the Licensing officer shall have regard; to the following factors, namely :—
 - (a) whether the fishing vessel is a registered fishing vessel,
 - (b) the condition of the fishing vessel including accessories and fishing gear with which it is fitted,
 - (c) any notification issued under Sec. 7,
 - (d) whether the specified period is mentioned in the application, and
 - (e) any other factors that may be prescribed.
- (5) A licence under this section shall be granted in such form, on such terms and conditions and on payment of such fees, as may be prescribed
- (6) A licence granted shall be valid for a period of three years from the date on which it is granted unless it is suspended, or cancelled earlier and may be renewed from time to time for a period of three years on payment of such fees as may be prescribed.

11. Cancellation, suspension and amendment of License.

- (1) If the Licensing Officer is satisfied either on a reference made to him in this behalf or otherwise, that-
 - (a) a licence granted under Sec. 10 has been obtained by misrepresentation as to an essential fact, or
 - (b) the holder of a licence has, without reasonable cause, failed to comply with any of the condition subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made or any notification issued thereunder, then without prejudice to any other penalty to which the holder of the licence may be liable under, this Act, the Licensing Officer may, after giving the

holder of the licence a reasonable opportunity of being heard, suspend or cancel the licence.

- (2) Subject to any rules that may be made in this behalf, the Licensing Officer may vary or amend a licence granted under Sec. 10.

12. Registration of vessel

- (1) The owner of every vessel used or intended to be used the purpose of fishing and kept in the State shall get his vessel registered under this section.
- (2)
 - (a) Every application for registration of a vessel shall be made by the owner of such vessel to the Registration Officer in such form, containing such particulars and accompanied by such fees as may be prescribed.
 - (b) the owner of such vessel shall state in the application the port or fisheries harbour from which he intent to operate his vessel.
- (3) An application for registration of a vessel under sub-sec. (2) shall –
 - (a) in the case of a vessel existing on the date of the commencement of this Act, be made within three months from the said date, and
 - (b) in the case of any other vessel, be made by the owner thereof within one month from the date he becomes the owner thereof.
- (4) The Registration Officer may entertain an application made after the period specified in •sec. (3) if the applicant satisfies the Registration officer that he had sufficient cause for not making the application within the said period.
- (5)
 - (a) The Registration Officer may, after making such inquiry as he deems fit, either grant refuse to grant to the owner of vessels a certificate of registration.
 - (b) The certificate of registration be in such form and on such terms and conditions as may be prescribed.
 - (c) The Registration Officer shall specify in the certificate of registration, the port or fisheries harbour from which the owner of vessel is to operate his vessel.
 - (d) The particulars of certificate of registration shall be entered in the register to be kept in such form as may be prescribed.
- (6) The certificate of registration granted under sub-sec. (5) shall be valid for a period of five years from the date on which it is issued, unless it is cancelled earlier, and may be renewed from time to time for a period of five years or. payment of such fees as may be prescribed.
- (7) Every vessel registered under this section shall be assigned a registration mark by the legislation Officer which shall be displayed on the vessel in such manner as may be prescribed.

13. Permission for operating vessel for the area other than specified in certificate of registration.

- (1) No owner of a vessel registered under Sec. 12 shall operate his vessel from any port or fishery harbour other than that specified in the certificate of registration issued to him except with the previous permission of the Registration Officer.
- (2)
 - (a) An owner of a registered fishing vessel, who intent to operate his vessel from a port or fishery harbour other than the port or fishing harbour specified in the certificate of registration issued to him, may made an application or permission to so operate his vessel, stating in the application the name of the port or fishery harbour from which and the period for which he intent to operate his vessel.
 - (b) On receipt of an application under clause (a), the Registration Officer may, by an order either grant or refuse to grant the permission.
 - (c) The Registration Officer may, by an order, terminate the permission granted under clause (b) before the expiry of the period for which it was granted:

Provided that the Registration Officer shall not refuse the permission under clause (b) or terminate permission under clause (c) unless the owner of the registered fishing vessel is given a reasonable opportunity of being heard.

14. Return to be furnished by owner of registered fishing vessel.

- (1) Every owner of a registered fishing vessel shall furnish to the Registration Officer returns of fishing in such forms, for such period, by such dates and in such manner, as may be prescribed.
- (2) The Registration Officer may inspect any registered fishing vessel at any time to verify whether the returns furnished under sub-sec. (1) are correct and complete.

15. Powers of Enforcement Officer.

If the Enforcement Officer has reasons to believe that any fishing vessel is being or has been used in contravention of any of the provisions of this Act, or of any rule or order made or any notification issued thereunder or of any condition of the license issued under Sec. 10, then he may-

- (i) enter and search such vessel and impound such vessel and seize any fish found in it,
- (ii) keep the impounded fishing vessel in such place and in such manner as may be prescribed,

- (iii) dispose of the fish so seized and deposit the proceeds thereof in such manner as may be prescribed, and
- (iv) make a report of the contravention to the Court if the offence is punishable under clauses (b), (c), (d) or (e) of sub-sec. (1) of Sec. 21 and in other cases, to the Police officer in charge of a police station.

16. Finality of orders.

Every decision of the Licensing Officer under Sec. 10 for granting or refusing to grant a licence for a fishing vessel or under Sec. 11 for suspending, cancelling, varying or amending such licence and every decision of the Registration Officer under Sec. 12 for registering or canceling registration or under Sec. 13 for granting or refusing to grant permission or terminating permission shall, subject to any appeal under Sec. 17, be final.

CHAPTER IV

APPEALS AND REVISION

17. Appeal

- (1) Any person aggrieved by the order of -
 - (a) the Licensing Officer under Sec. 10 refusing to grant a licence for a fishing vessel or under Sec. 11, suspending, canceling, varying or amending a licence granted for a fishing vessel, or
 - (b) the Registering Officer under Sec. 12 refusing to grant the registration of vessel or canceling the registration of vessel or under Sec. 13 refusing permission to operate vessel at other port or fishing harbour or terminating such permission, may, within thirty days from the date on which the order is communicated to him, prefer an appeal to the Adjudicating Officer :

Provided that the Adjudicating Officer may entertain an appeal after the expiry of the period of thirty days, if the appellant satisfies the Adjudicating Officer that he had sufficient cause for not preferring an appeal within such period.

- (2) On receipt of an appeal under sub-sec. (1), the Adjudicating Officer shall after giving the appellant a reasonable opportunity of being heard, pass such order in the appeal as he deems just and proper.

18. Application of Secs. 4 & 12 of Limitation Act, 1963.

In computing the period laid down in Sec. 17, the provisions of Secs. 4 & 12 of the Limitation Act, 1963 (36 of 1963), shall, so far as may be, apply.

19. Revision.

- (1) Subject to rules that may be made in this behalf, the State Government may, of its own motion within two years or on an application by an aggrieved person made to it within one year from the date of an order passed by an Adjudicating Officer in appeal under Sec. 17, call for and examine the record of any such order and pass such order thereon as it thinks just and proper:

Provided that no record of any proceeding of the Adjudicating Officer shall be called for— (i) in a case where an appeal lies under Sec. 16 but no appeal has been filed, or (ii) in a case where appeal has been made under Sec. 17 and such appeal is pending.

- (2) No order shall be passed under this section which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

20. Bar of jurisdiction of civil courts.

No civil court shall have jurisdiction to deal with or decide any question which the Fishery Officer, Licensing Officer, the Registration officer, the Adjudicating Officer or, as the case may be, the State Government is empowered to deal with or decide by or under this Act and no injunction shall be granted by any civil court in respect of any action taken or to be taken in pursuance of any provision of this Act.

CHAPTER V

OFFENCES AND PENALTIES

21. Offences and penalties.

- (1) (a) Whoever contravenes the provisions of Secs. 3, 4 or 5 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine not exceeding ten thousand rupees or with both.
- (b) Whoever use any fishing vessel for fishing in contravention of Sec. 8 shall, on conviction, be punished with fine not exceeding fifty thousand rupees.
- (c) Whoever use any fishing vessel which is not licensed for fishing in any specified area in contravention of Sec. 9 shall, on conviction, be punished with fine not exceeding fifty thousand rupees.
- (d) Whoever operate his fishing vessel from any port or fishery harbour other than that specified in the certificate of registration in contravention of sub-sec. (1) of Sec. 13 shall, on conviction, be punished with fine not exceeding twenty thousand rupees.

- (e) Any person who commits a breach of any of the provisions of the rules or the order made under this Act shall be punishable with fine which may extend to ten thousand rupees and when breach is continuing one, with a daily fine not exceeding one hundred rupees during the period of continuance of such breach.
- (2) When an offence under any of clauses (a) to (d) of sub-sec. (1) is a continuing one, the offender shall be punished with a daily fine not exceeding ten thousand rupees during the period of continuance of such offence.

22. Offences by Companies.

- (1) Where an offence under this Act has been committed by a company, every person who at time the offence was committed was in-charge of, and was responsible to the company for conduct of the business of the Company, as well as the company shall be deemed to be guilty of the offence and shall be liable to proceeded against and punished accordingly:

Provided that nothing contained in this sub-sec, shall render any such person liable to any punishment provided in this Act if he proves that the offences was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-sec (1), where an offence under this section has been committed by a company and it is provided that the offence has been committed with the consent or connivance of, or is attributable to. any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.

For the purpose of this section—

- (a) “company” means a body corporate and includes a firm or other association of individuals, and
- (b) “director” in relation to a firm means a partner in the firm.

23. Cognisance of offences.

- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence punishable under clause (a) of sub-sec. (1) of Sec. 21 or under any rule made under Sec. 6 shall be cognisable.
- (2) No court shall take cognisance of any offence punishable under clauses (b), (c), (d) or (e) of sub-sec. (1) of Sec. 21 except on a report in writing made by the Enforcement Officer under Sec. 15.

CHAPTER VI

FISHERIES TERMINAL AUTHORITY

24. Constitution and composition of Fisheries Terminal Authority.

- (1) The State Government may, by order, constitute Fisheries Terminal Authority (“hereinafter referred to as the Authority”) for such area as may be specified in the order to develop, maintain, manage and administer the fisheries harbour, fish landing jetties including any wharf, pier, dock and other landing place and their adjoining areas set apart by the Authority for repair yards, fuel and ice supply installation auction hall, fish processing plants, godowns and fish markets.
- (2) The Authority shall consist of the following members who shall be appointed by the State Government, namely.

(i) Commissioner of Fisheries	Chairman
(ii) One representative from the Gujarat Maritime Board	Member
(iii) One representative from Marine Products Export Development Authority	Member
(iv) One representative from the Gujarat Electricity Board	Member
(v) One representative from the Gujarat Water Supply and Sewage Board	Member
(vi) One representative from the Gujarat Fisheries Central Co-operative Association.	Member
(vii) One representative from the National Bank for Agricultural and Rural Development	Member
(viii) One representative from the National Co-operative Development Corporation	Member
(ix) One representative from Fish Processors Association	Member
(x) One representative from Boat Owners Association	Member
(ix) One representative from Custom Department	Member
(xii) One representative from Fish Traders	Member
(xiii) One representative from Lead Bank	Member
(xiv) One representative from the concerned local Municipality	Member
(xv) Deputy Director of concerned region.	Member-Secretary

25. Functions of Authority.

- (1) The Authority shall perform the following functions, namely :—
- (a) to develop, regulate and control the fisheries harbour terminals;
 - (b) to acquire land and purchase of equipment and machinery for fisheries harbour terminals;
 - (c) to provide safety measures for arrival and departure of the vessels and shore installations within the fisheries harbour terminals;
 - (d) to arrange quick and hygienic handling and disposal of fish within the fisheries harbour terminals;
 - (e) to keep the fisheries harbour area clean and free from pollution;
 - (f) to perform such other functions as may be entrusted by State Government; and
 - (g) to do such other functions as are necessary for efficient discharge of functions of the Authority.

26. Amount to be charged for providing services.

The Authority may charge such amount as may be fixed by the State Government from time to time, for providing services at the fishing harbour.

**CHAPTER VII
MISCELLANEOUS**

27. Exemption.

- (1) Nothing in this Act shall apply to any vessels belonging to the Central Government or any State Government or Corporation owned or controlled by the Central Government or the State Government which are being used for the purposes of survey and research.
- (2) Where the State Government is of the opinion that it is necessary so to do in the public interest, it may by notification in the Official Gazette, exempt subject to such conditions, such class or classes of fishing vessels used for fishing in any specified area and for such period as it may specify in the notification, from all or any of the provisions of this Act.

28. Members, officers and employees to be public servants.

All officers and employees and the members of the Authority shall, when acting or purporting to act in pursuance of the provisions of this Act or any rule made thereunder, be deemed to be a public servant within the meaning of Sec. 21 of the Indian Penal Code.

29. Protection of action taken in good faith.

No suit, prosecution or other legal proceeding shall lie against any member of the Authority or any Officer or employee of the State Government for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, or any rule or order made thereunder.

30. Power to make rules.

- (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the objects of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for all or any of the following matters, namely.
 - (a) the protection of fish under Sec. 6,
 - (b) the form in which the application for grant of licence for fishing vessel shall be made and the particulars and the fees which shall accompany such application under sub-sec. (2) of Sec. 10,
 - (c) the form in which and the terms and conditions on which the licence for fishing vessel may be granted under sub-sec. (5) of Sec. 10; .
 - (d) the rules subject to which the Licensing Officer may vary or amend the licence under sub-sec. (2) of Sec. 11;
 - (e) the form in which the application for registration of vessel shall be made and the particulars and the fees which shall accompany such application under sub-sec. (2) of Sec. 12;
 - (f) the form in which and the terms and conditions on which certificate of registration shall be granted and the form in which the register for entering the particulars of such certificate shall be made under sub-sec. (5) of Sec. 12;
 - (g) the manner in which the registration mark of vessel shall be displayed by the owner under sub-sec. (7) of Sec. 12;
 - (h) the form in which, the period within which, the date by which and the manner in which the owner shall furnish the return under sub-sec. (1) of Sec. 14;
 - (i) the place at which and the manner in which the impounded fishing vessel shall be kept by the Enforcement Officer under Sec. 15;
 - (j) the manner in which the fish so seized shall be disposed of by the Enforcement Officer and to deposit the proceeds thereof under Sec. 15;

- (k) the rules subject to which the State Government may call for and examine record of order passed by Adjudicating Officer under sub-sec. (1) of Sec. 19, and
- (1) any other matter which is to be or may be prescribed under this Act.
- (3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication :

Provided that if the State Government is satisfied that the circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.
- (4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following.
- (5) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

31. Repeal.

- (1) The Indian Fisheries Act, 1897 (4 of 1897), in its application to the State of Gujarat is hereby repealed.
- (2) Notwithstanding repeal of the said Act, anything done or any action taken (including any rule or order made, notification issued or appointment made) by or under the said Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or taken by or under this Act and shall continue in force until superceded by anything done or any action taken under the provisions of this Act.

[Guj. Govt. Gaz., Exty., Pt. IV No. 9, dt. 12.3.2003, p9-1]

• • •

THE BOMBAY ANIMAL PRESERVATION (GUJARAT)

RULES, 1967

RULES

[published in G.G. Gaz. IV-B, Ext , dt. 17-10-1967, P, 210, and amended by G.G. Gaz. IV-B Ex., d. 22-10-1981, P. 203.]

1. Short title

These rules may be called the Bombay Animal Preservation (Gujarat) Rules, 1967.

2. Definitions.

(1) In these, rules, unless the context requires otherwise:

(i) “the act” means the Bombay Animal Preservation Act, 1954.

(ii) “Section” means a section of the Act;

(iii) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act;

*[2-A” Bonafide religious purposes and religious days—(1) For the purpose of clause (a) of sub-section (3) of section 5 “Kurbani” on Bakri Idd shall be the bonafide religious purpose.

(2) For the purpose of clause (b) of sub-section (3) of section 5 any of the following days shall be the religious days, namely:—

(a) Bakri Idd.

(b) Ide-Milad

(c) Ramzan Idd.

3. Form of certificate and Fee.

*[(1) (a) A certificate under sub-section (1) of section 5 shall be in Form I appended to these rules.

(b) A certificate for slaughter of any animal for any of the bonafide religious purpose or, as the case may be, on any of the religious days, specified in rule 2-A shall be in Form I-A appended to these rules’]

(2) A certificate under section 5 shall be granted on payment of fee of 50 paise.

4. Collection and cancellation of certificates.

In the case of an animal slaughtered under a certificate issued under section 5 such certificate shall be collected by a person appointed by the local authority or

the police patel who shall forward the same to the Competent Authority The competent Authority shall thereupon cancel the certificate.

5. Other duties of the Competent Authority.

It shall be the duty of the Competent Authority to see that no animal is slaughtered unless certified under the Act and except in place specified under section 6.

6. Act not to apply to certain animals

The Act shall not apply to slaughter of any animal if it is certified by a Veterinary Surgeon under clause (2) of section 13 and the certificate is in form II appended to these rules and animals so certified is slaughtered at the place and the carcass is disposed off in the manner, specified in the Certificate.

FORM I

(See Rule 3)

(Certificate under section 5 of the Bombay Animal Preservation Act, 1954)

In pursuance of section 5 of the Bombay Animal preservation Act, 1954, it is hereby certified that the animal described below belonging to residing at the village of.....in the.....&.....

Taluka of the.....district is fit for being slaughtered.

1. Discription of the animal;
Species.....Breed.....
Sex.....Age.....Colour.....
Important distinguishing marks.....
2. The place at which the animal shall be slaughtered.....
3. The reasons for considering the animal to be fit for slaughter.....

Place.....

Date..... 19.....

Signature of the Competent Authority.

“FORM I-A (See Rule 3)

(Certificate under section 5 of the Bombay Animal Preservation

Act, 1954)

In pursuance of proviso to sub-section (3) of section 5 of the Bombay Animal Preservation Act, 1954, it is hereby certified that the animal described below belonging to.....residing at the village of..... in the..... and..... Taluka of the..... district being an animal above the age of fifteen years other than a cow, bull or bullock/being a bull/bullock above the age of fifteen years/being an animal other than a cow or a calf of a cow is fit for being slaughtered.

1. Description of the animal: —

Species..... Breed.....

Sex.....

Age.....

Colour.....

Important distinguishing marks.....

2. The place at which the animal shall be slaughtered.....

3. This animal is permitted to be slaughtered for the purpose of.....

.....being the bonafide religious purpose.

On.....day of month of.....19... which is being

.....a religious day.

Place :

Date : 19.....

Signature of the Competent Authority.

(*substituted by Gujarat Government Gazette, IV-B Ext. dt. 22-10-1981)

FORM II

(Sec rule 6)

(Certificate under section 13(2) of the Bombay Animal Preservation Act, 1954)

In pursuance of sub-section (2) of section 13 of the Bombay Animal Preservation Act, 1954, it is hereby certified that the animal described below belonging to.....residing at the village of..... in the taluka of the.....district has been examined by me thisday of.....19... and that the slaughter of the said animal is necessary in the interest of the public Health that the said animal is suffering from Disease to be stated here which is dangerous and contagious to other animals.

The said animals shall be .Slaughtered at the place.....and the carcass of the animal when slaughtered shall be disposed off in the manner, specified below:

1. Description of the animal.....
Species..... Breed.....
Sex.....
Age.....
Colour.....
Important distinguishing marks.....
2. The place at which the animal shall be slaughtered.....
3. The manner in which the carcass shall be disposed of!.....

Place : Date :

Veterinary Surgeon.

NOTIFICATION

In modification of the notification of the Government of Gujarat in Agriculture, Forests and Co-operation Department vide Notification No. GH-KH-200-SLT-1061/42471/R(2), dated 10th July, 1973 the following notification is issued.

In exercise of the powers conferred by Section 4 of the Bombay Animal Preservation Act, 1954 (Bom. LXXII of 1954), the Government of Gujarat hereby appoints each of the Veterinary Officers in charge of a Veterinary Hospital/Dispensary in the Gujarat State to be a competent authority for the local area (within his jurisdiction) provided further that the competent authority i. e. concerned Veterinary Officer before taking decision for issuing certificate required under the Section 5 of the aforesaid act shall take into consideration the advice tendered by the pannel of members of the advisory committee present on the spot if any. The pannel of members of the advisory committee not more than three for each of the regulated slaughter- house will be appointed by the Director of Animal Husbandry from time to time.

[Noti. No. GHKH-205/82/SLT 1082-PM-I-P (1) dt. 8-10-1982—Guj, Govt. Gaz., Ex. Pt. IV-B dt. 18-10-1982 P. 218].

• • •

Gujarat Animal Preservation (Amendment) Rules, 2011.

NOTIFICATION

Agriculture and Co-operation department,
Sachivalaya, Gandhinagar.

Dated the 24th October, 2011.

No. APA/10/2011/633855/95/P-1 :- WHEREAS the Government of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to make rules and to dispense with the previous publication thereof under the proviso to sub-section (3) of section 15 of the Gujarat Animal Preservation Act, 1954 (Bom. LXXII of 1954);

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 15 of the said Act, the Government of Gujarat hereby amends the Bombay Animal Preservation (Gujarat) Rules, 1967 as follows, namely:-

1. These rules may be called the Gujarat Animal Preservation (Amendment) Rules, 2011.
2. In the Bombay Animal Preservation (Gujarat) Rules, 1967 (hereinafter referred to as “the said rules”), for rule 2, the following rule shall be substituted, namely :-

“2 Definitions.-

(a) In these rules unless the context otherwise requires,-

- (i) ‘Act’ means “the Gujarat Animal Preservation Act, 1954 (Bom. LXXII of 1954);
- (ii) “authority or officer” means authority or officer specified in the Schedule appended to these rules, for issuing permit;
- (iii) ‘Bona fide agricultural or animal husbandry purposes’ means-
 - (a) milk production,
 - (b) breeding,
 - (c) agricultural,
 - (d) draught,
 - (e) treatment, vaccination, quarantine, isolation for control and containment of disease/s and other related veterinary services,
 - (f) fodder availability,
 - (g) natural calamities like flood, draught, earthquake, famine, etc.,
 - (h) race, competition, exhibition or show purpose,
 - (i) research, conservation and administrative,
 - (j) sale/sell of animal/s for bona fide purpose/s as listed above, and
 - (k) such other like purpose;
- (iv) ‘Form’ means a form appended to these rules;
- (v) ‘permit’ means the permit issued by the authority or officer in Form IV issued under sub-rule (2) of rule 6;
- (vi) ‘Schedule’ means Schedule appended to these rules;

- (vii) 'section' means a section of Act;
- (b) Words and expressions used in these rules but not defined in these rules shall have the meanings assigned to them in the Act.”.
- 3. In the said rules, existing rule 6 shall be renumbered as rule 7 and before rule 7 as so renumbered, the following rule shall be inserted, namely :-
- “6. Application to grant permit.-**
 - (1) A person who intends to transport or cause to be transported any animal specified in sub-section (1A) of section 5 for bona fide agricultural or animal husbandry purpose, within the State may make an application to the authority or officer in Form III.
 - (2) On receipt of an application made under sub-rule (1), the authority or officer shall if he is satisfied that there is no objection to grant the application, may issue a permit in Form IV subject to such terms and conditions specified therein.
 - (3) An applicant shall keep the permit during all the time of transportation.
 - (4) The authority shall preserve the copy of application with enclosed document, if any, and a copy of permit for one year and the same shall be submitted to the State Government whenever required.
- 4. In the said rules, after rule 7, the following Schedule shall be inserted, namely :-

SCHEDULE

[See rule 2(a) (ii)]

Following shall be the “Authority or Officer” for issuing permit under sub-section (2) of section 6A of the Act:

- (a) Talati,
- (b) Gram Sevak
- (c) Sarpanch and Deputy Sarpanch of village panchayat
- (d) President and Vice-President of Taluka Panchayat,
- (e) Taluka Development Officer,
- (f) Mamlatdar and Deputy Mamlatdar,
- (g) President, Vice-President, D.D.O., Dy.D.D.O., T.D.O. of District Panchayat,
- (h) President, Vice-President, Chief Officer, Dy.Chief Officer, Asst. Chief officer or equivalent officers of Municipality and Mayor, Deputy Mayor, Commissioner, Dy.Commissioner, Asst. Commissioner, or equivalent officers of Municipalal Corporation,
- (i) President, Vice President, Secretary of village milk co-operative Society for Prevention of Cruelty to Animals (SPCA), Animal Welfare Organisation.
- (j) Office bearers of registered Panjarapol, infirmaries, Gaushala, Society for Prevention of Cruelty to Animals (SPCA), Animal Welfare Organisation.
- (k) Live stock inspector, Veternary Officer, Assistant Director, Joint Director, Director of Animal Husbandary Department.”.

- (5) In the said rules, after Form II, the following Forms shall be added, namely :

FORM III
(See rule 6)
APPLICATION FORM

I request to grant the permit to transport animal/s within the Gujarat State, for bona fide agricultural or animal husbandry purpose/s.

I....., belong to

Village:-.....,	Taluka:-.....,	District:-.....
-----------------	----------------	-----------------

I intend to transport following animal/s:-

from

Village:-.....,	Taluka:-.....,	District:-.....
-----------------	----------------	-----------------

To (name of the place) between (Date) and (Date)

Village:-.....,	Taluka:-.....,	District:-.....
-----------------	----------------	-----------------

for bona fide agricultural and / or animal husbandry purpose/s by vehicle _____,
Registration number _____, Name of Owner of Vehicle _____,
Name of Driver _____, Name of cleaner _____,
Or details of any other way of conveyance _____.

Sr. No	Animal Category	Number of Animals to be transported	
		In figures	In words
1	Cow		
2	Male calf :		
	(a) Castrated male calf		
3	(b) Un-castrated male calf		
4	Female calf		
5	Bulls		
6	Bullocks		
Total Number of specified animals to be transported			

For the purpose/s listed below:-

Sr. No.	Purpose/s for the Transportation	Please (v) the Purpose/s	Sr. No.	Purpose/s for the Transportation	Please (v) the Purpose/s
(i)	For milk production		(vi)	For fodder availability	
(ii)	For breeding purpose		(vii)	In case of Flood, draught / famine, feed unavailability and as a part of disaster management	
(iii)	For Agricultural Purpose		(viii)	For race, competition, exhibition and show purpose	
(iv)	For Draught purpose		(xi)	For research, conservation and administrative Purpose/s	
(v)	For treatment, vaccination, quarantine, Isolation for control and containment of disease/s and other related veterinary services		(x)	For sale/sell of animal/s for bona fide purpose/spurpose/s as listed above	
			(xi)	Other like purpose (state the purpose)	

DECLARATION

1. The information given in the application is true and correct to the best of my knowledge.
2. The documentary evidences submitted with this application are true and correct.
3. I will not contravene any of the provisions of Gujarat Animal Preservation Act, 1954 and the rules made there under in respect of animals to be transported.
4. I will keep 'Permit' during transportation.

Place: _____

Signature or thumb Impression of the applicant

Date: _____

Time: _____ (am/pm)

Name: _____

***Note:** An applicant can use this copy of an application or may make an application in hand written from as prescribed 'Form-III'

FORM IV (See rule (2)) PERMIT

(For intrastate transport of animals specified in sub-section 1 (A) of section 5 of the Gujarat Animal Preservation Act, 1954)

Issuing Authority : _____ **and Designation:** _____

Village :,	Taluka :,	District:-,	Date :
------------------	-----------------	-------------------	--------------

This permit is valid only for 3 (three) Days after the date of issue.

Shri _____ **belongs to,**

Village:-,	Taluka:-,	District:-
------------------	-----------------	------------------

To (name of the place) between (Date) and (Date)

Village:-,	Taluka:-,	District:-
for bonafide agricultural and/or animal husbandry purpose		

Sr. No	Animal Category	Number of Animals to be transported	
		In figures	In words
1	Cow		
2	Male calf :		
	(a) Castrated male calf		
3	(b) Un-castrated male calf		
4	Female calf		
5	Bulls		
6	Bullocks		
Total Number of specified animals to be transported			

Detail of vehicle used for animal's transportation under this permit :	
Type of Vehicle	
Registration Number of Vehicle	
Name of Vehicle Owner	
Name of Driver	
Name of Cleaner	
Detail of any other way of conveyance	

Purpose of transportation as per application _____ in reference of his/her application dated : _____

CONDITIONS

1. This permit is granted for transportation of above animals from the place started in the permit to the place in the State and is not valid for transportation to another State.
2. The permit holder must keep this 'PERMIT' during transportation.
3. The permit holder shall strictly follow the provisions with regard to carriage of animals as provided under the Gujarat Motor Vehicles Rules, 1989.
4. The permit shall be valid for transportation of animals as are specified in the permit.
5. The permit shall be valid only for the purpose as specified in the permit.
6. The permit holder shall submit the permit to any authority or officer as and when demanded.

Place : _____	Signature of issuing Authority : _____
Date : _____	Name : _____
Time : _____ (am/pm)	Designation : _____
	With seal: _____

To Shri _____ (APPLICANT) of

Village:-.....,	Taluka:-.....,	District:-.....
-----------------	----------------	-----------------

By order and in the name of the Governor of Gujarat

(Bakul Shah)

Deputy Secretary to Government.

To,

- Principal Secretary to H.E. The Governor, Rajbhavan, Gandhinagar. (By Letter)
- Secretary, Vidhansabha, Gandhinagar. (by letter)
- Hon. Chief Minister, Sachivalay, Gandhinagar
- All the Ministers, ministers of state, Parliamentary Secretaries, Sachivalay, Gandhinagar.
- The Registrar General, Gujarat Highcourt, Ahmedabad. (By letter)
- Leader of Opposition, Vidhansabha, Gandhinagar.
- Chief Secretary, Sachivalay, Gandhinagar.
- Additional Chief Secretary, Home Department, Sachivalay, Gandhinagar- With a request to instruct all concerned authorities.
- Secretary, Legislative Department, Sachivalay.-With a request to translate in Gujarati and publish in official gazette
- Director General of Police, Gandhinagar.
- All Commissioner of Police
- All District Supdt of Police
- All Department, Sachivalay, Gandhinagar.
- All District Magistrates and collectors
- All District Development Officers
- All Municipal Corporations, Nagarpalikas, District Panchayats, Taluka Panchayats, Gram Panchayats - With a request to draw attention to all concerned
- Accountant General-Rajkot, Ahmedabad.
- All district treasury officers
- Pay and account officer, Gandhinagar.
- Director, Animal Husbandry, Gujarat State, Gandhinagar.....with a request to draw attention to all Joint Dir, Dy Dir, Asst Dirs, V.O's and other such officers
- Member Secretary, Gau Seva Ayog, Gandhinagar.-----with a request to draw attentions of all Gaushala, Panjarapoles, Infirmarys, etc.
- M.D., GCMMF, Ananad, Gujarat.
- All Dairy unions and all Village Milk Co-op societies- through Director, Animal Husbandry, Gujarat State, Gandhinagar
- Select File

THE GUJARAT FISHERIES RULES - 2003

THE GUJARAT GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

PART IV-B

**Rules and Orders (Other than those published in Part I, I-A and I-L) made
by the Government of Gujarat under the Gujarat Acts.**

PORTS AND FISHERIES DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 15th August, 2003.

THE GUJARAT FISHERIES ACT, 2003,

No.G/PF/I2/2003/FDX/112002/1817/T -WHEREAS the Government of Gujarat is satisfied that circumstances exist, which render it necessary to take immediate action to make rules and to dispense with the previous publication thereof under the proviso to sub-section (2) of section 30 of the Gujarat Fisheries Act, 2003 (Guj. 8 of 2003);

NOW, THEREFORE, in exercise of the powers conferred by section 30 of the said Act, the Government of Gujarat hereby makes the following rules, namely:-

CHAPTER 1

PRELIMINARY

- 1. Title.-** These rules may be called the Gujarat Fisheries Rules, 2003.
- 2. Definitions. -** In these rules, unless the context otherwise requires, -
 - (a) “artificial reef” means artificial fish aggregating device;
 - (b) “by catch reducing device” means a device to escape trash fish and juvenile;
 - (c) “Commissioner” means the Commissioner of Fisheries, Gujarat State appointed by the State Government.

- (d) “Fishing harbour” means the place such as port, harbour, wharf, pier, dock, jetty and landing place where landing or berthing facilities have been provided for fishing vessels and their adjoining areas set apart for repair yards, fuel and ice supply installations, auction hall, fish processing plant within such limits as the State Government may specify in this behalf;
- (e) “juvenile” means young ones of fish;
- (f) “salt bittern” mean the residual waste of a salt pan or industry;

CHAPTER II

PROTECTION OF FISH

3. Prohibition against destruction of fish by explosive :

- (1) No person other than the owner of the water body shall use any dynamite or other explosive substance in any public water with the intention to catch or to destroy the fish therein.
- (2) No person other than the owner of the water body shall carry any dynamite or other explosive substance in one kilometre periphery of public water. Any person need to dynamite the rocks or mines shall have to obtain permission from the Licensing Officer appointed under section 10 of the said Act.

4. Prohibition against destruction of fish by poisoning of water,

- (1) No person shall put or release or discharge any poison, lime or noxious material, like Dichloro Diphenyl Trichloroethane, Benzene hexachloride as pesticides, allied chemicals, mahua oil cake, tea seed cake and “THOR XIR” or any indigenous or herbal substances into any water with the intent to capture or destroy the fish therein.
- (2) No person shall carry any poison, lime or noxious material in one km periphery of any water,

5. Prohibition against introduction of exotic fish :

- (1) No person shall introduce any exotic Fish, like Tilapia, Grass carp, Silver carp, Common carp, Gold fish, Guppy Gourami, Thai Magur, African Magur, Big head and any other harmful fish, in any water with intention thereby to destroy any fish without the permission of the Fishery Officer. .’
- (2) No person shall transport or distribute any exotic fish as referred to in sub rule (1), in one kilometre periphery of any water
- (3) No person shall hold and do mono culture, poly -culture, extensive, semi intensive and intensive culture of Thai Magur, African Magur, Big Head, and

Hybrid/Golden Red Tilapia: provided that a person who possesses shall destroy such exotic Thai Magur, African Magur, Big Head, Hybrid/Golden Red Tilapia.

6. Regulation of Fishing:-

- (1) (a) No person shall erect fishing gear, fixed engines, stake nets, barriers, etc. or any such contrivances in public waters or use in the river or river mouth, without obtaining permission. In the case of the major rivers, like the Narmada, Tapi, Mahi, Damanganga and the like, no such structures or contrivances shall be erected or operated during June to September, in an area of 100 Kms. upstream of the sea.
- (b) No person shall fish within the radius of 100 mtr. downstream a river mouth in the sea.
- (2) If any dam or weir is constructed or any river affecting the migratory rout of any fish or groups of fish, necessary provision for devices like the fish ladder etc. shall be made as per the conditions laid down while granting approval of the Fishery Officer.
- (3) (a) No person, industry, municipality, local body or any of agency shall release into the public waters any industrial waste, sewage or un treated effluent, which may be harmful to fish or the food of fish.
- (b) No person or industry shall release toxicant salt bitterns or any other chemical residues from the salt pans and industries into the aquatic eco system.
- (c) No person shall discharge any water from such fish ponds or farms where destructive biological or other changes, like white spot, ulcerative dieses syndrome or any other disease have been manifested.
- (4) (a) No person shall operate any fishing gear, net, capture device of with the mesh size or specification less than those specified by the Fishery Officer from time to time. However in the case of bag net (like, Dol, Golva, Gunja and trawl net etc.) at least 40 mm mesh size shall be maintained at the cod end (tail end).
- (b) In the case of trawl net, no person is allowed to operate any other dimension other than square mesh of minimum 40 mm size at that cod end portion. Mesh sizes shall be used by fishermen as are mentioned hi Form 18.
- (c) No person shall use any drag net (like the Mahajal, Chhatijal) with the intention to catch fish from any water sheet: provided that for the purpose of weed fish eradication, such fishing gear shall be used subject to the permission of the Fishery Officer.

- (d) No person shall use gill net in the inland or fresh waters with the mesh size less than 150 mm
- (5) (a) Fishery Officer may prohibit fishing of any nature in any of water sheet in the interest of conservation, restoration or sustainability of the fisheries resources for a period not exceeding two years.
 - (b) The Fishery Officer shall have the right of prohibiting or preventing fishing of any particular species of fish during any specific season with any specific gear or implement.
 - (c) No person shall fish any species declared as protected species under Wild Life Protection Act, 1972 as amended from time to time.
 - (d) No person shall capture any egg bearing or brooder fish or eggs from any water sheet without the permission of the Fishery Officer. The capture of egg bearing or brooder fish eggs, hatchlings, juveniles for the purpose of research and development may be carried out with the prior permission of the Fishery Officer.
- (6) (a) No person shall use gun, spear, arrow, harpoon or any other similar weapon in any public water with intent to catch, take or destroy any of the fish therein.
 - (b) Electric fishing is prohibited.
- (7) No person shall be permitted to bring into the State any fish and fish seed from any where in the country or a abroad, which are suspected to be infected by any sort of disease and detrimental to the existing or future health conditions of the fish within the State.
- (8) (a) The Commissioner, may formulate a comprehensive leasing policy to give inland water sheet on lease or licence for ten years for the development of such water sheets from time to time.
 - (b) The leasing policy shall have contains reserve water sheet, upset price, sanctioning authority, price preference, methodology work out effective water spread area, payment of lease or licence, tender process, finalisation of tenders, management of reservoir fisheries, waiving of lease amount of scarcity, game fishery, appeal, collection of fish catch statistics, transportation of fish, operation of Mahajal and Chhatijal, unauthorised fishing, black listing, sub lease, withdrawal of reservoir of leasee, cancellation of lease in public interest, patrolling, non operation of mechanised fishing boats in inland water etc.
 - (c) Fish and shell fish culture activity shall be required to be registered with the Licensing Officer on payment of fee of Rs. 100/- per annum in Form 19. Such culturist shall have to give their harvest details in Form 20.

- (d) No wholesaler or retailer of fish or fish seed traders shall carry on his business unless he obtain licence from the Fishery Officer. He shall make an application for such licence in the Form 10 and the licensing officer shall after making such inquiry as he deems fit and having regards to the provisions contained in sub section (a) of section 10, issue such licence in the Form 11 on payment of the fees applicable to him
- (e) The rate of fee for three years shall be as under:
 - (i) Wholesaler Rs. 1000/-per annum
 - (ii) Retailer Rs. 50/-per annum
- (f) The following fish and prawn species shall be protected for the reason of their unique biological characteristics.
 - 1. Tor tor
 - 2. Hilsa
 - 3. M. rosenbergii

And therefore catching the species and juveniles during the monsoon and post monsoon up to October shall be prohibited in the river Narmada, Mahi and Tapi and South Gujarat rivers.

- (g) A person intends to sell fish from one place or market to other place or market through the railway or any other means of transport shall be required to make an application in Form 12 to the Fishery Officer for issuance of a No objection certificate for such trading or sale. The Fishery Officer may grant such permission and issue the certificate in duplicate in Form 13 after such inquiry, as he deems fit.
- (h) No person shall take fish in Inland waters with a net operated from a mechanized boat without the permission of Fishery Officer.
- (i) Any person found taking fish in inland waters with a net operated from a mechanized boat ; the net along with the mechanized boat shall be seized by the Enforcement Officer and he shall proceed as per the provisions of the Act. [which shall be without prejudice to the penalty which may be imposed under section 21(1)(e) of the Act.]
- (j) The Enforcement Officer may carry out the patrolling of the inland waters to detect any violation of the rules. While taking action against the violators, if any damage is caused to the fishing nets, skiffs or boats including accessories and fixtures thereof neither the Government nor the Officer carrying out patrolling shall be liable for such damage.

- (k) Each person shall follow the instructions issued by Commissioner of Fisheries, fisheries Department, Gandhinagar from time to time on Inland and Brackish water culture fisheries.
- (l) Any person found with fishes or transportation of fishes from five kilometer peripheral area of public water sheets shall be considered that the fishes are caught from the same water sheet.
- (m) Licensing Officer, Registration Officer, Enforcement Officer, Adjudicating Officer, Commissioner of Fisheries or any officer appointed by him to implement the Act shall be competent to check the authenticity of fish seed / fishes / fish consignment transported by Road/ Railway or any other mode.
- 1. Any person who intends to import the fish seed, prawn seed shall make an application in Form 14 to the Licensing Officer and the Licensing Officer may grant such permission in Form 15 after making such inquiry as he deems fit.
- 2. The private entrepreneurs who intend to operate hatcheries on commercial scale shall have to obtain permission from the Licensing Officer by an application in Form 16 along with the registration fees and the Licensing Officer may grant such permission in Form 17 after making such inquiry as deems fit on the following terms and conditions,
 - (i) The registration fee for the hatchery shall be as under:
 - (a) For Indian Major Carp hatchery Rs. 2500/-
 - (b) For scampi hatchery Rs. 3000/-
 - (ii) No person shall carryout any types of fishing in the inland and the territorial waters from 10th June to 15th August in a calendar year,
 - (iii) Enforcement Officer shall seize, forfeit and remove fishing gear, which is used or erected in contravention of the rules,
 - (iv) Enforcement Officer shall forfeit fish taken by means of such fishing gear and shall forfeit fish gear along with transporting vehicle.
 - (v) Enforcement Officer shall be entitled to sell fish and fishing gear.
 - (vi) State Government shall take any private water with the consent, in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

CHAPTER III
REGULATION OF FISHING IN SPECIFIED AREA*

7. Regulation of fishing in specified area -

- (1) The Licensing Officer shall regulate fishing vessel after consultation with the National Institute and State Universities viz. Fishery Survey of India, Mumbai, Central Marine Fisheries Research Institute, Kochi, Gujarat Agriculture University (GAU), Dantiwada, etc.
- (2) The Licensing Officer shall divide fishing ground into division and sub division and allot fishing quota accordingly;
- (3) The Licensing Officer shall issue the fishing licences after taking into consideration the capacity of the fishing harbour.
- (4) Every person in a mechanised fishing vessel shall obtained a token from the Registration Officer before such mechanised fishing vessel leaves the berth or anchoring and shall hand over back the token on return to the Registration Officer at the said berth or anchoring.
- (5) Every owner of a mechanised fishing vessel shall arrange to berth his vessel in the fishing harbour provided by the Government.
- (6) No owner shall keep his boat any where in the fishing harbour except the place allotted to him.
- (7) The owner of mechanised or non-mechanised fishing vessel shall not fish in the entrance channel to a port earmarked by Gujarat Maritime Board for boat traffic.
- (8) The non-mechanised fishing vessel shall be used for fishing within five nautical miles horizontally from the shore and shall go for hook and line fishing, gill netting, etc. as may be approved by the Licensing Officer.
- (9) Bottom trawling operators shall not be conducted within five nautical miles (9.00 kms) from the coast line horizontally,
- (10) Mechanised fishing vessel shall not be used for fishing within five nautical miles horizontally from the shore, but such fishing vessel may carry out fishing in specified area after five nautical miles horizontally.
- (11) The Licensing Officer shall instruct or give directions to apply By Catch Reducing Device (CRD) to all the trawling vessels.
- (12) No person shall collect baby fishes or juveniles' fishes from the water sheets. No person shall collect the baby shark ranging to 1' to 1.5'.
- (13) No industrial pumping of sea water except the approval of the concerned or respective Licensing Officer.

- (14) No person shall destroy or collect mangroves (CHER).
- (15) No person shall collect biological specimens without the prior approval of the Licensing Officer who shall regulate it. Decorative fishes and marine decorative fishes shall not be collected without prior permission of Licensing Officer.
- (16) No person shall exploit live and dead marine products without prior approval of the concerned or respective Licensing Officer.
- (17) No person shall exploit fossilised corals and oyster beds without prior permission of the concerned or respective Licensing Officer.
- (18) No person shall catch Whale shark, Turtle and Whales and other protected animals under Wild Life Protection Act, 1972. No person shall sale shells without the permission granted by the Licensing Officer.
- (19) The Licensing Officer shall report to the Authorised Forest Officials if there is any stranding of Whale Shark, Turtle and Whales.
- (20) It shall be the duty of the Licensing Officer to promote mariculture, artificial reef devices and stock enhancement programme.
- (21) It shall be the duty of the Licensing Officer, the Registration Officer and Enforcement Officer to protect the interest of traditional fishermen such as country crafts or canoes.
- (22) It shall be the duty of the Licensing Officer, the Registration Officer, Enforcement Officer and the Fisheries Terminal Authority to assist to maintain law and order situation in territorial water and also on the shore.
- (23) Carrying any person as crew in contravention of the conditions mentioned in the Fishing Licence shall be punishable under the law.
- (24) The specimen signatures of the Licensing Officer, the Registration Officer, the Enforcement Officer, the Adjudicating Officer and the Commissioner shall be furnished to Coast Guard from time to time.
- (25) No person shall catch under size fish. List of such size of commercial fishes shall be circulated by the Commissioner
- (26) No processing plant owner shall purchase under size fish for processing.
- (27) No merchant shall purchase under size fish for marketing.
- (28) No persons shall transport under size fish from landing centre to the market or processing plant.
- (29) No person shall ply his vessel during cyclone for fishing.

- (30) Each fisherman shall be required to registered port back or in a nearby sheltered place during cyclone and to report to the Registration Officer.
- (31) Ghost fishing is prohibited.
- (32) No person shall throw old nets, pieces of used and unused in public water sheet.
- (33) No fishermen shall throw thermocol pieces, old floats, old net pieces, used tins and bottles, burnt oil, used cotton waste and used green coconut in the harbour.
- (34) No fishermen shall go for toilet on the deck in open condition. They shall have to use a toilet attached to cabin (Clouse-1).
- (35) Each boat owner shall have to paint their cabin and outer area of the boat in separate colour and port wise on above draft line as may be directed by the Registration Officer so as to identify the fishing vessel easily in the sea from the distance.
- (36) Diesel Card and licences of those boat owners shall be cancelled to whose fishing vessel has been apprehended by Pakistan Marine Security Agency.
- (37) Each boat building yard, processing plant, ice factory and other industries related to fisheries shall make an application to the Registration Officer in Form 25 for registration along with the fees of Rs. 1000/-.

8. A Application for fishing license:-

- (1) No owner of fishing vessel shall carry out its activity of fishing in specified area, unless he has got his fishing vessel registered with the Registration Officer and obtained a valid licence from the Licensing Officer.
- (2) An owner of a fishing vessel may make an application in Form No. 1 to the Licensing Officer for the grant of a license for using the fishing vessel for fishing in a specified area and for a specified period.
- (3) The application Form for the grant of licence may be obtained from the office of the Licensing Officer on payment of Rupees Five only.
- (4) The owner of fishing vessel of out of the state shall also be required to obtain the licence from the Licensing Officer.
- (5) The owner of fishing vessel of out of the state shall also be required to register their vessel with the Registered Officer by an application. The Licensing Officer shall record in the licence.

B. Fee payable for grant of and renewal of license:-

- (1) Every application for grant of fishing license made under rule 8 (A) or for renewal of such license in any specified area shall be accompanied by a fee at the rates shown in the Table below:

TABLE OF FEES FOR GRANT AND RENEWAL OF LICENSE

St. No.	Class of. fishing vessel	Amount of fee for a specified area	Amount of fee for renewal of license
1	2	3.	4
1	Marine(Form 1 and 2) Mechanized fishing vessel above 15 metres Over all length fitted with an engine having the Horse Power exceeding 50HP or above 25 gross tonnages.	Rupees Fifteen thousand only.	Rupees Twelve thousand only
2	Mechanized fishing vessel upto 15 metres Over all length fitted with an engine having the Horse Power not exceeding 50 HP or upto 25 gross tonnages.	Rupees Six thousand only.	Rupees Four thousand five hundred only
3	Beach landing crafts or other motorized crafts	Rupees One thousand five hundred only.	Rupees One thousand two hundred only
4	Non-mechanized fishing vessel, above 8.5 metre Over all length, having gross registered tonnage exceeding 3 tonnes using sail oar	Rupees One thousand only.	Rupees Seven hundred fifty only
5	Non mechanized fishing vessel above 8.5 metre Over all length having gross registered tonnage not exceeding 3 tonnes/ dug out canoes / Fibreglass Reinforce Plastic canoes	Rupees Five hundred fifty only.	Rupees Four hundred fifty only
6	Tin boat / Fibreglass Reinforce Plastic boat / Wooden Tarapa / fishing with tyre tube Inland water (Form-21 and 22)	Rupees Five hundred only.	Rupees Four hundred fifty only
7	Pagadia fishing licence granted in Form No. 24	Rupees Two hundred only.	Rupees One hundred only

- (2) The fee for a license shall be payable in cash or by Demand in favour of the Licensing Officer to whom the application for the grant of a license is made.
- (3) The fee for a license once paid shall not be refunded to the applicant except in refusal or transferable in the name of any other person.
- (4) The licence granted to the owner of the craft or vessel and for Pagadia fishing shall be valid for a maximum period of three years unless it is suspended or cancelled earlier, thereafter they shall renew it by paying necessary licence fee by observing due procedure.

C. Conditions for Grant of licence -

- (1). The license shall be granted in Form 2 by the Licensing Officer within a period of one month from the date of receipt of the application and subject to such conditions as may be laid down therein.
- (2) No license shall be granted in respect of any marine mechanized fishing vessel unless such vessel has been duly insured both against marine risk and life of every member of the crew of such fishing vessel against the risk of accident while working on the vessel through any agency approved by the State Government.
- (3) No license shall be granted in respect any marine mechanized fishing vessel unless such vessel have life saving appliances and fire fighting appliances as specified below:
 - (a) There shall be approved life jackets on board (approved by Mercantile Marine Department) so that one adult life jacket is available for every person on board.
 - (b) Two life buoys to be kept hung one on each side of the vessel. Out of the two; one shall have a life line attached to a self igniting light.
 - (c) Foam type fire extinguisher in the engine room.
 - (d) Two buckets with sand.
 - (e) Very High Frequency Radiotelephone communication equipment for two v/ay communication shall be provided in every vessel which stays at sea for more than 48 hours and in every vessel which travels a distance more than 50 nautical miles from the base of the operations.
 - (f) The top of wheel house or canopy shall be painted with orange colour on which the registration number of the vessel shall be written in black colour.
 - (g) A piece of orange coloured canvass with either black square or circle for identification from air.
 - (h) Suitable flares for use at times of distress,
 - (i) Every registered fishing vessel shall have a log book in Form 9 to be maintained by the Master or the Driver.

- (j) There shall be an emergency "SAIL" in all mechanized fishing vessel,
 - (k) Every fishing vessel, mechanized or non-mechanized shall have on board, while fishing, shall be well equipped with facilities like a transistor radio or such other telecommunication equipment as may be prescribed by the State Government time to time for the purpose of receiving meteorological forecast.
 - (l) There shall be installed a Search And Rescue Transponder (SART) in the fishing vessel.
 - (m) Flag Victor: Flag Victor shall be flown in most conspicuous position so that other vessels such as Coast Guard and Indian Navy and Merchant Vessels may know that the fishing vessel is in distress and needs assistance,
 - (n) Each fishing vessel shall carry the following Distress Signals: and the use of the same may also be imparted to all crewmembers.
 - (i) Three band hold flares or rocket flares with red light;
 - (ii) three smoke signals giving orange smoke
 - (iii) two all round red light displayed vertically one above the other with a separation of one meter on the mast from sunset to sunrise during distress,
 - (o) All mechanized vessels shall carry communication sets: one Very High Frequency radiotelephone with channel 16 and alternate two channels in consultation with Central Wireless Wing,
 - (p) Every fishing vessel shall before starting voyage, enlists its particulars in Master Long Book maintained by the Fishermen Association in all harbours or landing centres in the Form 9.
 - (q) The owner of fishing vessel shall carry Magnetic Compass and Aneroid Barometer so as to interpret the direction and weather in area based on pressure variant.
 - (r) Every fishing vessel shall have facilities to erect and carry one telescopic mast and a sail for wind propulsion in case of emergency. All fishing vessels shall be with sail materials, preferably made of polypropylene, so as to utilize them for reaching seashore in the case of failure of engine. The sail mast shall be painted with fluorescent orange paint for early identification by aircraft.
 - (s) Sufficient food, Water and clothing (of protective nature against cold and rain) shall be carried by all the fishing vessels at all times.
- (4) No license shall be granted in respect of any marine non-mechanised fishing vessels unless the life of every member of the crew of each vessel has been insured against the risk of accident while working on the vessels, with the insurance company approved by the State Government.

- (5) The Licensing Officer shall enter the particulars of the licenses granted by him in a Register of Licenses in kept and maintained in Form-3.
- (6) Where an application is made for the grant of a licence and the Licensing Officer is not inclined to grant such application, he shall give a notice to the owner of the fishing vessel of his intention and a opportunity of being heard for such refusal and after considering the application or reasons submitted by the owner, the Licensing Officer shall be commnurdicated his decision to the applicant within a period of one month from the date of receipt of the application,
- (7) In case of violation of, breach of or failure to comply with the conditions of the license, and provisions of the Act or the rules by the licence holders of any of the fishing vessels, the Licensing Officer may suspend or cancel the li-cense of the said vessel and report the same to Adjudicating Officer.
- (8) The fishing vessel to which the licence is granted shall not be used for any other operations except fishing.
- (9) The fishing vessel to which the licence is granted shall not conduct fishing operations in “No Fishing Zone” or the area prohibited by the Licensing Of-ficer.
- (10) The owner of the fishing vessel who has been granted licence shall make an application to the Licensing Officer in case of change of ownership for transfer of licence and the Licensing Officer after making such inquiry as he deems fit, may make necessary change relating to ownership of the fishing vessel by affixing his signature and seal of office and date of such change. Such change of ownership shall be recorded in the Licensing Register maintained in Form 3.
- (11) The Licensing Officer may issue a duplicate licence on an application made in Form- 1 by the licensee or the owner of the fishing vessel after duly veri-fying the facts and documentary evidences, if any, and satisfying himself as to genuineness of the application, on payment of a fee 10 percent of the fees payable for grant of original licence fee.

D. Renewal of license:-

- (1) Every application for renewal of the license shall be made by the owner of the fishing vessel in Form 1 to the Licensing Officer of the area along with the renewal fee payable and specified in Table of fees
- (2) Every application for the renewal of the license shall be made two month before from the last date on which the validity period of licence expires.
- (3) The Licensing Officer shall either grant or refuse application for renewal of license. If the Licensing Officer is not inclined to entertain his application for renewal of licence, he shall give a notice of its intention to the applicant and give him a opportunity to make representation within a period of 15 days

and after considering the explanation, representation decide the application.

9. A. Registration of vessel :

- (1) Application Form-4 for registration of fishing vessels shall be obtained from the Office of the Registration Officer on payment of Rupees Five only.
- (2) Application for registration of fishing vessel shall be made by the owner of such vessel in Form 4, along with the fees payable shall be accompanied by the following:
 - (a) A lay out of fishing vessel and proof in token of securing the vessel,
 - (b) Document in support of deposit of the registration fee.

B. Fees payable for registration of fishing vessels:-

- (1) The fee for registration of a fishing vessel shall be paid for every five years at the rate as specified in the Table below:

TABLE OF FEES FOR GRANT AND RENEWAL OF REGISTRATION

Sr. No	Class of vessel	Amount of fee	Renewal fees
1	2	3	4
1	Marine (Form-4 and 5) Mechanised fishing vessel above 25 Gross tonnage or above 15 metres Over All Length	Rupees Ten thousand only	Rupees Ten thousand only
2	Mechanised fishing vessel up to 15 Metres Over All Length	Rupees Five thousand only	Rupees Five thousand only
3	Beach landing crafts and other motorised crafts	Rupees Two thousand five hundred only	Rupees Two thousand five hundred only
4	Crafts above 8.5 metre Over All Length using sail and oars	Rupees One thousand two hundred fifty only	Rupees One thousand two hundred fifty only
5	Country crafts up to 8.5 metre Over All Length without sail and oars	Rupees Six hundred twenty five only	Rupees Six hundred twenty five only
6	Inland/Brackish water (Form-23 and 24) Tin boat / Fibreglass Reinforced Plastic/Wooden Tarapa	Rupees Three hundred .seventy five only	Rupees Three hundred seventy five only

- (2) The fee for registration ones paid shall not be refunded, or transferred in the name of others, to except in the case of refusal.

C. Conditions for grant of certificate of registration :-

The certificate of registration shall be granted on the following terms and conditions:

- (1) The Registration Officer shall register the fishing vessel port wise so as to regulate the fishing vessel by adopting the registration number given by Gujarat Maritime Board, Kandla Port Trust, Marine Mercantile Department or Custom Department.
- (2) The Registration Officer shall grant the registration application after considering the berthing capacity the port or fishery harbour.
- (3) No change in the lay out design of fishing vessel mentions in the certificate of registration shall be made by the owner without prior permission of Registration Officer.
- (4) The owner shall use only chemicals which are permitted preservation, processing and storage of the marine products as may be notified by Commissioner.
- (5) The owner shall comply with such other directions as may be given from time to time by the Registration Officer.
- (6) The owner shall not transfer the ownership certificate of registration without prior approval of the Registration Officer.
- (7) Every owner of a registered vessel shall furnish to the Registration Officer returns of fishing in Form 8 at the end of every quarter of the year.
- (8) The Registration Officer may inspect any registered fishing vessel at any time to verify whether the returns furnished by the owner are correct and complete.

D. Issue of certificate of registration -

- (1) The Registration Officer after making such inquiry as he deems fit issue the certificate of registration may within a period of one month from the date of receipt of application to the owner of the fishing vessel after entering the same particulars in the register of registration maintained in proforma 6.
- (2) The Registration Officer may after making such inquiry as he deems necessary, refuse to register the fishing vessel after giving a reasonable opportunity of being heard. The reason for such refusal shall be communicated by the Registration Officer in writing to the applicant, within a period of one month from the date of receipt of application,
- (3) The certificate of registration granted shall be valid for a period of five years from the date on which it is issued, unless it is cancelled earlier, and may be renewed from time to time for a further period of five years on payment of renewal fee specified in the Table of fees for registrationa.

- (4) The Registration Officer shall assign the registration number to the fishing vessel on issuance of registration certificate. The top of wheel house or canopy shall be painted with orange colour on which the registration number of the vessel shall be written in black colour.
- (5) The Registration Officer shall cause the owner of marine mechanised and non-mechanised fishing vessel to paint Indian Flag on the port and starboard side of four port of such vessel.

E. Change of ownership:-

- (1) In case of change in ownership of fishing vessel the person, in the name of whom the ownership is to be transferred shall apply in Form 7 for change of ownership and change in particular of certificate of registration along with the fees specified in the table of fees to the concerned Registration Officer for issue of certificate of registration in his favour.
- (2) The Registration Officer may after making such inquiry as he may deems necessary and collection of such information if any, satisfy it self make endorsement on the original registration certificate by affixing his signature, seal and date of such change. The change thus made shall also be recorded in the register kept and maintained in Form 6.

TABLE OF FEES FOR CHANGE OF OWNERSHIP

Sr. No.	Class of vessel	Amount of fee
1	2	3
1	Marine Mechanised fishing vessel above 25 Gross tonnage or above 15 metres Over All Length	Rupees Five thousand only
2	Mechanised fishing vessel up to 15 Metres Over All Length	Rupees Two thousand five hundred only
3	Beach landing crafts and other motorised crafts	Rupees One thousand five hundred only
4	Crafts above 8.5 metre Over All Length using sail and oars	Rupees Eight hundred only
5	Country crafts up to 8.5 metre Over All Length without sail and oars	Rupees Five hundred only
6	Inland/Brackish water Tin boat / Fibreglass Reinforced Plastic/Wooden Tarapa	Rupees Two hundred only

F. Inspection of certificate of registration and issue of duplicate certificate of registration etc..-

The owner of registered fishing vessel shall carry the certificate of registration at all times on his fishing vessel and shall produce it for inspection whenever any officer authorised by the Registration Officer in that behalf required it to be produced for inspection. The loss, damage, or mutilation, as the case may be, of the certificate of registration shall be reported forthwith, by the owner of the fishing vessel to the Registration Officer who shall issue a duplicate certificate on payment of a fee of rupees Five and on satisfying about the loss, damage or mutilation, as the case may be, of the said certificate.

G. Recording of charge on the vessel on the registration certificate:-

If the owner of a registered fishing vessel mortgages or hypothecates such vessel to the financing agency or any other person or purchase the vessel on hire purchase agreement or takes or gives the vessel on hire, or otherwise creates any charge on such vessel, he shall furnish the information of creation of such charge to the Registration Officer within seven days from the creation of such charge. On receipt of such information, the Registration Officer shall record such charge in the certificate of registration and in the register kept and maintained by him in Form 6.

H. Impoundment of Fishing Vessel:-

- (1) A fishing vessel impounded by the Enforcement Officer shall be kept anchored at the base port of the licence or any other port as may be directed by the Enforcement Officer.
- (2) The fuel pump of the fishing vessel impounded shall be removed by the authorised officer with the help of mechanic and handover the same to the Fishery Officer to avoid the forcible escape of such vessel from the custody.
- (3) The berthing position of an impounded fishing vessel shall be informed to the owner of a fishing vessel.
- (4) The owner of the impounded fishing vessel shall be liable to pay the expenses if any incurred towards its maintenance.

I. Disposal of fish -

The fish seized from an impounded fishing vessel shall be disposed of by public auction, and deposit the proceeds thereof in the Government treasury under the direction of Enforcement Officer and make a report of contravention to the court if the offence is punishable under Clause. (b),(c),(d) or (e) of sub section-1 of section -21 of the Act and in other cases to the Police Officer In-charge of a police station.

CHAPTER V
APPEALS AND REVISION

10. A. Procedure for presentation and disposal of appeals by the Appellate Authority:-

- (1) An appeal to the Appellate Authority shall be presented by the owner of the fishing vessel or by person authorised by the owner in writing either in person or by the registered post.
- (2) Where such an appeal is presented by an agent, it shall be accompanied by a letter of authority of the appellant, appointed him a such,
- (3) Every appeal shall be made within thirty days from the date on which the order is communicated to him accompanied by a certified copy of the order against which the appeal is presented.
- (4) Every memorandum of appeal shall -
 - (a) be either typed or in hand written in ink legibly;
 - (b) specify the name and particulars of the fishing vessel and the name and address of the owner;
 - (c) specify the date of order appealed against and designation of the authority by whom it was passed;
 - (d) contain a clear statement of facts and the grounds on which the appeal is made dully enclosing the evidence or proof if any, the copy of the order appealed against;
 - (e) state precisely the relief which appellant prayed for;
 - (f) signed and verified by the appellant or the person authorised by him;
- (5) On receipt of the appeal the Appellant Authority shall endorsed on it the date of its receipt.
- (6) The Appellate Authority as soon as possible, examines it and satisfies that:
 - (a) the person presenting it has the authority to do so;
 - (b) it is made within the prescribed time limit;
 - (c) it confirms to all the relevant provision of the Act and the rules.
- (7) On receipt on an appeal, the Appellate Authority shall fix the date for hearing and issue notices for hearing to the appellant as well as the Licensing Officer, or as the case may be, the Registration Officer.

- (8) On the date so fixed, the Appellate Authority shall hear from the appellant or his agent and the Licensing Officer, or the case may be, the Registration Officer with reference to evidences produced.
- (9) The Adjudicating Officer may adjourn the hearing of appeal to any other day at any stage.
- (10) On completion of hearing of the appeal the Adjudicating Officer shall decide the application and pass such order as he deems just and proper and may pronounce its judgement forthwith or may reserve it for a subsequent date.
- (11) The decision of Appellate Authority shall be conveyed to the appellant with the copy of his order and such other parties as the appellate authority deems proper.
- (12) Fees for supply of certified copies of documents or orders.
 - (1) Such certified copies shall be made available at the rate of Rupees five per page.

B. Revision:

- (1) Application for revision by aggrieved person shall be to the State Government against the order passed by the Adjudicating Officer under section-17.
- (2) Revision application shall be decided by the State Government in accordance with the provision made under section-19.

• • •

**AFFIX APPLICANT'S
PHOTOGRAPH
(OWNER)**

FORM-1
[See rule 8(A)]

Application Form for grant or renewal of licence for using fishing vessel for
fishing in the specified area.

To,
Assistant Director of Fisheries, or
.....
Superintendent of Fisheries,
.....
(District:.....)

Sub: Application for grant of licence for using fishing vessel

Sir,

I/We hereby request you to grant a licence for using the fishing vessel, the particulars whereof are given below for fishing in the specified areas mentioned below:

1	Name(s) and address(es) of the owner(s) of the fishing vessel:	
2	(a) Registration number (b) base Port or fishing harbour of the fishing vessel:	
3	Name of the fishing vessel:	
4	If mechanised, the HP of the engine:	
5	Whether previously licensed, if so, the number of previous licence, and the date of expiry:	
6	Period for which of the licence is required:	
7	Base Port or fishing harbour from which the fishing vessel is proposed to be employed:	
8	Type of fishing gear proposed to be employed:	
9	Area of operation where the fishing will be carried out:	
10	Names of the trained crew and their qualifications:	
11	Whether the vessel is insured against marine risks:	

12	If so, the name of the Insurance Company and the date of policy or premium receipt and the period of validity of the insurance:	-						
13	Whether the risk of the crew is covered against the accident at sea:							
14	If so, the names of the fishermen constituting the crew and the particulars of their accident insurance.	<table> <tr> <th>Name</th><th>Period of validity</th><th>Name of the Insurance Co. receipt of the premium paid and policy No. & Dt:</th></tr> <tr> <td></td><td></td><td></td></tr> </table>	Name	Period of validity	Name of the Insurance Co. receipt of the premium paid and policy No. & Dt:			
Name	Period of validity	Name of the Insurance Co. receipt of the premium paid and policy No. & Dt:						
15	Particulars of payment of Licence fees paid:							
16	Whether the fishing vessel carried two band transistor radio and if so, particulars of the radio set:							

I/We hereby declare that I/We are aware of and understood the provisions of the Gujarat Fisheries Act, 2003 (Guj.8 of 2003) and the rules made there under and that I/We shall abide by the provisions of the said Act and rules and such terms and conditions on which the licence may be granted.

Place: _____

Signature of the owners
of the fishing vessel

Date: _____

(For office use only)

The application for grant of licence is received on.....with Licence fees Rs.....received on..... The applicant has been granted licence, No.....on.....for the period from,..... to.....

Place :

Seal of the
office

(Signature)
Name and Desig-
nation of the
Licensing Officer

Date :

AFFIX APPLICANT'S
PHOTOGRAPH (OWNER)

FORM 2
(Seerule 8(c))

(Licence for using fishing vessel for fishing in specified area Port or fishing harbour..... District..... Licence No.....
Date of Issue.....period of licence from.....to.....)

To,
Shri.....

Name and address of the owner of fishing vessel

Sub: Grant of licence for fishhig vessel for fishing.

This licence for using a fishing vessel for fishing in the sea within the specified areas, namely;(here describe the specified areas), is hereby granted to.....(here mentioned the narne(s) of owners of fishing vessel)for the fishing vessel..... bearing registration number.....for operating from the Base Port or fishing harbour

The licence is granted subject to the provisions of the Gujarat Fisheries Act, 2003, The Gujarat Fisheries, Rules, 2003 and on the following terms and conditions;:

1. This licence is valid for operation from the port or fishing harbour offor the period specified above, unless suspended, revoked or cancelled before the expiry of the said period.
2. The fishing vessel shall be operated only within the specified area for which the licence is granted.
3. Any change in the layout, design or capacity- of the vessel shall be effected only with the prior approval of the Licensing Officer.
4. Any change in the type of fishing gear licensed shall be effected only with the prior approval of the Licensing Officer.
5. It shall be competent for the Licensing Officer or the Enforcement Officer or any officer authorised by him to enter the fishing vessel for the purpose of inspection, whether in the water or on shore.
6. The licence is liable to be cancelled if the vessel is impounded or confiscated for illegal activities or default under any Central or State Act for the time being in force, or if the vessel is not duly insured and the insurance not kept effective or for breach of conditions laid down while granting or for contravention of the provisions of the Act or rules.

The fishing vessel and every member of the crew shall be duly insured against the marine risk and accidents. Every fishing vessel while going on sea, for fishing shall carry two band transistor radio and the equipment and accessories with it.

Place: _____
Date _____

**Seal of the
office**

(Signature)
**Name and Designation
of the Licensing Officer**

FORM 3
(See rule 8(c)(5))

Register of licence

Licence No. & Date	Registration No. of the fishing vessel and the name of the fishing vessel	Whether mechanised if so, the Name and HP of the engine	Base Port or fishing harbour	Type of fishing gear	Area of operation
1	2	3	4	5	6

Vessel Insured			Crew insured		Particular of two band transistor	remarks	Signature of the Licensing Officer
Period of licence	Insurance	Period of validity	Insurance	Period of validity			
7	8	9	10	11	12	13	14

**PHOTOGRAPH
OWNER OF
THE VESSEL**

FORM 4

(See rule 9 A) Application form for grant or renewal of registration of fishing vessel

To,
The Registration Officer
.....
District.....

I/We hereby request that my/our fishing vessel, the particulars of which are given below, may be registered for fishing operations:

1	Name(s) and address(es) of the owner(s) of fishing vessel:	
2	Name of the fishing vessel:	i
3	Previous registration number and Port of registration, if any:	l
4	Dimensions of the vessel:	Overall length.....mtr.
		Keel length.....mtr.
		Breadth...mtr.
		Depth...mtr.
5	Place and year of construction of the fishing vessel:	
6	Whether mechanised or non-mechanised:	
7	If mechanised the details of the engine fitted:	Make.....
		Power.....HP
		Year of installation of engine.....
8	Base Port or fishing harbour from which the fishing vessel shall be operated:	
9	Particulars about the mortgage or hypothecation, or any other charge on the fishing vessel:	
10	Particulars of registration fees paid	
11	Period for which registration is required:	

The information given above is true and correct to the best of my/our knowledge.

I am/we are aware that in the event of change of the base port of operation, I/ We shall have to obtain prior permission in writing from the Registration Officer.

I/We agree to abide by the terms and conditions of the registration and the relevant provisions of the aforementioned Act.

I/We are aware of the provisions of the Gujarat Fisheries Act, 2003 and the Gujarat Fisheries Rules, 2003 and shall be abide by the said provisions and such other terms and conditions as may be laid down for grant of licence.

Place: _____

Date: _____

Signature(s) of
the applicant

[FOR OFFICE USE ONLY]

Application for registration of fishing vessel received on..... Reg-
istration fees Rs. received on..... Applica-
tion granted and Registration No.....Allotted on.....

Place: _____

Date _____

Seal of the
office

(Signature)
Name and Designation
of the Licensing Officer

**PHOTOGRAPH
OF OWNER OF
THE VESSEL**

FORM 5
(See rule 9 D)

Certificate of registration of fishing vessel

To,
Name and address of
the owner of fishing vessel

Sub: Issue of certificate of Registration of fishing vessel.

Sir,

With reference to your application in Form No. 4 for grant of registration of fishing vessel, the certificate of registration is issued as under in Form No. 5 subject to the provisions of the Gujarat Fisheries Act, 2003 and the rules made there under on the terms and conditions specified therein.

1	Name(s) and Address(es) of the owner(s) of the fishing vessel: .	
2	Port or fishing harbour of registration from which the fishing vessel operate:	
3	Registration number:	
4	Date of registration:	
5	Registration mark of fishing vessel:	
6	Period for which registration is operated:	
7	Name of the fishing vessel:	
8	Whether mechanised or non-mechanised:	
9	Dimensions of the fishing vessel:	Overall length.....mtr. Keel length.....mtr. Breadth.....mtr. Depth.....mtr. Capacity Gross registered tonnage.....
10	If mechanised, the particulars of the engine:	
11	Place and year of construction of the fishing vessel:	

12	Year of installation of the engine:	
13	Base port from which the fishing vessel shall be operated:	
14	Particulars of hypothecation; mortgage or other charge on the fishing vessel, if any:	

Terms and conditions:

1. The registration shall be allotted at any time for breach of any of the conditions and violation of the provisions of the Act and rules.
2. Certificate of registration is required to be renewed before the expiry of its period.
3. Any change in the layout, design, capacity of the vessel shall not take place without prior permission of the Registration Officer.
4. If the owner of the fishing vessel intends to use or operate the vessel at any other port or fishing harbour other than specified in the certificate of the registration, he shall obtain previous permission of the Registration Officer for the said purpose.
5. The owner shall use only chemicals which are permitted for preservation, processing at storage of the marine products as may be notified by Commissioner.
6. The owner shall not transfer the ownership certificate of registration without prior permission of the Registration Officer.
7. The Registration Officer shall cause the owner of marine mechanised and non-mechanised fishing vessel to paint Indian Flag on the port and starboard side of each part of such vessel.

Place: _____
Date _____

**Seal of the
office**

(Signature)
**Name and Designation
of the Licensing Officer**

FORM 6
(See rule 9(d)(l))

Register of fishing vessels

Name of the

Port or fishing harbour.....

District.....

Registration number	Date of Registration	Name(s) of the owner of the fishing vessel	Name of the fishing vessel and previous registration No., if any	Whether mechanised or non- v mechanised
1	2	3	4	5

Dimensions of the vessel			Depth	Gross (Registered tonnages)	Engine	
Overall length	Keel length	Breadth			Make	HP
6	7	8	9	10	11	12

Year of construction of the vessel	Base port or fishing harbour of operation	Charge or hypothecation, if any	Remarks	Signature of the Registration Officer
13	14	15	16	17

FORM 7
(See rules 9(c))

Application for change of particulars in the certificate of registration

To,
The Registration Officer,
District.....

Sub:- Application for change particulars in the Registration certificate.

Sir,

I/We hereby request for change of particulars in the Registration certificate the particulars of which are given below:

Item No.			Particulars of existing certificate of registration	Particulars of changes applied for
1	Name(s) and Address(es) of the owner(s) of the fishing vessel:			
2	Port or fishing harbour of registration from which the fishing vessel operate: «			
3	Registration number:			
4	Date of registration:			
5	Registration mark of fishing vessel:			
6	Period for which registration is operated:			
7	Name of the fishing vessel:			
8	Whether mechanised or non mechanised:			
9	Dimensions of the fishing vessel:	Overall length..mtr. Keel lenth.. mtr. Breadth.. mtr. Depth.. mtr. Capacity Gross registered tonnage.....		

10	If mechanised, the particulars of the engine:			
11	Place and year of construction of the fishing vessel:			
12	Year of installation of the engine:			
13	Base port from which the fishing vessel shall be operated:			
14	Particulars of hypothecation;- mortgage or other charge on the fishing vessel, if any:			

I/We request that the change in the particulars as mentioned above may be granted and incorporate in the certificate of registration of in respect of the said vessel.

Place:
Date:

Signature of the owner of the
registered fishing; vessel

Encl:

Signature of the new owner of the
registered fishing vessel (if the
change of ownership is proposed.

FORM 8
(See rule 9(c)(7))
QUARTERLY RETURN

To,
The Registration Officer or
Designation of the Fishery Officer
District.....

Sub: Submission of return.

Sir,

I/We hereby submit the quarterly return in Form - 8 for the period of _____
to _____ as required under rule of the Gujarat Fisheries Rules, 2003.

1	Registration Number :	
2	Licence Number and Date:	
3	Return of the quarter ending:	
4	Details of the fishing vessel:	
5	Port from which the boat was operated:	
6	Total number of days of fishing:	
7	Type of fishing conducted	
	(a) Trawl	
	(b) Gill net	
	(c) Purse seine	
	(d) Boat seine	
	(e) Long line	
8	Total quantity of fish landed:	
9	Important varieties landed:	
10	Fuel consumption –	
	(a) Diesel	
	(b) Oil	
11	Total revenue released:	
12	Berthing charges paid:	
13	Wharfage paid:	
14	Value of ice used for the quarter:	
15	Wages to crew:	
16	Repair charges –	
	1. For boat	
	2. For nets	
17	Insurance amount remitted and coverage period:	
18	Cost of any new net purchased:	
19	If the vessel had been idle, the reasons for keeping it idle:	

I / We..... hereby declare that the particulars furnished above are true to the best of my / our knowledge.

Place:.

Date:

Signature(s) of

the owner of the vessel

FORM 9

(See rule 8 (c)(3)(9) and (16))

MASTER LOG BOOK

Sr. No.	Date and time of departure	Name of the fishing vessel with colour	Registration No.	Name of the Owner/skipper and crew list	Area of operation	Expected time of arrival with date	Quantity of fuel and water carried	Remarks
1	2	3	4	5	6	7	8	9

Place:.

Signature of Boat owner

Signature of Skipper

Date:

PHOTO OF
FISH VENDOR

FORM 10

(See rule 6(8)(d))

Application for obtaining licence for fish sale stall

1.	Name of applicant	
2.	Place of occupation	
3.	Address	
4.	Type of licence	Wholesale or Retailer
5.	Details of licence fee paid	Rs..... TR5 No.Date.....

Place:.

Signature

Date:

Name of the applicant

Note : Applicant has to enclosed two passport size photographs with application.

PHOTO

FORM 11
(See rule 6(8)(d))
Licence for fish sale stall

1.	Name of applicant	
2.	Place of occupation	
3.	Address	
4.	Type of licence	Wholesale or Retailer

Place:.

**Seal of the
office**

**Signature
Name of the Designation
of the Licensing Officer**

PHOTO

FORM 12
(See rule 6(d)(8))
**Application form to obtain 'NO OBJECTION CERTIFICATE' to book a
fish consignment**

1.	Name of applicant	
2.	Address	
3.	Source of fish procurement /purchase etc.	
4.	Destination of freight	Fromto
5.	Quantity of fish in kgs.	Kgs
6.	Details regarding varieties	

Place:.

Date:

**Signature
Name of the applicant**

PHOTO

FORM 13
(See rule 6(8)(d))

'NO OBJECTION CERTIFICATE' to book the fish consignment

1.	Name of party	
2.	Quantity	
3.	Place of booking	
4.	Destination of freight	from to

'NOC' is hereby issued to book the fish consignment from to

Place:.

Seal of the

Signature

Date:

office

**Name of the Designation
of the Licensing Officer**

FORM 14

(Sec rule 6)

An application to import fish seed / prawn seed

1.	Name of applicant	
2.	Address	
3.	Details of lease of water sheet	
4.	Number of seeds to be imported	Speces Number.....
5.	Place from where the seeds are to be imported	

Place:.

Signature

Date:

Name of the applicant

FORM 15**(Sec rule 6)****Permission to import fish seed / prawn seed**

1.	Name of leasee	
2.	Address	
3.	Name of the reservoir where the seeds are to be stocked	
4.	Number of seeds	Species Number
5.	The place from where the seeds are to be imported	

Place:.**Seal of the
office****Signature****Date:****Name of the Designation
of the Licensing Officer**

Note : The leasee has to stock such seeds in the reservoir mentioned in the premission in pressence of the representative of this office and has to produce 'ROJKAM' for such stocking.

FORM 16**(Sec rule 6)****Application for obtaining permission to conduct breeding programmes in private hatcheries**

1.	Name of applicant	
2.	Address	
3.	Place of hatchery	
4.	Details of the fish breeding programme	Species Number of seed to be produced
5.	Details of the facility for breeding programme and capacity of the hatchery.	
6.	Details of the marketing of the seed produced.	

Place:.**Signature of the applicant****Date:****Name**

FORM 17
(Sec rule 6)
Permission for conducting fish breeding programmes by
private hatcheries

1.	Name of applicant	
2.	Address	
3.	Place of hatchery	
4.	Details of the fish breeding programme for which permission is given	Species Number of seedto be produced

Place:. _____ **Seal of the** _____ **(Signature)**
Date: _____ **office** _____ **Name of the Designation**
of the Licensing Officer

Note : Breeding programme other than the permission given above shall not be allowed.

FORM 18

(Sec rule 6(4) (b))

Details of mesh sizes and fishes to catch to be followed by marine fishermen

Gear	Mesh Size	Fish to catch
Trawl net/Dol net /Golva	40 mm sq.mesh size in cod end	Demersal Fishes
Gill net	5"	Pomfret, Black pomfret and other fishes
Gill net	10"	Ghol, Dara, Rawas, Surmai, Tuna and other fish
Gill net	3.7"	Mullet

Place:. _____ **Seal of the** _____ **(Signature)**
Date: _____ **office** _____ **Name and Designation**
of the Licensing Officer

PHOTO OF THE APPLICANT

FORM 19

(Sec rule 6(8) (c))

An application to register fish and shell fish culture

1.	Name of applicant	
2.	Address	
3.	Date of culture	
4.	Area of culture	
5.	Seed stocking details	
6.	Procurement details	
7.	Subsidy amount	
8.	Bank assistance	

Place:.

Signature of the applicant

Date:

Name

FORM 20

(Sec rule 6(8) (c))

Details of harvest from culture

1.	Name of applicant	
2.	Address	
3.	Utilisation of feed	
4.	Details of feed	
5.	FCR	
6.	Production / annum	
7.	Sale details	

Place:.

Signature of the applicant

Date:

Name

PHOTO OF THE APPLICANT

FORM - 21

(See rule 8 (B)(1))

Application for obtaining boat Licence

1.	Name of applicant	
2.	Address	
3.	Name of reservoir	
4.	Details of boat	Type Length
5.	Name of cooperative	
6.	Fees paid	Rs..... TR5 No.Date.....

Place:.

Signature of the applicant

Date:

Name

PHOTO

FORM 22

(Sec rule 8(B) (1))

Boat licence in Inland water sheets

1.	Name	
2.	Name of reservoir / water sheet	
3.	Registration Number	

Place:.

Seal of the

(Signature)

Date:

office

**Name of the Designation
of the Licensing Officer**

**PHOTO GRAPH OF
THE APPLICANT**

FORM - 23
(See rule 8(B)(1))

Application for grant or renewal of PAGADIYA LICENCE

To,

Assistant Director of Fisheries and
Licensing Officer

Superintendent of Fisheries and
Licensing Officer

I request you to grant me PAGADIYA LICENCE for Pagadiya fishing in the specified area mentioned below. The details are as under.

1.	Name and Address of the applicant	
2.	Details of net to be used	
3.	Specified area of operation	
4.	Whether previously licensed, if so, the number of previous licence and the date of expiry.	
5.	Particular of payment of registration Fee	

I hereby declared that I am aware of the provisions of the Gujarat Fisheries Act, 2003 and the rules made there under and that I shall abide by the terms and conditions of the licence if granted.

Place:.

Date:

Signature of the applicant

Name

**PHOTOGRAPH OF
LICENCE HOLDER**

**FORM - 24
(See rule 8(B)(1))
LICENCE FOR PAGADIYA FISHING**

LICENCE NO. :

1.	Name :	
2.	Address :	
3.	Area of operation :	
4.	Details of net to be used :	
5.	Validity of licence:	From _____ to _____

Conditions :

1. The licence shall be produced on demand to any Fishery Officer or to the person authorized by him.
2. The licensee shall not operate in any area other than the specified area of operation mentioned in the licence.
3. Licensee shall not operate any fishing gear other than specified area in the licence.
4. The licence shall be renewed before the expiry date.
5. No other person except the licensee can do fishing under this licensee.
6. Fishing activities shall not be conducted within 120 meter from religious place.
7. Information of fish catch when call for shall be provided by licence.

Place:.

Date:

**Seal of the
office**

**(Signature)
Name and Designation
of the Licensing Officer**

**PHOTOGRAPH OF
THE APPLICANT**

**FORM - 25
(See rule 7(37))**

Application for registration of Boat Building Yard, Processing plant, Ice Factory or other Industries related to fisheries.

To,
Assistant Director of Fisheries and
Registration Officer

Superintendent of Fisheries and
Registration Officer

I / We hereby request you to register my / our fishery related industry. The particulars thereof are given below.

1.	Name(s) and Address(es) of the owner(s) of the industry:	
2.	Details of industry : (i) Boat building yard : (ii) Processing plant; (iii) Ice factory : (iv) Any other:	
3.	Location where the industry is situated :	
4.	Unit cost of factory / industry:	
5.	Yearly production capacity	
6.	Particulars of payment of registration fees :	

I hereby declared that I/We am/ are aware of the provisions of the Gujarat Fisheries Act, 2003 and the rules made there under and that I/We shall abide by the terms and conditions of the licence if granted.

Place:.

Signature

Date:

Name of the applicant(s)

**PHOTOGRAPH OF
THE CERTIFICATE
HOLDER**

**FORM - 26
(See rule 7 (37))**

REGISTRATION CERTIFICATE OF _____

REGISTRATION NO. : _____

1.	Name of applicant(s)	
2.	Address (es)	
3.	Place and location of the industry / factory	

This registration certificate is issued subject to the provisions made in the Gujarat Fisheries Rules, 2003.

Any modification or diversification of activity shall be carried out with prior permission of the Registration Officer.

Place:.

Date:

**Seal of the
office**

**(Signature)
Name and Designation
of the Licensing Officer**

By order and in the name of the Governor of Gujarat,

ANIL PATEL

Deputy Secretary to the Government,
Ports and Fisheries Department

The Gujarat Motor Vehicles Rules 1989

123. Carriage of animals in goods carriages.

- (1) No cattle shall be carried in a goods carriage in a public place unless.
 - (i) in case of goats, sheep, deer or pigs.-
 - (a) a minimum floor space of 0.19 square meter per head of such cattle is provided in the vehicle;
 - (b) proper arrangements for ventilation, and protection from weather are made.
 - (ii) in the case of any other cattle.
 - (a) a minimum floor space of 2 metres x 1 metre per head of cattle and half of such floor space for a young one or cattle which is weaned is provided in the vehicle;
 - (b) the load body of the vehicle is constructed of strong wooden planks or of iron sheets with a minimum height of 1.5 metres measured from the floor of the vehicle on all sides and the back and;
 - (c) floor battens are provided to prevent slipping of hoots;
 - (d) every projection likely to cause suffering to an animal is removed;
 - (e) the cattle are properly secured by ropes tied to the sides of the vehicle.
- (2) If the cattle are carried in a double-decked goods carriage then—
 - (a) the upper deck flooring is covered with metal sheets with a minimum height of 8. centimetres raised on all four sides so as to prevent the animal waste matter such as urine, litter etc. falling on the animals on the lower deck;
 - (b) proper arrangements for drainage shall be made on each floor; and
 - (c) wooden battens shall be provided on each floor to prevent slipping of hoots of the animals;

Provided that only young ones of cow., buffalo, bull, ox, horse, pony, mule, ass etc. shall be carried on the upper deck of the vehicle.
- (3) No animal belonging to or intended for a circus, menagerie or Zoo shall be carried in a goods carriage, in a public place unless.
 - (i) in the case of a wild or ferocious animal, a suitable cage of sufficient strength, either separate from or integral with the load body of the vehicle is provided, to contain the animal securely at all times; and
 - (ii) reasonable floor space for each animal is provided in the vehicle.
- (4) No goods carriage when carrying any cattle or animals, shall be driven at a speed in excess of 40 kilometres per hour. ,

Explanation :

"Cattle" for the purposes of this rules includes goats,, sheep, buffalo, bull, or, cow, deer, horse, pony, mule, ass, pig or the young ones thereof.

• • •

Orders Under The Bombay Essential Commodities and Cattle (Control) Act,

[In view of the provisions of section 20 (2) of the Gujarat Essential Commodities and Cattle (Control) Act, 2005, all such orders under the old Act, are treated as continued]

1. No. SLT. 1059/8216-D.— In exercise of the powers conferred by Sec., 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1958 (Bom. LXII of 1958), the Government of Bombay hereby orders that with effect from Sunday, the 8th November 1959 no person in the State of Bombay excluding the areas specified in the Schedule hereto shall slaughter, cause to be slaughtered, acquire for slaughter or resale for slaughter any of the following kinds of cattle, namely :—
 - (i) bulls, bullocks and he buffaloes which are useful or likely to become useful for draught or breeding purposes and male calves; or
 - (ii) cows, she-buffaloes and heifers which are useful or likely to become useful for the purposes of milk or for bearing off spring and female calves :Provided that nothing in this order shall apply to—
 - (a) the acquisition for slaughter of cattle over 15 years of age for bonafide religious purpose;
 - (b) the acquisition for slaughter of any cattle operated upon for vaccine lymph serum or for any experimental purposes at an Institution established, conducted or recognised by the State Government.Explanation : For the purposes of this order “slaughter” means killing to obtain flesh for butcher’s meat.

SCHEDULE

- (1) Areas within the limits of the Municipal Corporation of Greater Bombay.
- (2) Areas within the limits of the Municipal Corporation of Ahmedabad.
- (3) Areas within the limits of the Municipal Corporation of the City of Poona and within the limits of Cantonment of Poona.
- (4) Areas within the limits of the Municipal Borough, Broach.
- (5) Areas within the limits of the Municipal Borough, Surat.
- (6) Areas within the limits of the Municipal Borough, Godhara.
- (7) Areas within the limits of the Municipal Borough and Cantonment of Ahmednagar.
- (8) Areas within the limits of the Municipal Borough, Dhulia.
- (9) Areas within the limits of the Municipal Borough of Kapadvanj District Kaira.
- (10) Areas within the limits of the Municipal Borough of Malegaon District Nasik.

- (11) Areas within the limits of the Municipal Borough of Sholapur.
- (12) Areas within the limits of the Municipal Borough of Kalyan, District Thana.
- (13) The Saurashtra area of the State of Bombay.
- (14) Areas within the limits of the City Municipality of Aurangabad. Jaina, Parbhani, Sailu, Bhir, Nanded, Osmanabad, Latur and Udgir in the marathawada area of the State of Bombay.
- (15) The Vidarbha area of the Bombay.
2. No. SLT-1160/184-D, dt. 2.4.62.—In exercise of the powers conferred by clause (b) of sub-sec. (i) and clause (g) of sub-sec. (d) of Sec. 4 and Sec.5 of the Bombay Essential Commodities and Cattle (Control) Act, 1958 (LXII of 1958), the Government of Gujarat hereby orders that with effect on
- From 1st April, 1962 the number of (i) buffaloes and (ii) bulls and, bullocks that may be slaughtered during any week commencing on Sunday at a slaughter house situated at the place specified in column 1 of the Schedule here to appended shall not exceed the number respectively specified against, that place in columns 2 and 3 thereof,

SCHEDULE

Sr.	Place	Maximum number of Buffaloes that may be slaughtered in a week.	Maximum, number of Bulls & Bullocks (in aggregate) that may be slaughtered in a week.
1.	Ahmedabad	200	350
2.	Kapadvanj	18	8
3.	Nadiad	30	2
4.	Borsad	16	2
5.	Broach	60	20
6.	Ankleswar	16	5
7.	Jambusar	Nil	1
8.	Godhra	18	66
9.	Dohad	6	70
10.	Surat	61	10
11.	Bulsar	Nil	2
12.	Rander	1	5

**[See Guj. Govt Gaz., IV-B, dt. 19.4.62, PP. 157-58]
(this notification is cancelled)**

THE GUJARAT CATTLE (MOVEMENT CONTROL) ORDER, 1975
CONTENTS

Clauses

1. Short title and commencement.
2. Restriction on movement of cattle from a district to the border districts of Valsad, Bharuch, Surat and Banaskantha in the State.
3. Information regarding movement of cattle to be supplied to authorised officer.

GUJARAT CATTLE (MOVEMENT CONTROL) ORDER 1975

Order No. GHKH-195/LVS/1174/73018-R, dt 3.7.1975, pub. in Guj. Govt. Gaz., Ext, Pt IV-B, dt. 3.7.75, p. 408.

As amended subsequently by

Order No. GHKH-155-76/LVS-1075/27490-R, dt. 7.9.1976, in Pub. Guj. Govt. Gaz., Ext, Pt IV-B, dt 22.9.1976, p. 522.

Whereas, the Government of Gujarat is of the opinion that for maintaining supply of cattle it is necessary and expedient to regulate the movement from a place in any district in the State to any place in the border districts of Valsad, Bharuch, Surat and Banaskantha.

Now, therefore, in exercise of the powers conferred by clause (f) of sub-sec. (2) of Sec. 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1958 (Bom. LXII of 1958), the Government of Gujarat hareby makes the following Order, namely :

1. Short title and commencement.

- (1) This order may be called the Gujarat Cattle (Movement Control) Order, 1975.
- (2) It shall come into force at once.

2. Restriction on movement of cattle from a district to the border districts of Valsad, Bharuch, Surat and Banaskantha in the State :

No person shall move any cattle from a district in the border State to any of districts of Valsad, Bharuch, Surat and Banaskantha in the-State except under and in accordance with the terms and conditions of the premission issued by the Collector of that district in which the place where the cattle is intended to be moved is situated.

3. **Information regarding movement of cattle to be supplied to authorised officer.**

Every person who moves cattle from district in the State to any of the border districts of Valsad, Bharuch, Surat and Banaskantha in the State shall on demand by any officer authorised by the Collector show the permission, if any issued by the Collector under clause 2 and shall also furnish the information as specified in Form 'A' appended hereto.

FORM A

Name and address of the person or his agent who brings the cattle.	Name and address of the purchaser.	Total number and breed of cattle
1	2	3

-
1. Added by order No. GHKH-155-76/LVS-1075/27490-R, dt. 07-9-1976, published in Guj. Govt. 992., Ext., Pt. IV-B, dt. 22.9-1976, P-522.

• • •

THE GUJARAT CATTLE (IMPORT CONTROL)

ORDER, 1982

CONTENTS

Clauses

1. Short title, extent and commencement.
2. Definitions.
3. Restrictions on import of cattle.
4. Appeal.
5. Power to prevent unauthorised entries.
6. Power of entry, search, seizure, etc.
7. Information regarding import to be supplied to authorised officer.

THE GUJARAT CATTLE (IMPORT CONTROL) ORDER, 1982

Order No. GHKH-202LVS/1182/1964/P(1), dt. 5.10.1982, pub. in Guj. Govt Gaz., Pt. IV-B, dt. 8.10.1982, p. 2087.

As amended subsequently by

Notification No. GHKH/16/90/LVS-I 182-1964-P. 1, dt 16.6.1990, pub. in Guj. Govt. Gaz., Ext., Pt. IV-A, dt 16.6.1990, p. 108-1.

Whereas, the Government of Gujarat is of the opinion that it is necessary and expedient so to do for maintaining the supply of cattle in the State;

Now, therefore, in exercise of the powers conferred by clause (f) of sub-sec. (2) of Sec. 4 of The Bombay Essential Commodities and Cattle (Control) Act, 1958 (Bom. LXII of 1958) and all other powers enabling it in this behalf, the Government of Gujarat hereby makes the following Order, namely :

1. Short title, extent and commencement.

- (1) This Order may be called the Gujarat Cattle (Import Control) Order, 1982.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

2. Definitions.

In this Order, unless the context otherwise requires,

- (a) “form” means a form appended to this Order;
- (b) “import” means to bring into the State of Gujarat otherwise than across the customs frontier.

3. Restrictions on import of cattle.

- (1) No person shall import cattle except under and in accordance with the terms and conditions of a permit issued to him under this clause.
- (2) [Where any person desires to import any cattle, he shall make an application for the same to the Mamlatdar or Mahalkari of the taluka in which the cattle is to be imported and the Mamlatdar or Mahalkari may, after taking into consideration the availability of fodder and water in the taluka for the cattle existing therein either issue or refuse to issue an import permit to such person.]
- (3) For the issue of an import permit there shall be charged a fee of Rs.20/- per each cattle permitted to be imported.

4. Appeal.

- (1) [Any person aggrieved by an order of the Mamlatdar or Mahalkari refusing to issue a permit may, within 30 days of the date of the receipts by him of such order, appeal to the Collector :

Provided that the Collector may admit an appeal after the expiry of the said period of 30 days, if the appellant satisfies it that he had sufficient cause for not preferring the appeal within such period.]

- (2) No order affecting the aggrieved person shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.

5. Power to prevent unauthorised entries.

Any Police Officer not below the rank of a Police Sub-Inspector or any other officer authorised by the State Government in this behalf may prevent entry of cattle into the State without an import permit under this Order and for that purpose, use such force as may be necessary.

6. Power of entry, search, seizure, etc.

Any Revenue Officer not below the rank of a Deputy Mamlatdar or any Police Officer not below the rank of Police Sub-Inspector or any other officer authorised by the State Government in this behalf may, with a view to securing compliance with this Order, and to satisfying himself that this Order has been complied with,—

- (a) enter and search any premises, vehicle, vessel or any other conveyance with such assistance as may be necessary;
- (b) ask any person any necessary question;
- (c) examine any books or documents; and
- (d) search and, so far as may be necessary, seize—
 - (i) any cattle in respect of which he has reasons to believe that contravention of this order has been, is being or is about to be committed;
 - (ii) any vehicle, vessel or other conveyance used in importing such cattle if he has reason to believe that such vehicle vessel or other conveyance is liable to be forfeited under the provisions of the Act;

- (iii) any books of accounts and documents which, in his opinion, would be useful for or relevant to any proceeding under the Act; and,
- (iv) direct by an order in writing any person who owns or is in possession of any cattle in respect of which he has reasons to believe that a contravention of the provisions of this order has been or is about to be committed not to remove or dispose of in any manner such cattle and vehicle, vessel or other conveyance used in carrying such cattle without further directions from the Officer making such order:

Provided that provisions of Sec. 100 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) relating to search and seizure shall apply to search and Seizure under this clause.

7. Information regarding import to be supplied to authorised Officer

Any person, who imports cattle, shall, on demand by an officer authorised by the Collector, show the import permit, if any, issued to him under clause 3 and also furnish information in Form 'A'.

FORM 'A'

Name and address of person or his agent who brings cattle into the State.	Total number of cattle.
1	2

1. Subs. by Notfn dt. 16.06.1990

**THE GUJARAT MILCH AND DRAUGHT CATTLE
(CONTROL OF MOVEMENT) ORDER, 1983
CONTENTS**

Clauses

1. Short title, extent and commencement.
2. Definitions.
3. Control of Movement of Certain cattle.
4. Issue of transport permit by the competent authority.
5. Power of entry, search seizure etc.
6. Savings.

**GUJARAT MILCH AND DRAUGHT CATTLE
(CONTROL OF MOVEMENT) ORDER, 1983**

Order No. GHKH-176-LUS-1-281/27-P (1), dt 3.8.1983, pub. in Guj. Govt. Gaz., Ext, Pt. IV-B, dt 9.8.1983, p. 178.

As amended subsequently by

Order No. GHKH-12/85-LVS-1081/3061-P(i), dt 25.1.1985, pub. in Guj, Govt Gaz., Ext Pt IV-A, dt 25.1.1986, p. 25-1.

Whereas, on account of occurrence of unprecedented cyclone in the of November, 1982 and on account of the unprecedented downpour of rains as well as occurrence of floods in the month of June, 1983 in certain parts of the State a part of the Cattle-wealth of the State has been destroyed;

And, whereas, the Government of Gujarat is of the opinion that it is necessary and expedient so to do for maintaining the supply of milch and draught cattle in the State;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-sec. (1) of Sec. 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1958, and any other powers enabling it in this behalf, the Government of Gujarat hereby makes the following Order, namely :-

1. Short title, extent and commencement –

- (1) This Order may be called the Gujarat Milch and Draught Cattle (Control of Movement) Order, 1983.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

2. Definitions —

- (a) “buffalo” means a buffalo which gives milk or which has ceased to give milk but is likely to give milk and includes heifer;
- (b) “Competent authority” means a Mamlatdar or, as the case may be a Mahalkari;
- (c) “draught cattle” means bullocks used for the purpose of draught and includes male calves, whether castrated or not;
- (d) “milch cattle” means cows which give milk or which have ceased to give milk but are likely to give milk and includes heifers;
- (e) “permit holder” means a person who holds a permit issued under Clause 4 of the Gujarat Cattle (Export Control) Order, 1961.

3. Control of movement of certain cattle –

- (1) Notwithstanding anything contained in the Gujarat Cattle (Export Control) Order, 1961, no person shall move or attempt to move by rail, road, sea or any other means any milch or draught cattle from any place within the State to any place outside the State for a period of [three years] commencing from the date of this Order. .
- (2) No permit holder shall move or attempt to move by road, or sea any buffalo from any place within the State to any place outside the State except under and in accordance with transport permit granted under clause 4.

4. Issue of transport permit by the competent authority –

- (1) The competent authority may issue a transport permit to any permit holder who desires to move a buffalo, (in pursuance of a permit granted under the Gujarat Cattle (Export Control) Order, 1961 from any place within the State to any place outside the State permitting him to move such Cattle by road or sea under any of the following circumstances, namely :
 - (a) where the competent authority is of the opinion that there is such disruption of rail traffic as to prevent such person from moving such cattle by rail;
 - (b) where the competent authority is of the opinion that railway wagons are not available for a period of not less than twenty days;
 - (c) where the buffalo is to be moved from a place within the state to a place outside the State for the purpose of participating in any exhibition sponsored by the Central Government.

5. Power of entry, search and seizure etc –

The Director of Animal Husbandry or the Collector of the District or any officer not below the rank of a Deputy Mamlatdar or any police officer not below the rank of police by the Director of Animal Husbandry in this behalf may, with a view to securing compliance with this order and for satisfying himself that this order has been complied with :

- (a) enter and search any premises, vehicle, vessels or any other conveyance with such assistance as may be necessary.
- (b) ask any person any necessary question.
- (c) examine any books or documents, and
- (d) search and so far as may be necessary, seize -
 - (i) any milch or draught cattle or buffalo in respect of which he has reason to believe that contravention of this Order has been or is being for is about to be committed;
 - (ii) any vehicle, vessel or other conveyance used in moving such milch for draught cattle or buffalo;
 - (iii) any books of accounts or documents which in his opinion, would be useful for or relevant to any proceeding under the Act.
- (e) direct by any order in writing any person who owns or is in possession of any such milch or draught cattle or buffalo in respect of which he has reason to believe that a contravention of the provisions of this order has been or is about to be committed not to remove or dispose of in any manner such milch or draught cattle or buffalo & vehicle, vessel or other conveyance without further directions from the officer making such order.
- (2) The provision of Sec. 100 of the Code of Criminal Procedure, 1973 Act No. 2 of 1974) relating to search and seizure shall apply to search and seizure under this clause.

6. Exemption –

- (1) Nothing in this order shall apply to the movement of milch or draught cattle or buffalo by or on behalf of this State.
- (2) The State Government or an officer authorised by the State Government in this behalf may, for reasons to be recorded in writing, by general or special order, exempt any person or class of persons or body of persons, whether incorporated or not, from the operation of this order, subject to such conditions (if any) as may be specified in such order.)

Govt. Noti. dt. 12.3.69 rescinded.

1. [Notification No. GHKH/17/88/LVS-2867,-59258-P(i), dt. 29.9.1988 pub. in Guj. Govt Gaz., Ext, Pt IV-B, at 21.9.1988, p. 157].—In exercise of the powers conferred by clause (f) of sub-sec. (2) of Sec. 4 of the Bombay Essential Commodities and Cattle (Control) Act] 1958 (Bom. LXI of 1985) and of all other powers enabling it in this behalf the Government of Gujarat hereby rescinds the Government Notification, Agriculture and Cooperation Department No. AKH-379/LVS-2867-R, dated the 12th March, 1969

Govt. rescinds orders dt. 14.9.79, 9.8.83 and 15.12.84.

2. [Notification No. GHKH 20-89-LVS-1089-M-151/P. 1, dt. 27.10.1989 pub. in Guj. Govt. Gaz., Ext., Pt IV-B, dt. 1.11.1989, p. 220-1).—In exercise of the powers conferred by clause (b) of sub-sec. (1) and sub-sec. (2) of Sec. 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1958 (Bom. LXII of 1958) and of all other powers enabling it in this behalf Government of Gujarat hereby rescinds the Government Orders—
 - (1) Agriculture, Forests and Co-operation Department No. GHKH/66/79/LVS/1179/62684/R, dated the 14th September, 1979;
 - (2) Government, Agriculture and Forest Department No. GHKH/176/LVS/1281/27/P. (1), dated the 9th August, 1983; and
 - (3) Government, Agriculture and Rural Development Department No. GHKH/143/84/LVS/1584/MP/259/P. (I) dated the 15th December, 1984.
3. [Notification No. GHKH-23-89-SLT-1489-2925-P-1, dt 11.12.1989 pub. in Guj. Govt Gaz., Ext, Pt IV-B, dt 13.12.1989, p. 257-1].—In exercise of the powers conferred by clause (b) of sub-sec. (1) and clause (g) of sub-sec. (2) of Sec. 4 and clause (a) of sub-sec. (1) of Sec. 5 of the Bombay Essential Commodities and Cattle (Control) Act, 1958 (Bombay LXII of 1958) and in modification of Government Notification, Agriculture Forests and Cooperation Department No. GHKH/188/76/SLT/1173/66928/R, dated 15th October, 1976 the Government of Gujarat hereby orders that so far as the city of Ahmedabad is concerned, the maximum number of bulls & bullock (in aggregate) that may be slaughtered, in a year, should not exceed 60. The schedule attached to the said Notification dated the 15th October, 1976 should be treated as amended to that extent.

Notification No. GK/82/24/ECA-1982/178-D, dt. 16.7.1992, pub. in Guj. Govt Gaz., Ext, Pt IV-A; dt. 16.7.1982 p. 151-1.

As amended subsequently by

Notification No. GJ/92/44/ECA-1982/178-D, dt. 31.12.92, pub. in Guj. Govt. Gaz., Ext, Pt IV A, dt. 4.1.1993, p. 151-1.

In exercise of the powers conferred by sub-sec. (1) of Sec. 12-A of the Essential Commodities (Special Provisions) Act, 1981 (18 of 1981), the Government of Gujarat hereby constitutes each of the Courts specified in column 2 of the Schedule annexed hereto to be the Special Court for the area specified against each of them in column 3 of the said Schedule for the purpose of providing speedy trial of the offences under the said Act

SCHEDULE

Sr. No.	Name of the Court constituted as Special Court	Area
1	2	3
1.	City Sessions Court, Ahmedabad.	Metropolitan area of the City of Ahmedabad
2.	District and Sessions Court, Ahmedabad (Rural) at Narol.	Ahmedabad (Rural) District.
3.	District and Sessions Court, Amreli.	Amreli District.
4.	District and Sessions Court, Bhavnagar.	Bhavnagar District.
5.	District and Sessions Court, Bharuch.	Bharuch District
6.	District and Sessions Court, Banaskantha at Palanpur.	Banaskantha District.
7.	¹ [(1) District and Sessions Court Junagadh	Junagadh District excluding the area falling under the jurisdiction of the Additional Sessions Judge of Porbandar, Porbandar.
	(2) Court of Assistant Judge and	Area under the

Additional Sessions Judge, Porbandar.	Jurisdictions of the Additional Sessions Judge, Porbandar.]
8. District and Sessions Court, Jamnagar.	Jamnagar District.
9. District and Sessions Court, Kutch-Bhuj.	Kutch District.
10. District and Sessions Court, Kheda at Nadiad.	Kheda District. Mahesana District
11. District and Sessions Court, Mahesana.	Mehsana District.
12. District and Sessions Court, Panchmahals at Godhra.	Panchmahals District,
13. District and Sessions Court, Rajkot.	Rajkot District.
14. District and Sessions Court, Surat.	Surat District.
15. District and Sessions Court, Surendranagar.	Surendranagar District.
16. District and Sessions Court, Sabarkantha at Himatnagar,	Sabarkantha District,
17. District and Sessions Court, Vadodara.	Vadodara District.
18. District and Sessions Court, Valsad at Navsari.	Valsad District.

Gujarat Biological Diversity Rules, 2010.

PART IV-A

**Rule and Orders (Other than those published in Parts I, I-A, and I-L)
made by the Government of Gujarat under the Central Acts**

FOREST AND ENVIRONMENT DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 18'th February, 2010

BIOLOGICAL DIVERSITY ACT, 2002

No. WLP/2003/1777/2009(45)/W (Part-II) : In exercise of the powers conferred by section 63 read with section 23 of the Biological Diversity Act, 2002 (18 of 2003), the government of Gujarat hereby makes the following rules, namely :

1. Short title and commencement :

- (1) There rules may be called the Gujarat Biological Diversity Rules, 2010.
- (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 Biological Diversity Act, 2002 (18 of 2003);
- (b) "Authority" means the National Biodiversity Authority established under sub-section (1) of section 8 of the Act;
- (c) "Board" means the Gujarat Biodiversity Board established under section 22 of the Act;
- (d) "Biodiversity Management Committee" means Committee constituted by the local bodies under section 41 of the Act;
- (e) "Chairperson" means the Chairperson of the Gujarat Biodiversity Board;
- (f) "Fee" means form appended to these rules;
- (g) "Form" means form appended to these rules;
- (h) "Government" means the Government of Gujarat;
- (i) "Member" means a member of the National Biodiversity Authority or Gujarat Biodiversity Board, as the case may be, and includes the chairperson;
- (j) "section" means section of the Act;
- (k) "Member Secretary" means the Member Secretary of Gujarat Biodiversity Board.

3. Manner of selection and appointment of the Chairperson :

The chairperson of the Board shall be appointed by the State Government in accordance with the provisions of clause (a) of sub-section (4) of section 22 of the Act, either on deputation of a person not below the rank of Secretary to the Government or by selection of a person outside the Government.

4. Term of the Office pay and allowances of the Chairperson :

- (1) The term of office of the chairperson of the board shall be three years from the date of appointment and shall be eligible for re appointment : [20]

Provided that no Chairperson shall hold office as such after he attains the age of sixty-five years or his terms of office expires whichever is earlier.

- (2) The Chairperson may by writing under his hand addressed to the Government, resign his office.
- (3) The salaries and other emoluments and perquisites of the Chairperson shall be determined by the Government from time to time :

Provided that in case of appointment on deputation, such amount shall not be less than that the incumbent may be drawing on his last appointment.

5. Term of Office and Allowances of non-official members :

- (1) The term of office of non-official members of the Board shall be three years from the date of their nomination.
- (2) The non-official members shall be entitled to, traveling expenses, daily allowance, sitting allowance and other allowances as may be fixed by the Government for attending the meeting of the Board.

6. Filling up of vacancies of non-official member :

- (1) A non-official member of the Board may, by writing under his hand addressed to the Government, resign from office.
- (2) A vacancy occurring due to such resignation shall be filled up by nominating other person who shall hold office for the remaining term of the member, in whose place he was nominated.

7. Removal of Member of the Board :

No member of the Board shall be removed from the office on any grounds specified in section 11 of the Act, without due and proper inquiry by an officer appointed by the Government, who shall not be below the rank of a Principal Secretary :

Provided that the member shall not be removed from his office unless an opportunity of being heard is given.

8. Head Office of the Board :

The Head Office of the Board shall be at Gandhinagar.

9. Appointment of the ex-officio member :

The Following shall be the ex-officio members who shall be appointed by the Government :

- (1) Secretary to the Government of Gujarat, Forests and Environment Department.
- (2) Principal Chief Conservator of Forests, Gujarat State,
- (3) Member Secretary of the Board shall be ex-officio member of the Board.
- (4) Two Members from the departments of Agriculture, Biotechnology, Indian Systems of Medicine, Fisheries or Tribal Development.

10. Member Secretary of the Board :

- (1) The government may appoint on deputation any officer not below the rank of conservator of forests as a member Secretary of the Board.
- (2) The Member Secretary shall be responsible for day to-day administration of the Board, management of funds and implementation of various activities of the programme under the guidance of the Chairperson of the Board.
- (3) All orders or instructions to be issued by the Board shall be under the signature of the Member Secretary or of any other officer authorized in this behalf by the Board.
- (4) The Member Secretary either himself or through an officer authorized for the purpose may sanction and disburse all payments against the approved budget.
- (5) The Member Secretary shall have powers to give administrative sanctions to the estimates of works, in the limit of the approved and en-block sanctioned budget and work programme of the Board. He shall have power to give technical sanction also to the estimates for which he is competent in his parent department.
- (6) The Member Secretary shall be in charge of all the confidential papers of the Board and shall be responsible for their safe custody, he shall produce such papers whenever so directed by the Board or the Government.
- (7) The Member Secretary shall write and maintain confidential reports of all the officers and employees of the Board and shall put before the Chairperson for review and approval.
- (8) The Member Secretary shall have powers to give grants to various individuals and organizations including Non Government. Organization, Biodiversity Management Committee, Joint Forest Management Committee, Eco Development Committee.

Eco Tourism Committees and others as per the approved and en-block sanctioned budget and work programme of the Board. The Member

Secretary shall also have the powers to frame Terms of Reference for the same. (9) The Member Secretary shall have powers to sign Memorandum of Understanding with various local, national and international organization to which due approval of the Board is received.

- (10) The Member Secretary shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Board;

11. Meeting of the Board :

- (1) The Board shall meet at least four times in a year, normally at the interval of three months at the Head quarter of the Board or at such other place, as may be decided by the Chairperson.
- (2) The Chairperson shall, upon a written request from not less than five members of the Board or upon a direction of the Government, or if exigency of business requires, call a special meeting of the Board.
- (3) The members shall be given at least fifteen days' notice for holding an ordinary meeting and at least three days' notice for holding a special meeting. Such notice may specify the purpose of the meeting, the time and the place, at which such meeting is to be held.
- (4) Every meeting shall be presided over by the Chairperson and in his absence, by the Secretary, Forest and Environment Department, who is an ex-officio member of the Board.
- (5) Each member shall have one vote.
- (6) The quorum at the meetings of the Board shall not be less than six members.
- (7) The decision of the Board shall, if necessary, be taken by a simple majority of the members present and voting. The chairperson or in his absence, the member presiding shall have a second or casting vote.
- (8) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given at least ten days' notice unless the Chairperson in his discretion permits him to do so.
- (9) Notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner, as the Member Secretary of the board may, in the circumstances of the case, think fit.
- (10) In addition, the Board may evolve such other procedure for the transaction of its business as it may deem fit and proper.
- (11) The Board may invite any person, whose assistance or advice is considered useful to obtain in performing any of its functions, and to participate in the deliberations of any of its meetings.

12. Appointment of Expert Committee by the Board and their Entitlements :

- (1) The Board may constitute any number of committees for such purposes as it may deem fit to carry out the provisions of the Act consisting wholly or members or wholly of other persons or partly of members or partly of other persons.
- (2) The members of the expert committee other than the members of the Board shall be paid such fees and allowances for attending the meetings, as the Board may decide.
- (3) The members of the committee may include the local knowledgeable experts of the Biodiversity Management Committee in herbal medicine, agriculture, horticulture, animal husbandry, fishing, handicrafts, handloom, nomadic herding, non timber forest produce, culture, tradition and folklore, tourism, wildlife, value addition.

13. Functions of the Board :

The Board may perform the following functions, namely :-

- (a) Lay down the procedure and guidelines to govern the activities provided under section 23 of the Act;
- (b) advise the State Government on any matter concerning conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
- (c) the board shall in consultation with the local bodies and other stakeholders, take necessary steps to facilitate setting up of areas of Biodiversity importance as “biodiversity heritage sites” as provided in section 37 of Act. Board shall also frame guidelines for selection, Management and other aspects in confirmation with the guidelines issued by the Central Government or National Biodiversity Authority;
- (d) Provide technical assistance and guidance to the department of the Government and Biodiversity Management Committees;
- (e) coordinate the functioning of the Biodiversity Management Committees;
- (f) regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by Indian nationals;
- (g) facilitate updating and implementation of State Bio-diversity Strategy and Action plan;
- (h) commission studies and sponsor investigations and research; engage consultant for a specific period, not exceeding three years, for providing technical assistance to the Board for effective discharge of its functions :

Provided that for the purpose of engaging consultant beyond the

period of three years, the Board shall seek prior approval of Government;

- (i) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of Biological bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
- (j) organize through media a comprehensive programme regarding conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
- (k) plan and organize training of personnel engaged or likely to be engaged in programmes for the conservation of bio-diversity and sustainable use of its components;
- (l) take steps to build up database and to create information and documentation system for biological resources and associated traditional knowledge through bio-diversity registers and electronics data bases, to ensure effective management, promotion and sustainable uses;
- (m) give directions to the local bodies or Biodiversity Management Committees in writing and through appropriate oral means, for effective implementation of the provisions of the Act, and to facilitate their meaningful participation in all measures relating to conservation, sustainable use, and equitable benefitsharing;
- (n) report to the Government about the functioning of the Board and implementation of the provisions of the Act and the rules made there under;
- (o) recommend, prescribe, modify, collection of fee of biological resources from time to time;
- (p) to devise methods to ensure protection of rights including intellectual property rights over biological resources and associated knowledge including systems of maintaining confidentiality of such information as appropriate, including protection of information recorded in People's Biodiversity Registers;
- (q) sanction grant-in-aid and grants to Biodiversity Management Committees for specific purposes;
- (r) undertake physical inspection of any area in connection with the implementation of the Act;
- (s) ensure that biodiversity and biodiversity-dependent livelihoods are integrated into all sectors of planning and management, and at all levels of planning from local to State, to enable such sectors, and administrative levels to contribute effectively for conservation and sustainable use;

- (t) prepare the annual budget of the Board incorporating its own receipts as also the devaluation from the State and Central Government provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government;
- (u) recommend the Government for creation of posts for the purpose of effective discharge of the functions of the board and to create such posts:

Provide that no post whether permanent, temporary or of any other nature, be created without prior approval of the Government;

- (v) acquire, hold and dispose of property, both movable and immovable and enter into contract for the same;
- (w) award individually or as a group or both for innovation and contribution in the biodiversity sector in the State;
- (x) formulate indicators to evaluate the performance of the Biodiversity Management Committees, and annual reward for the best performance to Biodiversity Management Committees at each level in the State;

Provided that based on the evaluation, Biodiversity Management committees having poor performance may be dissolved by the Board on the recommendation of the concerned local body and new Biodiversity Management Committees may be constituted in its place;

- (y) such other function, as may be necessary to carry out the provisions of the Act.

14. Powers and Duties of the Chairperson :

- (1) The chairperson shall ensure that the affairs of the Board are run effectively and in accordance with the provisions of the Act and the rules made thereunder.
- (2) The Chairperson shall have powers of general superintendence over the officers and employees of the Board and may issue necessary directions for the conduct and management of the affairs of the Board.
- (3) The Chairperson shall convene and preside over all the meetings of the Board and shall ensure that all decisions taken by the Board are implemented in proper manner.

15. Terms and conditions of Service of employees of the Board.

- (1) The terms and conditions of the services of employees of the Board shall be the same as those of corresponding cadre under the government. The appointments in general shall be on contractual basis or on deputation, unless otherwise decided by the government.
- (2) The Board shall subject to the approval of the Government may provide the method of recruitment or promotion, remuneration of the staff, and other condition of service.

16. Procedure for access to or collection of biological resources :

- (1) Any person intending access to or collection of biological resources and associated knowledge for research or for commercial utilization shall give prior intimation as provided in section 24 of the Act, to the Board in Form I. Every application shall be accompanied with intimation or process fees of Rs. 500/- in case of research purpose and Rs. 5000/- in case of commercial utilization, in the form of a demand draft drawn in favour of the “Gujarat Biodiversity Board”.
- (2) The Board after due appraisal of the application and after consultation with the concerned Biodiversity Management Committees and local bodies and after collecting such additional information, as it may deem necessary shall decide about the intimation as far as possible within a period of three months of receipt of the same.

Explanation : For the purpose of these rules, the word “consultation”, includes the following steps, inter alia; (a) issuing of public notice, in local languages, of the proposal for access or collections; (b) discussion or dialogue with the general assembly of the local body; and (c) formal consent from the assembly of local body after being provided adequate information about the proposal and its implications for conservation and livelihood.

- (3) On being satisfied with the merit of the intimation, the board may allow the intimation or by order, prohibit or restrict any such activity if it is of opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity:

Provided that no such order shall be made without giving an opportunity of being heard to the person affected.

- (4) A written agreement duly signed by an authorized officer of the Board and the applicant shall govern the access or collection. The form of agreement shall be decided by the Board.
- (5) The conditions for access to or collection may specifically provide measures for conservation and protection of biological resources to which the access to or collection is being granted, along with other measures decided by the Board.

17. Revocation of access or approval :

- (1) The Board may either on the basis of any complaint or suo moto withdraw the access granted and revoke the written agreement under the following conditions :-
 - (i) on the basis of reasonable belief that the person accessing the said bio-resource has violated any of the provisions of the Act or the condition on which application was allowed;

- (ii) of the person fails to comply with the terms of agreement;
 - (iii) on failure to comply with any of the conditions of access;
 - (iv) on account of overriding public interest with reference to protection of environment and conservation of biological diversity and protection of rights, livelihoods, and knowledge of local communities.
- (2) The revocation order shall not be made without making such inquiry as deem fit and without giving an opportunity of being heard to the person affected.
 - (3) The board shall send a copy of such revocation order to the concerned Biodiversity Management Committees for prohibiting the access and also to the assess the damage, if any, caused and take steps to recover the damage.

18. Restriction on activities related to access to biological resources :

- (1) The Board, if it deems necessary and appropriate, shall take steps to restrict or prohibit the proposal for access to biological resources for the following reasons :
 - (a) the request access is for any threatened taxa, or taxa that is likely to become threatened due to such access,
 - (b) the request for access is for any endemic and rare species,
 - (c) the request for access may likely to result in adverse effect on the livelihoods, culture, or indigenous knowledge of the local people,
 - (d) the request for access may result in adverse environmental impact which may be difficult to control and mitigate,
 - (e) the request for access may cause genetic erosion or affecting the ecosystem function,
 - (f) use of resources for purposes contrary to national interest and other related international agreements entered into by the country.
- (2) No order of restriction shall be made without making such inquires as deem fit, consulting the concerned local bodies and Biodiversity Management Committees and without giving an opportunity of being heard to the person affected.

19. Operation of State Biodiversity Fund :

- (1) The State biodiversity Fund shall be operated by the Chairperson or Member Secretary or an officer of the Board authorized by the Board in this behalf.
- (2) The fund shall have two separate heads of accounts, one relating to the receipts (grants and loans) from the Central Government of National Biodiversity Authority and State Government, including receipts from such other sources as may be decided.

Upon by the Government and the other concerning the fee, license fee, royalty and other receipts of the Board.

- (3) A bank account shall be opened for this purpose in any of the Nationalised bank at Gandhinagar and the same shall be operated by the officer duly authorised by the Board in this behalf.
- (4) The State Government may, after due appropriation made by the State legislature by law in this behalf, pay to the Board such sum of money as the State government may think fit for being utilized for the purposes of the Act.
- (5) The Board shall have powers to receive funds from national and international donor agencies duly complying with the provisions of the Foreign Contribution (Regulation) Act, 1976. The Member Secretary shall have power to prepare and submit proposals and execute projects after obtaining approval of the Board.
- (6) The board shall frame guidelines on ways to ensure that decisions regarding the management and use of the Fund are transparent and accountable to the public.
- (7) The Board may frame its own guidelines regarding limit of quotation or tender for disbursement or payment for purchase or any works under the available budget for the purpose.

20. Annual Report and Annual Statement of Accounts :

- (1) The Board Shall prepare its annual report for each financial year giving detailed account of its activities and annual statement of accounts and submit the same to the Government within the period specified under sub-rule(3).
- (2) The Board shall lay down the procedure for upkeep of accounts. The accounts of the Board shall be audited annually by the Chartered Accountant appointed for the purpose by the Board. The Accountant General of the State may as well audit the account and the expenditure towards this shall be payable by the Board.
- (3) The Board shall submit the Annual Report together with the audited statement of accounts for each Financial year to the Government by September each year.
- (4) The Government shall cause the annual reports and auditor's report to be laid before the House of state legislature.

21. Powers of search, seizure and custody of illegal material :

- (1) Notwithstanding anything contained in any other law, for the time being in force, if any officer of the Board authorized by the Board or any forest officer, agriculture officer or officer of related field authorized by the Board, has reasonable grounds for believing that an offence or contravention under the Act has been committed,
 - (i) require any such person to produce for inspection biological resources in his control, custody or possession, or any license, permit or any other document related to it or required to be kept by him under the provisions of the Act;

- (ii) stop any person, vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle, or vessel in the occupation of such person, and open and search any baggage or other things in his possession including various analog or digital data storage devices like computers, cameras, video cameras, digital cameras and their accessories;
 - (iii) stop and detain any person, whom he sees doing any act for which a license or permit is required under the provisions of the Act. If such person fails to produce the license or permit, he may inform the Biodiversity Management committees concerned and the member secretary of the Board and hand over the case to the authorised officer having jurisdiction over the biological resource concerned in respect of which the offence has been committed, for further proceeding,
 - (iv) seize any biological resource or derivative thereof in respect of which an offence against the Act appears to have been committed together with any tool, vehicle, vessel, or weapon and material involved in offence and inform the Biodiversity Management Committees concerned and the member secretary of the Board and hand over the case to the authorised officer having jurisdiction over the biological resource concerned in respect of which the offence has been committed; for further proceeding.
 - (v) may give the seized biological resource for safe custody on the execution by any person on a bond for the production of the same if and when so required, before the court of law to try the offence on account of which the seizure has been made.
- (2) Any person detained, or things seized under the foregoing power, shall forthwith be taken before the Court of Law to be dealt with according to law.
 - (3) Any person who, without reasonable cause fails to produce anything, which he requires to produce under this section, shall be guilty of an offence against the Act.
 - (4) No suit, prosecution or other legal proceedings shall lie against the members of the Biodiversity Management Committees or the officers authorized in sub - rule (1) for anything which is in good faith done or intended to be done under the Act or the rules or regulations made there under.

22. Local Biodiversity Fund :

- (1) The local Biodiversity fund shall be constituted at every area notified by the Government where any institution of self Government is functioning.
- (2) The Board shall provide to such local body loan or grant received by it from

State Government, Central Government or from the National Biodiversity Authority.

The local body may also access such funds from other sources as it identifies, or as may be specified by the Board.

- (3) The local biodiversity fund shall be operated by the Biodiversity Management Committees. The board shall lay down the operational guidelines for operation of the fund by the Biodiversity Management Committees including ways in which it's functioning is transparent and accountable to all members of the relevant local body.
- (4) The Biodiversity Management Committees shall maintain a bank account, for the local biodiversity fund in any nationalized bank. The Chairperson and one of the members nominated by the Biodiversity Management Committees shall jointly operate this account. The withdrawal of funds shall be made only after obtaining the written approval from majority of the members of the Biodiversity Management Committees.
- (5) At the time of implementation of any work by the Biodiversity Management Committees before actual commencement of works, Community Information Board shall be installed at prominent public place within the village like Panchayat Ghar, School, Public Health Center, etc. enumerating the following details, namely;
 - (i) Year of establishment of the Biodiversity Management Committees,
 - (ii) Name of the work or initiative,
 - (iii) Duration of work,
 - (iv) Annual Physical and Financial target,
 - (v) List of beneficiaries,
 - (vi) Item of work to be undertaken along with their location and estimated cost.
- (6) The fund shall be specifically used for providing livelihood support to those villagers who have shifted out or are in the process of shifting from unsustainable livelihoods to sustainable one.
- (7) In case where an offence or contravention under the Act has been detected with the assistance of the Biodiversity Management Committees, the Board shall credit fifty percent of the amount of fine in the Local Biodiversity Fund of the concerned Biodiversity Management Committees.
- (8) The fund shall be used for the conservation and promotion of biodiversity in the area falling within the jurisdiction of the concerned local body and for the benefit of the local community in so far such use is consistent with conservation of biodiversity.
- (9) The Biodiversity Management committee shall prepare its annual report in such form and at such time as may be specified. by the Board, giving full

- account of its activities during the previous financial year, and submit a copy thereof to the Board and a copy to the general assembly of the local body.
- (10) The accounts of the local Biodiversity fund shall be prepared in such form as may be specified by the Board and audited in such manner and shall be furnished to concerned local body before such date as may be specified by the Board.

FORM-I
(Rule 16(1))

**Application form for access to or collection of Biological resources
for commercial utilization and associated traditional knowledge.**

PART-A

- 1. Full Particulars of the applicant**
 - (a) Name :
 - (b) Permanent address :
 - (c) Profile of the organization (personal profile in case the applicant is an individual). (Please attach relevant documents of authentication):
 - (e) Nature of business :
 - (f) Turnover of the organization in Indian Rupee
- 2. Details and specific information about nature of access sought and biological material and associated knowledge to be accessed :**
 - (a) Identification (Scientific name) of biological resources and its traditional use:
 - (b) Geographical location (including village, Taluka, and district) of proposed collection.
 - (c) Description or nature of traditional knowledge and its existing manifestations and uses (oral or documented):
 - (d) Any identified individual or family or community holding the traditional knowledge:
 - (e) Quality of biological resources are proposed to be collected:
 - (f) Time span in which the biological resources are proposed to be collected:
 - (g) Name and number of person authorized by the company for making the collection:
 - (h) The purpose for which the access is requested including the type and extent of research, commercial utilization being derived and expected to be derived from it:
 - (i) Whether any collection or use of the resource endangers any component of biological diversity and the risks which may arise from the access.
- 3. Details of any national institution which will participate in the Research and Development activities.**

4. Primary destination of accessed resource and identity of the location where the Research and Development will be carried out.
5. The estimated economic and other benefits arising out of the use or research of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he or she belongs.
6. The biotechnological, scientific, social or any other benefits obtained out of the biological resources and knowledge that are intended, to be accessed.
7. Estimation of benefits, that would flow to communities arising out of the use of accessed bioresearches and traditional knowledge.
8. Proposed mechanism and arrangement for benefit sharing.
9. Any other information considered relevant.

PART - B
Declaration

I/we declare that

- Collection and use of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection and use of proposed biological resources shall not entails any enviromental impact;
- Collection and use of proposed biological resources shall not pose any risk to biodiversity, including ecosystems, species, and genetic diversity;
- Collection and use of proposed biological resources shall not adversely affect the local communities.

I/we undertake to pay any fee and/ or royalty, as may be levied by the Board or Biodiversity Management Committees. I/we further undertake to furnish any irrevocable bank guarantee, as may be prescribed by the Board.

I/we further declare the information provided in the application form is true and correct and I/we shall be responsible for any incorrect or wrong information.

Place :

Signed :

Date :

Name :

Title :

By order and in the name of the Governor of Gujarat,

MAULIK KHARADI,
Under Secretary to Government.

CIRCULARS

1. The circular dated 22.04.1998 by Home Department for registering complaint (FIR).

Regarding submission of the complaint to the Taluka Magistrate when the Police Station Officer refuses to register the complaint of a cognizable offence.

GOVERNMENT OF GUJARAT
HOME DEPARTMENT
RESOLUTION NO. PSF-2998-2511-D
SACHIVALAYA, GANDHINAGAR
DATED 22/4/1998.

Preamble :

It is the duty of the Police Station Officer to initiate legal proceedings and immediate registration of the complaint when a complaint is being given by the citizen in connection with any cognizable criminal act. However, in various cases it has been found that the Police Station Officers of the concerned police station are not registering or accepting the complaint. State Government is receiving such representations. Refusal to register the complaint is amounting to denial of justice to the citizens. It is the duty of the Police Station Officers to immediately register such complaints and to see that the same are investigated expeditiously in accordance with law. The procedure for lodging the complaint of the cognizable offence is prescribed under section 154 of the Criminal Procedure Code, which is as under :-

Section 154, information in cognizable cases

- (1) Every information relating to the commission of a cognizable offence, if given orally to an officer in-charge of the police station, shall be reduced into writing by him or under his direction and be read over to the informant; and every such information whether given in writing or reduced into writing as aforesaid, shall be signed by the person giving it and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.
- (2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.

- (3) Any person aggrieved by a refusal on the part of an officer in-charge of a police station to record the information referred to in sub-section (1) may send the substance of such information in writing and by post, to the Superintendent of Police concerned, who if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in-charge of the police station in relation to that offence.

In spite of the aforesaid provisions for registration of the complaint of complainant with the help of the District Superintendent of Police under section 154(3) of the Code of Criminal Procedure, there has been no change in the situation of not to register the complaint. Citizens are facing lot of difficulties in seeking assistance at the main centre of the police authority in the district for registration of such complaint. As a matter of fact, to see that the complainant may not be required to go at too much distance from his native – village for registering the complaints, it was appearing to be necessary to see that such alternative arrangement is made at the nearest Taluka level place from his village.

Resolution :

Though there is clear provision under section 154 of the Code of Criminal Procedure, taking into consideration the representation of the public that in certain police station, local police station officer is not registering the first information report of the cognizable offence, State Government has considered it necessary to make further arrangement for securing that the representation of the public is registered properly. Due to this reason, complainant from the weaker section of the society is facing further difficulties in getting proper justice.

Home Department :-

When the officers of the local police stations, do not make such registration, then it will be open for the person concerned to give first information report of the cognizable offence to the nearest Taluka Magistrate in writing and the Taluka Magistrate will send such complaint along with his remark to the officer of the concerned police station. Upon receipt of such details from the Taluka Magistrate, the concerned police station officers shall have to make registration thereof immediately. It will be the responsibility of the District Superintendent of Police to see that any default is not committed in this process. In the event of any difficulty in such case, same shall be resolved at the district level by the District Superintendent of Police in consultation with the District Magistrate.

By order and in the name of Governor of Gujarat

Sd/-
J. Mahapatra.
Secretary, Home Department.

To,

- Private Secretary to the Hon'ble the Governor, Gandhinagar [by letter]
- Private Secretary to the Hon'ble the Chief Minister, Gandhinagar,
- Private Secretaries to all the Hon'ble the Ministers, Gandhinagar,
- Private Secretaries to all the Hon'ble State Level Ministers, Gandhinagar,
- Private Secretaries to all the Hon'ble Deputy Ministers, Gandhinagar,
- Principal Secretary, Home Department.
- Addl. Chief Secretary, Revenue Department, Gandhinagar,
- Director General of Police and Chief Police Officer, Gujarat State, Ahmedabad
- Addl. Director General of Police, CID Crime, Gujarat State, Ahmedabad
- Addl. Director General of Police, [Railway] CID [Crime and Railway], Gujarat State, Ahmedabad
- Home Department –
- All the Police Commissioners,
- All Special Chief Police Officers
- All Deputy Chief Police Officers
- All District Magistrates
- All District Superintendent of Police
- Police Superintendents, Western Railway, Vadodara
- All Taluka Magistrates
- All Sections/Officers of the Home Department
- Select file.
- Asstt. Select file
- Section Officer select file.

• • •

2. The Helpline created by the Home Department for registering the complaint.

HELP LINE OF THE HOME DEPARTMENT – GANDHINAGAR

...(079) 23251805

.... (079) 23251807

- You can get registered the complaint of cognizable offence on this helpline.
- This helpline is absolutely free of charge [toll free]
- While giving the complaint, it is not necessary for the complainant to disclose his name, address, identification.
- Help line is working with one recording system, as soon as one long whistle is over, point-wise complaint in clear voice should be given, which is being forwarded to the concerned District Police superintendent/Police Commissioner at the evening hours.
- For the sake of specific disposal of the complaint, it is advisable that the complaint is given continuously for 2 to 3 days, once in a day.

• • •

3. The circular dated 11.07.2007 by the Director General of Police, Gujarat State for registering complaint.

No. G-1[Crime]/Te-1/PRCH-68/1712/20107
Office of the Director General of Police
and Chief Police Officer, Gujarat State,
Police Bhavan, Section 18,
Gandhinagar-382018.
Dt. 11/07/2007.

Subject : Regarding F.I.R. of cognizable offences to be registered.
Ref: Letter No. PRC/FRI/Circular/08/07, dtd. 06/01/2007 of the office of the Director General of Police, C.I.D. [Crime], G.S. Gandhinagar.

With reference to the subject noted above, it is to be informed with respect that the Director General of Police, C.I.D. [Crime], Gujarat State, Gandhinagar, has vide letter under reference issued instructions to all the Police Commissioners/Police Superintendents of the State for registering F.I.R. of the offence and for initiating proceedings relating to that, within time.

Further, representation of the Reliance Communication Ltd., has been received vide their letter dated 30/5/2007 that the communication system of their company has been running through optical fiber and copper cable. In the recent past, by certain anti-social elements, theft of the wires is being committed by disconnecting the cable net-work and causing damage. Therefore, there is disturbance in the communication system. In cases of theft by cutting such cable and causing damage to the company, written complaints are being given by the company to the concerned police station, but by accepting it in the form of application, FIR is not being registered. Therefore, by this letter instruction is hereby issued to all the concerned police station officers that when the representation/complaint in connection with the aforesaid things are received from the said company and any other such companies, then if the particulars of cognizable offence are disclosed during the course of investigation, then to register the FIR immediately.

Further, if any person has been creating obstruction in the repairing work of the broken net-work, then if found necessary, proper consideration be given for giving sufficient police Bandobast to such communication companies at their cost and to see that the companies may not have to make representations on such aspects to this office in future.

Sd/- illegible
[Amitabh Pathak]
Director General of Police,
[L & O/Crime] Guj.State,
Gandhinagar.

. . .

4. The circular dated 06.301.2007 by the Director General of Police, Gujarat State for registering complaint.

No. PRC/FIR/Circular/08-07.
Office of the Addl. D.G. of Police,
CID Crimes and Railways,
G.S., Gandhinagar.
Dt. 06-01-2007

Sub. : Regarding registration of F.I.R.
Ref. : Hon'ble Supreme Court's Judgement
(Lalan Chaudhary & others v/s state of Bihar)

Circular :

Hon'ble Supreme Court Justice Shri H. K. Sema and P. K. Balasubremanyam have given the judgement in case of Lalan Chaudhary and eight others v/s State of Bihar.

In the instant case, a complaint was lodged against Lalan Chaudhary and eight others in Bihar for offences under the I.P.C. According to the complaint, Police Officer, Yogendra Prasad refused to register an FIR. He preferred a complaint before the Session Judge. Who forwarded it to the police. Thereafter the FIR was registered but most of the offences alleged were not included. The trial court and the district and session judge accepted the charge as framed but on appeal, the Patna High Court directed the Magistrate to include the additional charges. In this judgement the Hon'ble Supreme Court has given some directions as under :

The Police Officer concerned is duty to register the case on receiving information disclosing a cognizable offence. Genuiness or credibility of the information is not a condition precedent to registration of a case. That can be considered only after the registration of the case as disclosed in the complaint.

The police cannot refuse or delay registration of the FIR on a complaint of offence or crime. Writing the judgement, Justice Sema Said "The mandate of section 154 of the Cr. C. is that at the stage of registration of a crime or a case on the basis of the information disclosing cognizable offence, the police officer concerned cannot embark upon an enquiry into whether the information is reliable and genuine or otherwise and refuse to register a case on the ground that the information is not relevant or credible.

In view of this situation, it is requested that stern action be ensured that FIR be taken in time and it should be factual based on facts declared by complainant.

(G. C. Raiger)
D. G. of Police
CID Crime and Railways,
G.S., Gandhinagar.

To
All Commissioners of Police.
All Range Is. G.P./D. Is. G.P.
All Supdts of Police
IGP Crime I & II
DIGP Crime II & Admn.
S. P. Crime I, II & Eco Cell.
Dy. S.P., CI Cell, Narco Cell, PRC, ECO Cell, A'bad Zone, Ga'Nagar Zone, Rajkot Zone,
Baroda Zone,
All DPIs of CID Crime.
Copy W.cs to :
The D. G. & I.G. of Police,

5. The circular dated 19.06.1997 by the Director General of Police Gujarat State for registering the complaint.

No. G.1/C-3-1911.1215/1997
Office of the Director
General of Police & Chief
Superintendent of Police,
Gujarat State, Ahmedabad.

Date : 19.06.1997

Sub : Regarding registration of offence at any police station.

1. Vide letter No. PARACH/ 2997/5844/D dated 16.06.1997 issued by the Home Department, Hon'ble Chief Minister has instructed to the Director General of Police that when any complainant approaches to any police station for registering his criminal complaint, no offence is being registered and he has been instructed to go to the police station of the area falling under it where the said offence has been committed and to lodge the complaint in that police station. This is not proper and a very serious note thereof is taken.
2. Under Rule 120 of Gujarat Police Manual Part-3, complainant can register/lodge his complaint at any nearest police station and it has also been categorically stipulated therein that if the complainant is not of the area falling under that police station, the complaint should be registered by giving "0" Number and thereafter to forward the said complaint to the police station concerned. Hence, as per the orders of the Inspector General of Police, you are hereby instructed to see that no breach in any manner whatsoever of the above-referred Rule is committed of and if any officer is found committing breach of said rule, to initiate appropriate disciplinary action against said officer.

sd/ Illegible
(P.C. Pandey)
Special Chief Police Officer
(Law & Order)
Gujarat State, Ahmedabad

To
- All Police Commissioners
- All District Superintendent of Police
(Including Western Railways)

• • •

**6. The letter dated 21.11.2005 by the Director General of Police,
reminding the prohibition to use animals / birds for Tantrik use.**

No. G-1[Crime] T-2/Animal-25/4140/
2005

Office of the Director General of Police
and Chief Police Officer, Gujarat State,
Police Bhavan, Sector-18,
Gandhinagar-382018.

Dt. 21/11/2005.

Subject : Regarding imposition of ban on the books showing cruel use of
the protected animal-bird in Tantrik Vidhi.

Representation from Mumbai Jiv Daya Mandali, Ahmedabad.

Ref: Home Department's letter No. V-2/PSA/1105/R.I.T.1, dtd. 7/
11/2005.

CIRCULAR :

Representation was made by the Mumbai Jiv Daya Mandali, Ahmedabad before the Government of Gujarat for imposing ban on the books showing cruel use of the animal-bird and under the Right to Information Act, 2005, information was sought about the proceedings initiated by the Government in connection with this representation of the establishment. In this reference, copy of the information sent to the concerned establishment vide English letter of the Home Department bearing No. SB.11/PSA/112005/RTI-1 dated 29/10/2005, and copy of the Gujarat Animals and Birds Sacrifices [Prohibition] Act, 1972 is forwarded herewith.

Vide letter of the Home Department under reference, it has been instructed to give wide publication to the provisions of this Act for the purpose of giving information to the public at large. As per section 9 of this Act, it is the duty of the officer in-charge of the police station to immediately register the offence and obtain injunction order from the Hon'ble Court as soon as the information about the breach of the provisions of the Act is given to him.

As per the instruction of the Government, for the sake of information of the public at large, all are hereby instructed to immediately initiate the proceedings as per the provisions of the Act when information about breach of this Act is given by the representatives of the Mumbai Jiv Daya Mandali or any other person.

By order of the Director General of Police.

Encl. : As above.

Sd/- illegible
[Amitabh Pathak]
Director General of Police,
[L & O/Crime] Guj.State,
Gandhinagar.

To,
All the Police Commissioners, G.S.
All the Police Superintendents [including the Western Railway and Vigilance]
Gujarat State.

Copy forwarded with respect to :
Shri Sanjay B Kothari
Trustee
Mumbai Jiv Daya Mandali
317, Nalanda Enclave,
Opp. Sudama Resorts,
Pritamnagar 1st Dhal,
Ellisbridge, Ahmedabad – 380 006.

Principal Secretary
Home Department, Government of Gujarat, Sachivalaya, Block No. 2,
Gandhinagar – 382010.
2/- For information in connection with letter No. V-2/PSA/1105/RIT-1 dated 7/11/2005
of the Home Department.

Addl. Director General of Police
C.I.D. [Crime & Railways], Gujarat State, Police Bhavan, Gandhinagar-382018
Addl. Director General of Police,
Training, Gujarat State, Police Bhavan, Gandhinagar-392018.
All Principals, Police Training Colleges/Police Training Schools
All Range Officers, Gujarat State.

• • •

7. The letter dated 18.08.2008 by the Animal Welfare Board of India to prevent to sacrifice in Khurda District, Orissa.

**ANIMAL WELFARE BOARD OF INDIA
(Ministry of Environment and Forests, Govt. of India)**

18th August 2008

**D.RAJASEKAR, IFS
Secretary**

D.O. Ir No.56/2008/PCA

Sub: For Immediate Enforcement of Prevention of Cruelty to Animals Act, 1960 to stop Illegal sacrifice and in humane treatment of animals in the District of Khurda, Orissa – Reg.

Ref: This office D.O. Letter No.35/2008-PCA dated 6th June 2008 and D.O. Lr. No.60/2008/PCA dated 18th August 2008

Dear Sir,

The Animal Welfare Board of India (AWBI), a statutory body constituted under the Prevention of Cruelty to Animals Act, 1960, an act of Parliament in order to promote the animal welfare generally and for protecting animals from being subjected to unnecessary pain and suffering. The AWBI has been implementing various animals welfare schemes and enacting and implementing various acts and rules framed under Prevention of Cruelty to Animals Act, 1960.

“As per the Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions, New Delhi letter no.F.No.30/0/2006-WELFARE dated 26.5.2008, it is informed that “if any Govt. Servant indulges in act of cruelty to animals he will be making himself liable for action under Prevention of Cruelty to Animals Act, 1960. Besides, the punishment under the Act, he would also make himself liable for action under CSS (Conduct) Rules for conduct unbecoming of a Government Servant. It may be noted that for dealing with the problem of stray animals, there are designated agencies in Govt./Local self-government organizations etc.”

The success of prevention of the cruelty to animals in the country or in any State depend upon the joint effort of the State Government and animals activists of the area concerned by using and enforcing PCA Act and other laws such as State Laws, Central and State Pollution Control Act, State Municipal Act and also as per the Section 428/429 of the I.P.C. 1860 and as per the Article 48, 48A and 51 of the Constitution of India.

May I, therefore, request you to kindly issue necessary instructions to the authorities concerned to enforce the PCA Act in an effective manner to stop such unnecessary pain, sufferings and cruelties being inflicted to animals while transportation of animals in the district of Khurda and others districts of Orissa.

A line in reply of the action taken in this regard is highly solicited.

With warm regards,

Yours truly,
SD/-
(D. RAJASEKAR)

The Chief Secretary,
Govt. of Orissa
P.O. Bhubaneswar
Orissa

8. The circular dated 17.11.2005 for cancelling the quota of slaughter of bullocks etc. under the Gujarat Essential Commodities and Cattle Control Act.

Supreme Court matter –

Time limit.

Regarding cancellation of the quota of slaughtering of bullock or ox prescribed vide notification dated 11/12/1989 and 15/10/1976 under The Bombay Essential Commodities and Animal [Regulations] Act, 1958, in reference to the decision given by the Hon'ble Supreme Court dated 26/10/2005 in Civil Appeal No. 4937 to 4940 of 1998.

GOVERNMENT OF GUJARAT
AGRICULTURE AND COOPERATION DEPARTMENT
CIRCULAR NO. SLT-2005-2546-5.1
SACHIVALAYA, GANDHINAGAR
DT. 17/11/2005.

CIRCULAR :-

The Bombay Animal Preservation Act, 1954 is in force in the State of Gujarat. Under the said Act, there has been absolute ban on the slaughtering of cow and cow-progeny below 16 years. However, on the basis of the certificate of the Animal Husbandry Officer, it was open to make the slaughtering of the non-useful bullock/oxe above the age of 16 years in the registered [regulated] slaughter houses of the State.

2. Under notification no. GHRB-189-76-SLT-1173-66928-R dated 15/10/1976 of the State Government issued under The Bombay Essential Commodities and Cattle (Control) Act, 1958, quota for slaughtering of ox/bullock and buffalo were prescribed. Thereafter, vide resolution of the State Government dated 11./12/1989 bearing no. GHKH-23-89-SLT-1489-2925-5.1 amendment has been made in the quota regarding slaughtering of ox or bullock.
3. Vide 1993 4th Gujarat Amendment Ordinance, the State Government had carried out amendment imposing absolute ban on the slaughtering of ox or bullock with effect from 23/9/1993. Thereafter, vide 4th Amendment Act of

Gujarat of the year 1994, the State Government had given the form of Act to the aforesaid amendment with effect from 15/3/1994. As a result thereof, absolute ban of the slaughtering of ox or bullock had come into force.

4. 1993 Gujarat 4th Amendment Ordinance of the State Government was challenged by the Mirzapur Moti Qureshi Kasab Jamat, Ahmedabad and other three establishments before the Hon'ble High Court of Gujarat. The Hon'ble High Court of Gujarat, by pronouncing the judgment dated 16/4/1998 in S.C.A. Nos. 9991/1993, 11204/1993, 11309/1993 and 11379/1993, had declared the 4th Amendment Act of the State Government of the year 1994 as unconstitutional. Thus, as the original provisions of the 1954 Act again came into force, it was open to make slaughtering of the ox or bullock above the age of 16 years as per notification dated 15/10/1976 and 11/12/1989 on the basis of the certificate issued by authorized Animal Husbandry Officer.
5. Against the decision of the Hon'ble High Court of Gujarat dated 16/4/1998 as mentioned in para. 4, the State Government had filed Civil Appeal No. 4937 to 4940 of 1998 before the Hon'ble Supreme Court of India. Final hearing of the said case continued from 2/8/2005 to 10/8/2005 before the 7 Judges Constitutional Bench and based upon that the Hon'ble Supreme Court vide decision dated 16/10/2005 held that the 4th Amendment Act of 1994 in the Bombay Animal Preservation Act, 1954 putting absolute ban of cow-progeny is constitutional and set aside the decision of the Hon'ble Gujarat High Court dated 16/4/1998. Thus, now with effect from 26/10/2005 absolute ban on slaughtering of cow-progeny has come into force in the State and, therefore, henceforth it will not be open to make slaughtering of the cow-progeny i.e. cows, calves, bullock or ox and the Animal Husbandry Officer shall not have to issue any certificate in reference to the slaughtering of the aforesaid animals.
6. In the context of the decision of the Hon'ble Supreme Court dated 26/10/2005, it has become necessary to cancel the quota for slaughtering of ox or bullock prescribed under the State Government Notifications dated 15/10/1976 and 11/12/1989 under The Bombay Essential Commodities and Cattle (Control) Act, 1958, which has been cancelled as per order dated 16/11/2005 bearing No. GHKH-40-2005-SLT-2005-2546-51, copy of which is annexed herewith. Copy of the said notification is annexed herewith for favour of your information.
7. As per the decision of the Hon'ble Supreme Court dated 26/10/2005, now absolute ban on the slaughtering of cow progeny has been coming into force in

the State, it will not be open to make slaughtering of any animal from cow-progeny and if any person is found to make such slaughtering, then he is subject to imprisonment or fine or both under section 8 of the Bombay Animal Preservation Act, 1954 and under section 9 of the Gujarat Essential Commodities and Cattle (Control) Act, 2005 also, he is subject to imprisonment with fine. Therefore, all the concerned Departments and Animal Husbandry Department are hereby requested to strictly implement both the said Acts in the State. Further, it is also hereby requested to immediately issue necessary instructions by the concerned Departments to the Head Offices and Regional Offices for continuing supervision and securing strict compliance of the provisions of the Act and to see that there may not be slaughtering of cow progeny in the recognized slaughter house situated within the limits of Municipal Corporations/Municipalities/Nagar Panchayats/Gram Panchayats and if the cases of illegal slaughterings are found, then it is requested to initiate needful proceedings against such persons under the provisions of the aforesaid Acts.

By order and in the name of Governor of Gujarat,

Sd/- illegible
[A.G. Choudhary]
Under Secretary
Agriculture and Cooperation
Department.

Encl : As above.

To,

1. Principal Secretary, Urban Development and Urban Housing Department
Sachivalaya, Gandhinagar.
2. Principal Secretary, Panchayat Rural Housing and Rural Development Department,
Sachivalaya, Gandhinagar.
3. Principal Secretary, Home Department, Sachivalaya, Gandhinagar.
4. All Collectors
5. All District Development Officers
6. Director, Animal Husbandry, Gujarat State, Gandhinagar

- 7 District Deputy Animal Husbandry Director, All District Panchayats
- 8 Municipal Commissioners, all
- 9 Member Secretary, Gau Seva Ayog, Dr. Jivraj Mehta Bhavan, Gandhinagar.

Copy forwarded to :

1. Principal Secretary to the Hon'ble Chief Minister, Office of the Hon'ble Chief Minister, Sachivalaya, Gandhinagar.
2. Private Secretary to the Hon'ble Minister, Agriculture and Animal Husbandry, Sachivalaya, Gandhinagar.
3. Private Secretary to the Hon'ble State Level Minister [Animal Husbandry], Sachivalaya, Gandhinagar.
4. Principal Secretary [Agriculture], Agriculture and Cooperation Department, Sachivalaya, Gandhinagar.
5. Secretary, Animal Husbandry, Gau Savardhan and Fisheries Department, Sachivalaya, Gandhinagar.
6. Addl. Secretary [Animal Husbandry], Agriculture and Cooperation Department, Sachivalaya, Gandhinagar.
7. All the Departments of the Sachivalaya, except nos. 1 to 3
8. Chief Executive Officer, Gujarat Live Stock Development Board, Director of Animal Husbandry, Gandhinagar,
9. All Sections of the Department
10. Select file.

• • •

9. The circular dated 26.11.1997 by the Director of Animal Husbandry, Gandhinagar instructing the Cattle Licensing Inspector and District Directors of Animal Husbandary not to permit the slaughter of animals in excess of fixed quota and to inform the police in case of illegal slaughter.

Outward No. V/VET/2/49/9507-48
Office of the Director of Animal Husbandry,
Gujarat State, Krishi Bhavan, Paldi,
Ahmedabad:6
Date 26.11.1997

CIRCULAR :

In the State of Gujarat, laws relating animal husbandry viz. Law relating to Prohibition on Slaughtering of Cow & Cow Progeny (sec.9), Prevention of Cruelty to Animals Act, etc. are in force. Strict implementation/ enforcement of such laws is being made through police department. However, sometimes, news are being published in news papers heading “ animals caught while transportation thereof for illegal slaughter”. Further, questions are being asked by the Hon’ble MPs frequently in the Legislative Assembly in this regard by pointing out illegal slaughter of animals in different districts. In the context of these circumstances, all the concerned Deputy Directors of Animal Husbandry under Animal Husbandry Department are hereby informed/instructed to make necessary / adequate inquiry whether slaughter of the approved/ listed animals is made as per the fixed quota of such animals in the slaughter houses located in the concerned district and should be vigilant enough that if it is learnt directly or indirectly about the transportation of animals for illegal slaughter, they should immediately contact police department for taking appropriate steps/action and also should extend necessary co-operation for enforcement / implementation of the Laws in force in the State. Over and above, Cattle Licensing Inspectors of the concerned district are also intimated to become vigilant in this regard. Strict compliance of these instructions is very much essential for smooth administration of the Department.

Sd/ Illegible
Director of Animal Husbandry,
Gujarat State, Ahmedabad

Copy forwarded for necessary action to :

- (1) Joint Divisional Director of Animal Husbandry, Ahmedabad, Vadodara, Rajkot.
- (2) Joint Director of Animal Husbandry, Dairy, Ahmedabad.
- (3) District Supply Officer, District Collector
- (4) Deputy Director of Animal Husbandry, All District Panchayats,
- (5) Assistant Director of Animal Husbandry, Marketing,
- (6) All Cattle Licensing Inspectors.

- 10. The circular dated 14.07.2010 by the Director of Animal Husbandry, instructing the Cattle Licensing Inspectors and District Directors of Animal Husbandry not to permit the slaughter of animals in excess of fixed quota and to inform the police in case of illegal slaughter.**

Outward No.J.No.V.E.T.-2/3510-3551
Office of the Director of Animal Husbandry,
Krishi Bhavan,
Gandhinagar – 14/07/2010

Circular :

In the State of Gujarat, Laws regarding Animal Husbandry like Prevention of Cruelty to Animals Act, 1960, Prohibition on Slaughtering of Cow Progeny Act, Bombay Animal Preservation Act, 1954 etc. are in operation. Home Department is securing strict implementation of such laws. However, sometimes the news like “Animals caught while transporting for illegal slaughtering” are being published in the newspapers. In this regard it is circulated that :-

1. District Animal Husbandry Officer / Deputy Director of Animal Husbandry and all veterinary officers subordinate to them, should show alertness and make inquiry to the effect that in all registered slaughterhouses located in the District under supervision and control of the Animal Husbandry Department, animals are being slaughtered strictly only as per the quota fixed by the Government.
2. If any direct or indirect information is received regarding transportation of animals for illegal slaughtering or if it comes within the knowledge of the Police Department of the concerned District, then the Animal Husbandry Department shall remain vigilant for initiate all actions / proceedings under their powers and authority and shall extend full cooperation to the police department.
3. Cattle Licensing Inspectors of the District are also instructed to be vigilant in this regard and extend all required cooperation.

All concerned are instructed to scrupulously implement this circular.

Draft approved by the Director

Director
Animal Husbandry
Gujarat State, Gandhinagar

Copy for instructions and implementation :-

1. Regional Joint Animal Husbandry Officer,
2. District Civil Supply Officer, District Collector-----
3. Deputy Animal Husbandry Officer / Assistant Animal Husbandry Officer / All District Panchayat.
4. Marketing Branch of the local office.
5. All Cattle Licensing Officer.

Police action for prevention of illegal slaughtering of Cow, Bullocks, Calf etc.

• • •

11. **The Vidhan Sabha question dated 12.12.2006 and the letter 28.07.2006 and 29.06.2007 regarding the labeling of non-vegetarian food item in the menu card of the restaurants.**

9th Non-Star Yadi

Put on the desk of Assembly

Date : 29 MAR 2007

ELEVANTH GUJARAT STATE ASSEMBLY

11TH SESSION, 2007

NON-STAR QUESTIONS

Regarding label and name plate of the vegetable and non-vegetable food in the hotel/restaurant.

Non-star 7726 [12/12/2006] Shri Bhavin Sheth, Hon'ble Health and Family Welfare Minister be pleased to inform that –

1. It is correct that the Food and Drugs Control Department, Gandhinagar has made it compulsory to put label, name plate and the sign of green and brown colour in respect of the vegetable and non-vegetable food in the hotel and restaurant.
2. What is the arrangement made in Ahmedabad city for implementation of this order and
3. To whom this responsibility has been entrusted?

Health and Family Welfare Minister [7/2/2007]

1. Yes.
2. By the office of the Commissioner, vide circular dated 28/7/2006, Health Officer of the Ahmedabad Municipal Corporation and Local Health Authority has been informed vide circular and the arrangement have been made for implementation thereof through their Health Department [circular and copy of the Government of India letter annexed].
3. Responsibility has been entrusted to the Health Officer and Local Health Authority, Ahmedabad Municipal Corporation.

Important/Urgent.

O. No. PFA/Hotel/50657/87
Commissioner, Food and Drugs Control
Department, Dr. Jivraj Mehta Bhavan,
Block No. 8/1, Gandhinagar.
Dt. 28/7/2006.

CIRCULAR

Subject : Regarding mentioning of the sign of green and brown
colour for vegetable/non-vegetable food being served
in the hotel.

This is to be informed to all the Local Health Authorities including Corporation in the State of Gujarat that the copy of the letter of the Director General of Health Services, New Delhi dated 29/6/2006 has been sent herewith. They are informed to communicate all the hotels and restaurants within their jurisdiction about this Yadi and to see that the same is complied with strictly and to report to this office after making inquiry periodically.

Sd/- illegible
Commissioner,
Food and Drugs Control Department,
Gandhinagar.

Encl : As above.

To,

1. Local Health Authority, all [including Corporation]
2. Food Inspector, head office, all.

Most Immediate

P 15019/14/2004 PH (Food)

Directorate General of Health Services

Nirman Bhawan, New Delhi.

Date : 29-6-2006.

To,

The President

Federation of Hotel & Restaurants Association of India

B-12, 8th Floor, Himalaya House,

23 Kasturba Gandhi Marg

New Delhi

Subject : Placing of red and green dots for vegetarian and non-vegetarian
food Compliance by hotels and restaurants-Madam /Sir,

It has been brought to our notice that compulsory display of green dot and brown dot for vegetarian food and non- vegetarian food respectively, is not being complied with fully by many of the hotels and restaurants. The buffet dinner or lunch served or by various hotels and restaurants to their customers, in the country do not display any clear indication to display the category of the food being served is whether “vegetarian food” or “non-vegetarian food”. Besides, the nomenclature given to many of the food items may be highly misleading to most customers, particularly to vegetarians.

Clause (X) of section 11, of the PFA ACT, 1954 defines ‘package’ as under :-

(X) “package” means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which article of food is placed or packed.”

The Ministry of Law, in a judgment of High Court of Delhi in case of Municipal corporation of Delhi Vs Sunder Das-1982 (1) FAC 106, wherein the high Court of Delhi considered the question whether an open container like a Bhagona falls within the definition of word “package” under the PFA. Act and it was held that the definition of the word “package” is wide enough to take within

its sweep an open container like a Bhagona.

In Vijay Kumar Vs the State-2000 (1) FAC 13, the High Court of Delhi again considered the definition of “package” as defined in the Act. Taking cue from the aforesaid earlier decision the Court held that the definition of “package” is of wide amplitude and it embraces within its fold and open container like a tray.

It is desirable that proper indication with regard to the category of the food whether it is vegetarian or non-vegetarian must be displayed through green or brown DOT, even when the same is served at buffet lunch or dinner.

You are, therefore, requested to kindly issue suitable necessary guidelines/ instruction to all the hotels and restaurants who are members of your association to display brown or green dots on menu and name board (display board) in respect of non- vegetarian and vegetarian food, as the case may be, at buffet dinner or lunch.

Action taken report in this regard may kindly be intimated to this Directorate at the earliest.

Receipt of the letter may please be acknowledged.

Yours Faithfully,
Dr. D. Chattopadhyaya,
Assistant Director General (PFA).

Copy forwarded to all Food (Health) Authorities of States/UTs for information and further necessary action to ensure compliance of display of the brown or green dot, as the case may be.

Dr. D. Chattopadhyaya,
Assistant Director General (PFA)

• • •

12. The Vidhan Sabha question dated 21.03.2003 regarding the actions against vehicles involved in criminal case.

**Eleventh Gujarat State Legislative Assembly
Second Session 2003
Star Questions
Friday 21st March 2003
(Second Meeting)**

Minister giving Answer : Hon'ble the Chief Minister : General Administration, Home, Industry, Electricity, Petrochemicals, Ports, Information and Broad Casting, Narmada Kalpasar Prabhag, Science and Technology policies (such as planning, mines, minerals, agriculture, cooperation, water, Mahila Vikas and other all policies) and all subjects/aspects not allotted to any other minister.

Regarding seizure of the vehicles going to illegal slaughter house.

*2483 Shri Shivjibhai Ahir (Bhuj) : Hon'ble the Chief Minister (Home) be pleased to inform that;

Question

(1) In almost all the cases, vehicles taking the speechless cow progeny animals to an illegal slaughter house involved in criminal cases are being released by the police department. Is it correct?

(2) If yes, then, as a consequence thereof, such vehicles involved in criminal cases are being used for the similar type of criminal activities and are being used for repetition of the commission of offence. Whether the Government is aware of such serious fact?

(3) For having a check on this criminal activity and to see that the vehicles involved in criminal cases remain seized till the final disposal of the case, what arrangement has been made?

Answer

(1) Vehicles seized in the commission of offence are not being released by the police or the Government but when the case is being presented before the Court, on merits, in certain cases, court(s) are releasing the vehicles.

Possibility cannot be ruled out.

(3) When the vehicle is seized again in the commission of offence of illegal slaughter of cow progeny, then, proceedings for cancellation of bond are being initiated in the Court.

13. The Vidhan Sabha question dated 21.08.2001 regarding the actions against vehicles involved in criminal case.

Non-Star Yadi

Put on the desk of Assembly

Date : 30th August, 2001.

TENTH GUJARAT STATE ASSEMBLY

9TH SESSION, 2001

NON-STAR QUESTIONS

Vehicles involved in criminal case taking the animals to illegal slaughter house.

Non Star : 5427 (11/6/2001) Shri Mahendra Mashru (Junagadh) : Hon'ble Minister for transport (State Level) be pleased to inform that;

1. As on March, 2001, within last one year, how many vehicles in the State transporting the animals in an illegal slaughter house involved in criminal cases have been identified districtwise?
2. Amongst the aforesaid vehicles, which are the vehicles caught in these offences for more than once and number thereof and
3. What proceedings have been initiated by the Government to see that these identified vehicles will again be involved in the same criminal activity?

Minister for transport (State Level) 24.7.2001)

1. 485 vehicles (As per enclosed statement)
2. 17 vehicles (As per enclosed statement)
3. Offences are being registered against the operator of the vehicle found as well as the persons involved therein and to see that such seized vehicle may not again be involved in the offence, owners of the vehicle are instructed accordingly by obtaining undertaking of the owner of the vehicle in writing and thereafter, by giving number of the seized vehicles to all the police stations in the District, continuous watch is being kept thereon.

. . .

14. The Vidhan Sabha questions dated 23.03.1999 and 17.11.2006 regarding the actions against vehicles involved in criminal case.

**Sixteenth Non Star Yadi, Put on the Desk of the Assembly
23rd March, 1999**

**Tenth Gujarat Assembly Fourth Session, 1999
Non Star Questions**

(As per rule 87-C of the Gujarat Assembly Rules)

Regarding seizure and sealing of the vehicles transporting the animals to the slaughter house.

Non Star 1249 (7.11.98) Shri Devanandbhai Solanki (Malia) Hon'ble Chief Minister (Home) be pleased to inform that;

1. In cases of slaughtering of the cow progeny, vehicles transporting the cow progeny at the slaughter house will remained sealed and seized till the disposal of the case as per the declaration made by the Government in July, 1998. Whether that fact is correct.
2. What specific orders have been issued by the Home Department to the Police Department in reference to this declaration?
3. After this declaration, in which area, vehicles have been sealed and attached upto 30.9.98?

Hon'ble Chief Minister (Home) **23.2.99**

1. Yes.
- 2 and 3 : For such activities, directions have been issued to the police to make effective representation before the Hon'ble Court in respect of the vehicles being used repeatedly for such activity.

Proceedings against the vehicles seized while transporting the cow progeny at the slaughter house illegally.

Non Star 745 (17.11.06) Shri Bhavinbhai Sheth (Ellisbridge) : Hon'ble the Chief Minister (Home) be pleased to inform that:

1. Whether the State Government has made any consideration for initiating strict and effective proceedings against the seizure of the vehicles transporting the cow progeny illegally at the slaughter house for more than once and
2. If yes, what are the details thereof ?

Hon'ble Chief Minister (Home) **(4.1.2007)**

1. Yes.
2. (1) Vehicle used for commission of such offence is being seized.
(2) Report is being submitted to the RTO for cancelling licence of the accused driver involved in such offence.
(3) When the vehicle has been used in the commission of offence for more than twice, then, report is being submitted to the RTO for cancelling registration and road permit thereof.
(4) Considering the accused arrested in the commission of offence more than twice as "cruel person", proceedings of PASA and Externment are being initiated.

15. The circular dated 14.07.2004 regarding transport of animals, by Railways.

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

/TT-HI/52/1

New Delhi, dated 14-7-2004

The General Manager,
Central Railway, Mumbai,
Eastern Railway, Kolkata
North Central Railway, Hajipur,
East Coast Railway, Bhubaneswar.
Northern Railway, New Delhi
North Central Railway, Allahabad
N. E. Railway, Gorakhpur,
N.F. Railway, Maligaon, Guwahati
North Western Railway, Jaipur
Southern Railway, Chennai
S.C. Railway, Secunderabad,
S.E. Railway, Kolkata.
South East Central Railway, Bilaspur
South-Western Central Railway, Hubli
Western Railway, Mumbai
West Central Railway, Jabalpur.

Sub: Transportation of livestock by the Indian Railways

Reference this Ministry's message No. 2001/TT-111/52/1/Pt. dated 17-6-2002 regarding restriction on the loading and transportation of livestock by freight trains. This Ministry has decided that in view of the clarifications now given by the Chairman, Animal Welfare Board of India, loading and transportation of livestock on the Indian Railways by freight trains be carried out by the concerned Railways.

The concerned Zonal Railways should ensure compliance of the following conditions:

1. As already advised in this Ministry's letter No. TCR/1283/99/2 dated 6-1-2000 and 21-2-2000 the Divisional Railway Managers of the concerned Railway must seek clearance of the District Magistrate before loading cattle into wagons because of possible law and order situation.
2. Conditions stipulated in Transport of Animals, Rules 1978 circulated vide Board's letter No. TCR/2211/2000/12 dated 15-11-2000 and Transport of Animals (Amendment) Rules 2001 is circulated by Board's letter No. TCR/2211/2000/12 dated 16-10-2001.
3. A certificate before transportation should be submitted by the consignor to the Railways at the time of placing indents that all the relevant Central and State Acts, Rules etc. pertaining to the said animals have been duly complied with.

The Animal Welfare Board of India, has also clarified as under:-

- a. It is provided under Rule 55(k) of Transport of Animals Rules/ 1978 that as far as possible cattle may be moved during the nights only. Rule 55(1) further provides that during day time, if possible, they should be unloaded, fed, given water and rested and if in milk milking shall be carried out.

The transporting agencies including Railways are required to follow the above provisions of the Rules,

- b. In regard to intimation about the departure time of the train transporting the cattle/ animal, Railway route and the time of stoppage well in advance to the Animal Welfare Board of India, the persons authorized by the Board as well as the Department of Animal Husbandry of every State falling enroute for checking under The Rules, the Animal Welfare. Board has now advised that keeping in view the-practical constraints expressed by the Railways regarding such intimation well in advance and lack of a definite time schedule, it is felt that details regarding Railways route, departure time etc. may be intimated by the Railways to the authorized persons a day in advance of the likely departure of the train.

Please ensure compliance

Sd/-

(R.D. Tripathi)
Exe. Director Traffic Trans.(S)
Railway Board

• • •

**16. STATEWISE LIST OF PERSONS AUTHORISED TO ISSUE
PERMISSION UNDER THE TRANSPORT ANIMALS (AMENDMENT)
RULES, 2001.**

ANDHRA PRADESH

Smt Amala Akkineni

No. 403/9, Road No.35.

Jubilee Hills,

Hyderabad - 500 003

Tel. : 3544355 (O)

040 - 3607352 (R)

Sri P. K. Jain

15-8- 559, Feel Khana

Hyderabad-500 012

Tel : 040-4744872

Shri Jasraj Shri Shrimal

15-8-511/73, II Floor,

Jain Temple Street,

Feel Khana,

Hyderabad-12

Tel : 040-4744578(O)

4616184(R)

Shri Gunde Rao

Vijay Shri

4-5212, Kothi,

Hyderabad - 500195

Shri Pradeep Kumarnath

Visakha SPCA,

Plot no. MIG 43,

Srinivas Colony,

PM Palom Post,

Kommadim, Visakapattinam

Pin - 530041

ASSAM

Smt Sangeeta Goswami

Member , AWBI

Peopal For Animals

Guwahati Branch,

Goswamis, Nawjan Road,

Uzar Bazaar,

Guwahati - 1

Tel : 0361- 522896

Shri Lunkaran Jain

Fulbari , Sahmaprasad Road,

P. O. Silchar - 788001

(Assam)

Tel : 038 - 4233104

Shri Anup Purakasthya

Azad Sagar Rood,

P.O. Karimganj,

Assam.

Tel. 038-4233104

Sri Siddartha Bhattacharya

M.A.L.L.B.

Leading Advocate

Gauhati High Court

Seventh Heaven Complex

G. S. Rood, Ulubari,

Guwahati,-7 (Assam)

Tel. 0361-527110

ARUNACHAL PARDESH

Sri Madang Sonom (S.T)

Public Leader

Seppa Forest Colony

P.O. Seppa,

Dist. East Kamong

(Arunachal)

Tel. 03787-22365

BIHAR

Shri Puwan Kumar Misra

Advocate,

K. M. Singh Lone,

East Boring Canal Rood,

Patna- 800 001 (Bihar)

Tel. 0612-232542

Shri Trilok Nath Bagi

Shastri Bhavan

H No. 3/14, Ram Nayaran

Shastri Path,

Rajendra Nagar

Road No. 11.

Patna-800 016

Tel. 0612-524719

Shri Rampal Agarwal Nutan

Hotel Siddarth Lane,

East Boring Canal Road,

Patna - 800 001.

Tel. : 0612-524719

CHANDIGARH

Ms. Payal Sodhi

2034, Sactor 15 C.

Chandigarh.

Dr. Nitin Jain

92, Sactor-21,

Chandhigath.

GOA

Smt. Angela Kazi

Member A W BI

Hony, Sactetary

People For animals Goa

3/4, Beach Nest, Miramer

Panaji-403 001 (Goa)

Tel. 221783, 256479

GUJARAT

Shri Kamlesh B. Shah

A-103, Tirthraj Complex,

B/h. Ashubhai Chambers,

Towan Hall, Ellisbridge,

Ahmedabad- 380 006

Tel. 079-6573171 (O)

6581536 (R)

Shri Mangal Prabhat

Loana
216, Shah & Nahar Estate,
Dr. E.Moses Road,
Worli
Mumbai - 400 018

Shri Anil Shah

Walkeshwar Rood
Mumbai- 400 006.

Shri Kesrichand Mehta

Member AWBI
Akhil Bharatiya Krishi
Goseva Sangh
P.B. No. 115,
Post Malegaon- 423203
Dist. Nasik (Maharashtra)

Shri Alimchandari

Member AWBI
403, sea Croft
104, Wadehouse Rood
Colaba,
Mumbai- 400 005

Shri Sunil Mansinghka

Gau Vigyan Anusandhan
Kendra, Kamcheru Bhawan
Pardit Bachraj, Vyas Chowk,
Mahal, Nagpur-440 002.

Shri Rattnblal Khandelwal

Adarsh Goseva Ayam
Anusandhan Prakalp,
Vighnaharta Apptt.
B/h. Chitra Talkies,
Rajputpura,
Akola-444 001

Shri Rattanlal Bafna

'Nayantara'
Subhash Chowk,
Jalgaon-425 001

MANIPUR**Sri. N. Ram Singh**

Public Leader
Sagolband Loukrakpam
Leikai, P.O.
Imphal-795001
Tel. 0385-246164

Sri Robin Kurbah (S.T)

Social Worker,
Rica Lane, Iwadu Market,
Bara Bazar,
Shillong - 793013
Meghalaya
Tel. : 0364-563013

NAGALAND**Sri. P.Yalem Konyak (S.T.)**

Public Leader,
Mon Town, P. O. Mon,
Dist. Mon (Nagaland)

NEW DELHI**Dr. Sunita Shastri**

Sanjay Gandhi Animal Care
Centre
Near Shivaji College,
Raja Gardens,
New Dehli-110 027

Shri Yogi Adityanath M.P.

123-125, North Avenue,
New Dehli 110 001
Tel. 011-3792633/
0551-255453

Shri Danve Raosaheb Patil

M. P.

32, North avenue,
New Dehli- 110 001.

Shri Lalitbhai Mehta M.P.

57, South Avenue,
New Dehli- 110 001
Tel. 011-3016124

Mr. Gautam Grover

B.A./1 A. Ashok Vihar
New Dehli- 110 052

Smt Geeta Seshamani

The Friendicoes Seca
271/273, Under Defence
Colony Flyover
(Jangpura side) Maket,
New Delhi- 110014.
Tel. : 011-4621939(R)
4624787 (O)

Shri D. K. Jain

6009, Kabool Nagar,
Shadara
New Dehli-110 032
Tel. 011-2283532/
2163130

Shri Jai Narain

Khandelwal
6/760060, WEA Karol Bagh
New Dehli- 110005
Tel. 0755-560673/542775

Shri Sant Ram Goel

B-1/152, Kiran garden,
Uttam Nagar,
New Dehil-110059.

ORISSA**Shri Nabalkishor Mishra**

Rajendra Nagar,
Cuttack-753010 (Orissa)

Shri S. R. Agrawal

C/o. Duriodhan Raut
Nayabazar,
P.O. Nayabazaar
Cuttack (Orissa)

Shri Naba Kishore Mishra

Viswa Hindu Parishad
College Square,
Cuttack-753 010

Shri Prasanna Acharya,

M.P.

Quarttas No. 4 R- 2, Unit-8
Gopabandhu Square,
Bhubaneswar-751 012

PUNJAB**Dr. R.R. Mastana**

Suraj Basti, Nandev Marg,
Bhatinda-151001. (Punjab)

Shri Jasbir Ralhan,

President, SPCA
H. No. 56, Sector-16-A,
Chandigarh-160015

Shri Gurcharanjit,

Advocate
C/o. Karan Chand Bhatia
S/o. Chandiani Kurd,
Balachur, Dist. Nawan Seher
Panjab

Dr. Sandeep Jain

117-D, Sunder Nagar
Ludhiana- 141007

Shri Surinder Jain

117 D, Sunder Nagar,
Ludhiana-7

RAJASTHAN**Shri Jai Bahadue Singh**

Shekawat B-11, Kalyan Kunj,
Choumo House,
Sardar Patel Marg. Jaipur
Rajasthan.

Shri Trilokchand

Sri Kanhaya Gaushala
Pulgoon, Pal Rood
Jodhpur (Rajasthan)

Shri K.L. Godha

222, Ashok Nagar
Udaipur-313001.
(Rajasthan)

Shri Rajendra Singh Raj

Purohit
Deepak Kutir,
Poolo B. Road,
Jodhpur. (Rajasthan)

Shri Mohanlal Namdar

26, A, Pradap Nagar,
Chittorgarh-312001
Rajasthan.

Shri Manendra Singh Oswal

Prani Mitra Sangh
Chordia Bhawan
Near Nagori Gate,
Gole Building Road,
Jodhpur-342003

Shri Chanchal Mal Chordia

Chordia Electricals,
Chordia Bhawan,
Outside Jalori Gate.
Jodhpur.

Shri A. P. Singhal

Sri Giridhar Goseva Samiti
Manav Vikas Bhawan
3, Rawalbhatta Road,
Kota-324007
Rajasthan

SIKKIM**Sri Sanjay Agarwal**

Public Leader, Businessman
M/S Society Hardware
T.S. Road, Gangtok-737101
Tel. 03592-2881.

TAMILNADU**Lt. Gen (Retd)****A.K. Chatterjee**

Aisling, Auromodel
Auroville(TN)- 605001

Shri Madangopal

Advocate,
116, Varadamuthiappan St.,
Chennai-600001

Shri Krishnan Chond

Choradia,
Sugon House,
18/1, Ramanuja Iyer Street,
Channai-600079

Shri Lal Chand Munoth

27, EVK Sampath Road,
Vepery, Chennai-7.

Shri Chinni Krishna
Vice-President
Blue Cross of India
1 A, Eldams Road
Alwarpet Chennai-600018

Shri S. Sripall, IPS
Former DGP
No. 8 B, Kannadasan Salai
T. Nagar, Chennai- 600017

TRIPURA

Smt. Anita Malakar (S.C)
Social Worker
Kumari Tilla
(Nr. B. T. College)
Agartala - 799 006 (Tripura)
Tel. : 0381-356116

UTTAR PRADESH

Shri Paramanand Mittal
Advocate
KD 55, Kavi Nagar
Ghaziabad-201002 (UP)

Shri Subedar Singh
Bhartiya Shikha Mandir
English Lane, Varnasi (up)

Shri Nihal Chand Taneja
Shri Muni Inter College
Govind Nagar, Kanpur (up)
Tel. 0512-650177

Shri Purshottam Das
Toshniwal
186, Pokarpur (Lal Bungalow)
Kanpur-208010 (up)
Tel. 0512-367755

Shri Surya Kant Jalan
Kanubhai
B-27/75, D, Ravindrapuri
Varanasi- 221 055 ((up)
Tel. 0542-352212

Shri Shiv Kumar Tyagi
Vill. & P.O. Vaira Firozpur
DistBulandshashar-245412
U.P.

Dr. Aparna Tripathi
Member AWBI
SPCA Gorakhpur
Vikas Bhawan
Commissioner's Office
Campus Gorakhpur-273004

WESTBENGAL

Shri Gopal Karva
64, Nalini Seth Road
Calcutta- 700007 (WB)
Te. 033-2395398

Shri Umashankar Basu
33, Bhupen Bose Avenue
Calcutta- 700004 (WB)

Shri Mahabir Prasad Narsaria
54,/ 4C, Strand Road
Calcutta-700007
Tel. 033-2387045

Shri Panna Lal Mundhra
16, India Exchange Place
II floor, Calutta (WB)
Calcutta.

Dr. D.R. Marwaha
30, Chowringhee Mansions
Kyd Street, Calcutta-700016
Tel. 033-2473567

Mr. Debasis Chakraborty
Member AWBI, Trustee,
Compassionate
Crusaders Trust
1/13 A Olai Chandi Road
Calcutta-700037

17. The circular dated 27.02.2002 issued by Animal Welfare Board of India for obtaining the certificate before the transport of animals.

**ANIMAL WELFARE BOARD OF INDIA
Animal Welfare Division, Govt. of India)**

No. 8-13/2002 - HE

27 February, 2002

1. The Secretary, A. H. Department and
2. The Secretary, Transport Dept., of all State & U. Ts.
3. The Secretary, Railway Board, Rail Bhavan, New Delhi,
4. All Dist. Collectors / Dist. Magistrates.

Sir/Modam,

**Sub. : Enforcement of Transport of Animals (Amendment) Rules
2001- Issue of certificate before transportation - Reg.**

The Govt. of India notified the Transport of Animals (Amendment) Rules 2001 in the Gazette of India on 26th March 2001. Under Rule 96 of the said Rules, the Govt. of India has authorised the Chairman, Animal Welfare Board of India or his representative to exercise the powers under these Rules. If any transporting agency like Railways or Transport Companies transport animals without the said certificate they are liable to be punished for violation of the Prevention of Cruelty to Animals Act 1960. The transporting agencies are responsible to help the authorised representatives of the Animal Welfare Board of India for conducting any inspection at any place or time.

In this Connection, I am directed to state as follows :

It has been the practice in various States that a large number of animals particularly cattle are being transported for the purpose of slaughter. Each State has got its laws to prohibit such transport. To illustrate, the Rajasthan laws require that permit for such transport can be given only for genuine agricultural purpose. In the form of the permit the name to whom this animal would be given for agricultural purpose with address is mentioned. But usually the practice has been to give the permits in big number to one person without ensuring to whom it would be sent whether he is agriculturist or not. In this connection the judgement of the Rajasthan High Court. dt. 27 Jan 2000, a copy of which is enclosed is self-explanatory. This judgement exposes how there is collusion between the various agencies to allow transport for slaughter. It is unfortunate that no action has been taken by the State Governments on its officers to punish those who were doing this collusion but the Collector of Nagaur is insisting on grant of permits and also writing to various agencies to anyhow issue NOC under Rule 96.

In U.P. Shri Rajeev Gupta, I.A.S, Animal Husbandry Secretary and Secretary of the U.P. Goseva Ayog issued elaborate instructions not to permit export of animals particularly cattle and taking various precautions. A copy of this notification is also annexed herewith for ready reference.

Th Board feels that the State Governments instead of implementing their own laws for export minutely and restricting the export, are involved in commercializing activities of

money making by Pashu Melas and export permits are granted on mere asking or in some cases by collusion or corruption.

The Board therefore wants to make it clear that NOC by authorized officer under Rule 96 would not be given on mere asking. The rules and regulations including the application and papers for grant of permits and permit granted will have to be examined by the officer and only on detailed examination if it is satisfied that the transport is for purely agricultural purpose and there is no chance of its misuse for slaughter, then only he would grant the permit. The applicant and concerned permit granting authority should make available to the recognized officer all application forms duly filled in along with various concerned officers certificates and papers leading to permits either original or photo verified copies for thorough examination and so also the animals. There after the recognized officer would make his own enquires and decide each individual application for each individual animal on merits.

The duty of the State permit granting authority ceases after grant of permit and no interest should be shown in sending the consignment. Exhibition of any extra interest would only indicate that either there is collusion as indicated by the Rajasthan High Court or that authority is becoming consignor who wants to export the cattle which would disqualify any NOC.

The Transporters shall ensure that the animals have the required provisions for feed-fooder, water, rest and milking facilities in all consignments. The, transporting authority may therefore inform the time and place of the transport to the representatives of the Board who are responsible for the particular area. The details of Railway route and Departure time should be mentioned by the transport authorities at the time of receiving the consignment and should be informed to the Board's authorised officers accordingly for conducting the necessary inspection. The transporter is also required to ensure that the details have been provided in time to the officials of the Animal Husbandry Dept. of concerned State for the mandatory fitness and health certificates.

Violation of animal laws by transporting agencies will be treated as criminal case and the Board representatives of concerned area will come into action for prosecution.

I am directed to request you to kindly issue the necessary instructions to the concerned officials of the Railways / Transport Department to strictly enforce the Rules to comply with the provisions. A copy of the extracts of the said Rules viz., the Transport of Animals (Amendment) Rules 2001 is enclosed for ready reference.

The list of authorised persons with addresses who can exercise the powers in different States is enclosed for ready reference and circulation to the concerned officials in the Transport/Animal Husbandry Departments and all concerned officials in the Railways.

Thanking you,

Yours faithfully
(K. BABU)
Secretary (Offg.)

Encl : As above

Copy to Hon'ble Chairman

Copy to Shri R. K. Jain, Director (AW), Ministry of Statistics & Programme Implementation, New Delhi.

18. The letter dated 08.01.2002 notifying the names of the Authorized Persons empowered to issue the certificate under Rule 96 of the PCA (Transport of Animals) Rules, 2001.

ANIMAL WELFARE BOARD OF INDIA

(Ministry of Social Justice & Empowerment, Govt. of India)

Chairman's Office : C-1/15, Pandara Park, New Delhi:110003

Phone : 011-3782087 Fax: 011-3388738 Mobile: 9810087408

E-mail : awbi@del3.vsnl.net.in

Head Office: Post Box No.:8672, Third seaward Road, Valmiki Nagar,

Thiruvannamipur, Chennai:600 041

Phone:044-4454958 / 4454935 Fax: 044-4454330

E-mail: awbi@md3.vsnl.net.in

Website: www.awbi.org.

JUSTICE GUMAN MAL LODHA

CHAIRMAN

8th January,2002

Government of India has framed Rules regarding transportation of animals in exercise of the powers vested on it under section 38 of the Prevention of Cruelty to Animals Act,1960. The Government of India, by publishing notification in Extra-Ordinary Gazzettee on 26th March 2001, promulgated Rules 96 & 97 and the Government of India, has authorized the Chairman of Animal Welfare Board of India to exercise the powers under the aforesaid Rules.

Accordingly, I, Justice Guman Mal Lodha, Chairman, Animal Welfare Board of India, do hereby declare and authorize following persons competent to issue prior certificate for transportation of animals by rail or road for the respective States shown against their names. They will be competent /authorized to make complete investigation whether the transportation of any animal by rail or road is in accordance with Rules & Regulations framed in this regard and if any irregularity /defect is noticed, they will not issue any such prior certificate for transportation.

After complete inquiry/investigation, if they are fully satisfied that provisions of relevant rules and regulations have been complied with, after reducing such compliance in writing in detail, they are competent to issue such prior certificate of transportation.

Uttar Pradesh	:	Shri Ratankumar Shrivastava, Officer on Special Duty, U.P., Administrator & Officer on Special Duty, Animal Welfare Board of India, Haivalak Road, Veterinary Hospital Camps, Nikat Yojna Bhavan, Lucknow-226 001.
Punjab	:	Dr.Sandeep Jain, Animal Welfare Board of India, 2696/1-A, Near King Palace, Sundarnagar, Ludhiyaya - 7.
Haryana	:	Acharya Shri Baldevji Maharaj, National Gaushala, Dhadauli, Post : Kalva, District : Jind.
Rajasthan	:	1. Shri Harihar Lal Parikh, Bharat Mata Temple, Jamnalal Bajaj Road, C-Scheme, Jaipur. 2. Shri Rajendra Sinh Rajpurohit, 3, Vishnu Bhawan, Uday Mandir, Jodhpur.
Madhya Pradesh	:	1. Shri Krantikumar Sharma, Gaushala Sangh, 137, Malaviyanagar, Bhopal. 2. Shri Udaylal Jaroli, Advocate, Jaroli Bhawan, Nimach.
Maharashtra	:	1. Shri R. K. Joshi, Advocate, Viniyog Parivar, B-2/104, Vaibhav, Jamli Gali, Borivalli, Mumbai (West)-92 2. Shri Kesari Chand Mehta, 99, Tilak Road, P.O. Box No.115, Malegav, District : Nasik.
Karnataka	:	Shri Uttamchand Duggad, 4/6, Padam Nivas, 4th Floor, Jaynagar, Bangalore.
Gujarat	:	1. Smt. Snehal Bhatt, S.P.C., Vadodara, 2. Shri Kamleshbhai, A/103, Tirthraj Complex, B/h. Ashubhai Chamber, Ellisbridge, Ahmedabad-6.

Delhi	:	Dr.D. K. Jain, 90, Surya Vihar, New Delhi.
Bihar	:	Shri Trilokinath Baagi, Shastri Bhavan, 3/14, Ramnarayan Shastri Road, Rajendranagar, Patna-16
Rakhand	:	1. Shri Chimanlal Bhalotiya, 2. Shri Purusottamlal Junjunwala, Kolkatta Panjrapole Society, Chakuliya, District : East Sinhbhum,
Chhattisgadh	:	1. Shri Achaldas Parikh, Chhatagadh, Mohlai, Durg. 2. Shri Jumarlal Tavri, Dinesh Vastra Bhandar, Bhilai.
Andhra Pradesh	:	1. Swami Shri Svaim Bhagwandas, Shri Shri Radha Gopal Gau Seva Sangh, 3-5-121/D, Idan Baug, Ramkot, Haidrabad. 2. Shri J. B. Sharma, Advocate, 2-2, 1130/19/C, New Nalakuta, Haidrabad. 3. Shri Shrimal Jasrajji, F.C.A., 15080511/73, Jain Temple Street, Filkhana, Haidrabad – 500 012,
Tamil Nadu	:	1. Smt. Gohar Ajij, 4/329, Anna Malai, Valvakaran, Chhenai. 2. Shri Madan Gopal, Advocate, Chhenai.
Bengal	:	1. Shri Gopal G. Karva, 64, Nalini Sheth Road, Kolkatta-7. 2. Shri Sudarshan Dhadhariya, Muktaram Babu Street, 2nd Talla, Kolkatta-7.

• • •

19. The letter dated 28.08.2007 by the Animal Welfare Board of India regarding transportation of animals through truck.

ANIMAL WELFARE BOARD OF INDIA
(Ministry of Social Justice & Empowerment, Govt. of India)
Post Box No.8672

13/1, Third Seaward Road, Valmiki Nagar, Thiruvannamlyur, Chennai – 600 041

Email : awbi@md3.vsnl.net.in Website : www.awbi.org

D.O.No.17-1/2007-PCA/CC

28-8-2007

Sub: Certification of Cattle for transportation by trucks-Reg.

Ref: High Court Case No.323 of 2007 in W.P.No.8502 of 2004 W.P. No.20888 of 2007

Dear Sir,

Warm regards. With regard to the case reference under Rule 96 of the Transport of Animals (Amendment) Rules, 2001, the Animal Welfare Board of India has recently taken the following decision concerning the competitive authority to certify the animals prior to transportation by trucks.

The Animal Welfare Board of India decided that the Government Veterinarians not below the rank of Assistant Director / SDO either with the Hon. Animal Welfare Officer or President / Secretary of an animal welfare organization in each district are to jointly issue certificates for transportation of animals in the respective States. The Chief Secretary / Director, Animal Husbandry, State Governments are to be intimated about this requirement at the earliest. The honorarium of Rs.500/- can be charged by the Assistant Director / SDO, Animal Husbandry from the owner of the animals for issuing the certificates.”

This requirement is being widely circulated to all the Chief Secretaries / Directors, Animal Husbandry and Veterinary Services for immediate compliance.

You are requested to kindly circulate this information to all the Officers working under you for necessary compliance.

Yours sincerely,
Sd/-
(K. RAMASAMY)
Consultant Secretary

Shri D. Mukherjee / PS

Director General of Police

Government of Tamil Nadu

Kamarajar Sala, Chennai – 600 004

Copy to all the Chief Secretaries of all the States

Copy to all the Director General of Police of all the States

Copy to all the Directors of Animal Husbandry and Veterinary Services of all the States.

20. The resolution dated 14.03.2011 by the under Secretary, Department of Agriculture and Cooperation, State of Gujarat for obtaining certificate under Rule 96 of PCA (Transport of Animals) Rules before transport of animals.

Certification under Rule – 96 for Transportation
Of the Animals by Railway / Trucks
Government of Gujarat,
Agriculture and Cooperation Department,
Resolution No.AHS/11/2010/2625/5.2.
Sachivalaya, Gandhinagar.
Date : 14/03/2011

Read :

1. Letter No.F.No./11/2010/COAWBI/ dated 11/08.2010 by Indian Animal Welfare Board, Chennai.
2. Letter No.BN/15/10 dated 15/11/2010 issued by Director of Animal Husbandry.

Preamble :

The function of the Indian Animal Welfare Board for certification under Section 96 of the Transportation of Animals by Railway / Trucks Rules, the function of the Board is to study the laws regarding Prevention of Cruelty to Animals Act, 1960, it has been made mandatory to obtain certificate of transportation as stipulated under Section 96 of the Rules from the Animal Welfare Officer authorized by the Animal Welfare Board before transportation of the animals.

Resolution :

At present, since Animal Welfare Board is not set up / established in the State and till the setting up / Establishment of Animal Welfare Board in the State, by way of an alternative arrangement, the veterinary officer serving in the Animal Dispensary of the concerned Taluka of the place from where the transportation is to be made, is hereby authorized to issue certification under Rule 96 of Transportation of Animal by Railway / Trucks.

This resolution is issued on the basis of endorsement dated 06-02-2011 made on the file bearing even number by Hon'ble Minister (Agriculture and Cooperation).

By the order and in the name of Governor of Gujarat

(Hasmukh Prajapati)
Under Secretary,
Agriculture & Cooperation Department

21. The circular dated 17.03.2011 by the Director of Animal Husbandry, Gujarat State appointing the officers of the department to issue the certificate under Rule 96 of the PCA (Transport of Animals) Rules 2001.

Circular : (17-3-2011)

**Sub: Regarding issuance of certificate for transportation of animals under the provisions of the Prevention of Cruelty to Animals Act, 1960.....
Implementation thereof**

Ref: Resolution No.AHS/112011/2625/5.2 issued by Agriculture Cooperation Department, Government of Gujarat, Sachivalaya, Gandhinagar.

With reference to the subject noted above and with reference to the resolution of the Government of Gujarat under reference, it is intimated that at present since Animal Welfare Board is not set-up / established in the State and till the setting up establishment of Animal Welfare Board in the State, by way of an alternative arrangement, as and when any transportation is to be made from any place in the State and transporter approaches to the veterinary officer serving in the Veterinary Dispensary (Hospital) of the Taluka concerned of the place from where the transportation is to be made, the veterinary officer, in the capacity of Authorized Representative of the Animal Welfare Board, shall issue such certificate in the proforma of the certificate issued under Section 96 of the Transportation of Animal by Railway / Truck Rules, copy of which is enclosed herewith, after necessary verification / scrutiny, veterinary officer shall be required to issue such certificate in the prescribed proforma.

Draft approved by the Director

Director
For, Animal Husbandry

State of Gujarat, Gandhinagar

Encl :(1) Copy of Resolution.
(2) Performa of Certificate

Outward No.BN/26-170/11

Animal Welfare Board,
State of Gujarat, Krishi Bhavan,
Sector – 10A, Gandhinagar
Date : 17/03/11

Copy forwarded for information and necessary action :-

1. Office of the Additional Secretary to the Hon'ble Chief Minister, Block No.1, Sachivalaya, Gandhinagar.
2. The Personal Assistant to the Hon'ble Minister (Agriculture and Law) Block No.1/7, Sachivalaya, Gandhinagar.
3. The Personal Assistant to the Hon'ble Minister of State Level (Animal Husbandry).
4. The Additional Secretary, Forest and Environment Department
5. Director, Animal Husbandry, Krishi Bhawan, Section – 10A, Gandhinagar.
6. The Director General of Police, Police Bhavan, Sector – 18, Gandhinagar.
7. All District Panchayat / Record Branch.

• • •

22. The instructions dated 04.01.2002 by the Commissioner of Transport for cancelling the driving licence and for suspension / cancellation of the vehicle permit in case of transport of animals for slaughter.

No.D.A.G.M.V.R.-123 – Animal Protection – 118,
Office of the Commissioner of Road
And Transport,
Government of Gujarat,
Ahmedabad.
Date : 04-01-2002

To,
All Regional and Assistant
Regional Road Transport Officers,
All the Check Posts,

Sub: Regarding illegal transportation of animals for slaughterhouse.

**Ref : Letter No.DA-GMVR-123-Animal Protection-8148 Date-29.12.2001,
by this office.**

With reference to the subject noted above, it is stated that the Licensing Officer (RTO – ARTO) under Section 19 of the Motor Vehicles Act, 1988 can cancel the Driving Licence of the driver after affording him an opportunity of being heard in connection with the use of motor vehicle for commission of the cognizable offence. Under Section 9 of the Bombay Animal Preservation Act, 1954, the offences committed under the provisions of the said Act, are treated as cognizable offences (falling within the jurisdiction of police). In this view of the matter illegal transportation of the animals to slaughterhouses, is a cognizable offence and, therefore, in view of the provisions of the Motor Vehicles Act, 1988, Driving Licence can be cancelled. Hence, it is hereby intimated – instructed to cancel driving licences of the drivers of the vehicle being used for illegal transportation of the animals to the slaughterhouses.

In Rule 123 of Gujarat Motor Vehicle Rules, 1989 provisions are made for transportation of animals in Goods Vehicles. As per the provisions of Rule – 123 of the said Rules, except in case of goats, sheep, deer, or pigs, regarding per animal minimum floor space of 2 meter x 1 meter independently and regarding the offspring of the animals who have left feeding, the half portion of aforesaid floor space is required to be kept in the goods vehicle. According to this provisions, if cow or calves are transported in the goods vehicle, the required floor space per animal is minimum 2 meters x 1 meter and in case of the offspring, half area of aforesaid floor space.

If animals are being transported in breach / violation of the aforesaid provisions, it is hereby instructed that the Driver / Owner of such vehicle shall be compelled to unload the excess number of animals and to transport them in another goods vehicle and it is further instructed to suspend or cancel the permit of the goods vehicle under Section 86(1) of the Motor Vehicles Act, 1988 or alternatively to recover compounding fee under Section 86(5) as determined by the Regional Road Transport Authority.

It is hereby instructed to follow - comply with the aforesaid instructions scrupulously.

Sd/- (illegible)
Joint Road Transport Director
Government of Gujarat
Ahmedabad.

• • •

23. The Yadi dated 19.01.2006 by the Director General of Police to keep in mind eleven Acts / Rules, seven circulars while registering the case for illegal transport of animals.

True Translation

19.01.2006

No. PRC/Animal Transportation/15/06

Office of the Additional Director

General of Police, CID

(Crime and Railways), Gujarat State,

Police Bhavan, Gandhinagar.

Yadi :

Subject : Regarding strict implementation of the Prevention of Cruelty to Animals Act,1960 and the Transport of Animals Rules,1978.

It is to be informed respectfully that the representations are being received from certain Organizations in Gujarat State by the Government, DGP,Gujarat State and this office for taking strict effective steps in respect of transportation of animals and illegal slaughtering and unclaimed animals and for informing them about the actions taken. Therefore, while drawing your attention on this direction, this is to be informed that,

Regarding transportation of animals and unlawful slaughtering, following legal provisions have been made and circulars have been issued.

- (1) The Bombay Animal Preservation Act, 1954.
- (2) The Bombay Essential Commodities Act, 1958 (Punishment as per sec.4, section 9).
- (3) Amendment Rules published in the Government of India Gazette dated 26.3.2001 under the Prevention of Cruelty to Animals Act,1960.
- (4) Gujarat Municipalities Act, 1963 (Sec.207.208 keeping open/close the slaughter houses).
- (5) Gujarat Diseases of Animal and Control Act, 1963(immunizing the animals)
- (6) Gujarat Cattle Movement Control Order 1985 (Necessary permission of the District Magistrate for transportation of animals in border district)
- (7) Bombay Police Act (Sec.119)
- (8) Gujarat Motor Vehicles Act (Sec. 123 and 91, 177, 188).
- (9) Gujarat Export Order (Breach of Sec. 19(2)).

- (10) Indian Penal Code (Sec. 279, driving of vehicle loaded with animals negligently endangering life).
- (11) Gujarat Act 4/1994 dated 15.3.94 Law regarding slaughter of cow progeny.

Circulars :

- 1) Government of Gujarat in its Home Department (A) NO. SB.2/COM/1098/GPS.196 dated 2.2.1999.
- 2) No.V.2/PSA/102000/74 dated 15.1.2000 of the Government of Gujarat in its Home Department.
- 3) No. Vishesh/V.2/PSA/102000/94 dated 27.1.2000 of the Government of Gujarat in its Home Department.
- 4) No. AMN/802001/SCA/158/P dated 17.5.2002 of the Urban Development and Urban Housing Gandhinagar
- 5) No. NPL/4599/120/M dated 2.9.2003 of the Urban Development and Urban Housing Gandhinagar.
- 6) Recent Judgment of the Hon'ble Supreme Court dated 26.10.05 2005 (12) 580 Appeal No.4937 to 4945/1998 giving final ruling.
- 7) Circular of the Agriculture and Cooperation Department dated 17.11.05 (Relating to Hon'ble Supreme Court decision).

And Further:

Animals (Amendment) Rules, 2001 specified as per section 4 to 10 of the Prevention of Cruelty to Animals Act, Chapter 2, have been published in the Government of India Gazette with effect from 26.3.2005 wherein “Animal Welfare Board of India” has been formed by the Central Government with an object of promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering wherein along with the right to acquire property, hold and transfer, subject to provisions of this Act, such Organization is having functions 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, to impart education in relation to the humane treatment of animals and to encourage 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, etc. are the functions of such board in respect of which the letters issued by the Board dated 8.1.2002 and 27.2.2002 are enclosed herewith and there is mention of the Transport of Animals Rules, 1978 Chapter 1 to 6 and the Rules framed by the Central Government regarding transportation of animals (Rail and Road) wherein for verifying whether the provisions have been complied with in accordance with rules or not, over and above the Government representative, appointment of members of Animal Welfare Board of India

State-wise has also been made which is enclosed herewith.

Therefore, in State, in your jurisdiction, while transporting the animals, whether the vehicle drivers/operators are having necessary provisions as per provisions of law or not that should also be verified and in case if it is found that the rules have been violated, then, it is requested that the mention thereof is made in the FIR from the beginning at the time of registration of offence.

Sd/-Illegible
(GC Raigar)
Addl. Director General Of Police
CID Crime and Raulways
Gujarat State, Gandhinagar.

Encl :

1. Transport of Animal Rules, 1978 Chapter No. 1 to 6 page 17 to 37.
2. Letters of Animal Welfare Board of India dated. 8.1.2002 and 27.2.2002 together with papers enclosed therewith.

To :

- All Police Commissioners
- All Range Heads.
- All Police Superintendents (Including WR Vadodara)

Respectfully forwarded to :
Director General of Police and Chief Police Officer,
Gujarat State, Gandhinagar.

• • •

24. The letter dated 19.12.2000 by the Home Minister, State of Gujarat to hold proper, indepth investigation regarding the offences relating to cow progeny.

EMBLEM OF GOVT.

HAREN PANDYA

Telephone :

No.SCM.BS.H. & I.B.
State Cabinet Minister,
Border Security (Independent Charge),
Home & Information &
Broadcasting,
Government of Gujarat,
Block No.2, 4th Floor,
Sardar Patel Bhavan,
Sachivalaya,
Gandhinagar: 382 010
Date : 19th December, 2000

Gentlemen,

1. You all must be aware about the fact that the Government is well-prepared for the protection of cow and cow progeny. For this purpose, during the period of two months i.e. between 15.01.2000 to 15.03.2000, a drive was conducted for protection/safety of cow and cow progeny and noteworthy results were also achieved during that drive. It is, however, found that thereafter, all the departments including police department have shown their inactiveness (absence of enthusiasm) in implementation of Bombay Animal Preservation Act, 1954.
2. It is necessary to mention here that for protection and safety of the animals of cow and cow progeny viz. cow, calf, she-calf, bullock, oxen, buffalo, he-buffalo (pado) and she buffalo which are very much useful for agricultural pursuits/ purposes and also to prevent their illegal slaughtering, amendment has been made in the provisions of The Prevention of Anti-Social Activities Act (PASA Act) and a provision has been incorporated therein to cause a person in detention under PASA Act as a "cruel person" who is found to have been involved in commission of offences frequently under section 8 of the Bombay Animal Preservation Act, 1954 or is found to have attempted to commit such offence or is found to have abetted in commission of such crime/offence. Though the State Government is firm for implementation of the said provisions of law, it appears that the said provisions to cause a person under detention have not been implemented in the areas falling in your district. It appears that weak (half-hearted) approach and attitude shown at grass-root level in police department as well as avoiding approach shown by the police officers of the police department appears to be the reason for non-

implementation of the provisions of the Bombay Animal Preservation Act, 1954 in an effective manner.

3. Investigation of the offences under the provisions of Bombay Animal Preservation Act, 1954 are being conducted by the police officials of the cadre of ASI/ Head Constable. They are also not even aware of these provisions. Further, no indepth (thorough) investigation going to the root of the offence is being made in respect of the offences of transportation of the animals of cow and cow progeny for the purpose of their slaughtering. It is very much necessary & essential that a detailed/ minute investigation with zeal and enthusiasm (industriousness) is carried out on the aspects viz. at which illegal slaughter house situated in which area of the city/town the accused were transporting the animals for slaughtering, who is the proprietor/ operator of the said illegal slaughter house, whether the said proprietors/operators are involved in the offence or not ? etc. After making investigation going to the root of the offence, a proposal can be made for detention under PASA Act against the persons frequently involved in the offences punishable under the provisions of Bombay Animal Preservation Act, 1954. Further, it is also necessary to intimate the officers of the concerned department/offices under which this matter/issue falls to initiate proceedings by taking into consideration the legal provisions.
4. In the above matter, you are instructed to make arrangements (to set up mechanism) for initiating result-oriented proceedings in a serious manner by issuing appropriate instructions & necessary guidelines by even conducting meetings also with police officials at grass-root level like Police Constable/ Head Constable/ ASI through the police officers subordinate to you, by taking personal interest in the matter.

Yours sincerely,
sd/ Illegible
Haren Pandya

Copy to :
Shri J.K.Bhatt,
District Supdt. of Police,
Bhavnagar District, Bhavnagar.

• • •

25. The order dated 03.03.1999 by the Home Department, to register the offence under the Bombay Animal Preservation Act and under the Bombay Provincial Municipal Corporation Act.

True Translation

Illegal transportation of the animals
to slaughter house

To initiate proceedings by registering
offence under the provisions of The
Animal Preservation Act, 1960

HOME DEPARTMENT
GOVERNMENT OF GUJARAT
CIRCULAR NO. V.2/..../1099/3075
SACHIVALAYA, GANDHINAGAR
DATED 03.03.1999

CIRCULAR :

1. It has come to the notice of the State Government that the proceedings in accordance with law are being initiated by the police by registering offence and submitting chargesheet before the Hon'ble Court in respect of the illegal transportation of the animals to the slaughter house, by getting those animal freed by the police. However, almost in majority of such cases, the offence under section 11(1)(a) of the Prevention of Cruelty to Animals Act, 1960 is registered and chargesheet is filed. For the offence registered under this section, the only punishment provided for the first offence is payment of fine of Rs.50/ only. As a result of which, the accused persons are not taking the said offence very seriously.
2. In respect of the cases of illegal transportation of the animals to the slaughter house, if offence is registered under sections 5, 6 & 8 of the Bombay Animal Preservation Act, 1954 (As Amended in 1976) and chargesheet is filed, the punishment provided under the said offence is imprisonment for a period up to 6 months and a fine up to Rs.1000/ or both. Further, if such offence is committed in the area falling under Municipal Corporation, for the offences under section 325 & 376(1) of the Bombay Provincial Municipal Corporations Act, 1949, there is a provision for punishment of fine of Rs.100/ & 500/ respectively.

3. Hence, all the Police Commissioners/ District Superintendent of Police are hereby instructed that in the cases of illegal transportation of animals to the slaughter house, with a view to see that effectiveness of the provisions of law is increased/ strengthened resulting into control over such offensive activities, as and when such offence is committed, offences punishable under sections 5,6 & 8 of the Animal Preservation Act,1954 should be registered in police stations and if offence is committed within municipal corporation area, then offence should also be registered under sections 335 & 376(1) of the BPMC Act and proceedings in accordance with law shall be initiated to file chargesheet in the Hon'ble Court concerned. For this purpose, appropriate instructions and guidance be given to all the police officers concerned under your control and especially to the Police Station Officers. It is also requested to intimate all the police officers concerned to take note of the fact that the departmental proceedings shall be initiated against that police officer/employee who commits breach of these instructions knowingly / intentionally.

BY THE ORDER AND IN THE NAME OF HH GOVERNOR OF GUJARAT.

sd/ Illegible
J.R. Rajput
Deputy Secretary
Home Department (Spl.)

To

- All Police Commissioners/ All District Superintendent of Police.
- Superintendent of Police, Western Railway, Vadodara

Copy respectfully forwarded to :

- Director General of Police & Inspector General of Police, Gujarat State, Ahmedabad.
- Director General of Police (Intelligence), Gujarat State, Ahmedabad.
- Additional Director General of Police, (CID), (Railway), Gujarat State, Ahmedabad.
- Special IGP & DIG of all Ranges/ All District Magistrates.
- Agriculture & Cooperation Department, Sachivalaya, Gandhinagar.
- Urban Development & Urban Housing Department, Sachivalaya, Gandhinagar.
- Panchayat & Rural Housing Development Department, Sachivalaya, Gandhinagar.

• • •

26. The Notification dated 07.08.2000 issued by the Ministry of Commerce prohibiting import of beef (cow meat) or its items.

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE**

**NOTIFICATION NO. 29 (RE-2000) / 1997-2002
NEW DELHI : 7th August, 2000**

- (E) In exercise of power conferred under section 5 of the Foreign Trade (Development and Regularion) 1992 read with paragraph 1.3 and 4.1 of the Export and Import Policy, 1997-2002, the Central Govenment publishes the following amendments in the ITC (HS) classifications of Export and Import Items, 1997-2002 on 31st March, 1997 (RE-98) as amended from time to time, namely.

The following shall be added after para 2 of chapter 1A : General notes regarding import policy of ITC(HS) Classifications of Export and Import and Import Items, 1997-2002 :

Import of Beef in any form and import of products containing beef in any form is prohibited.

All consignments of edible oils and processed food products, imported in bulk, shall carry a declaration from concerned exporter on the shipping documents that the consignment does not contain beef in any form. All signments of edible products. imported in consumer packs, shall carry a declaration on the label of the package that product does not contain beef in any form.”

This issues in Public Interest.

Sd/-
(N. L. LAKHAPAL)
Director General of Foreign Trade and ex-officio
Additional Secretary of the Government of India.

(O. P. HISARIA)
Dy. Director General of Foreign Trade)

27. The resolution dated 22.02.1983 by the Home Department directing the police to register the offence under the Bombay Animal Preservation Act in case of slaughter of cow, bullock, calf etc.

GOVERNMENT OF GUJARAT

Home Department (Special)

Circular No.PKN-1083-385, Sachivalaya, Gandhinagar.

Date : 22-02-1983

Akhil Bhartia Krishi Goseva Sangh (Gujarat made representation before the Government about the prohibition on slaughtering of cow progeny. In the said representation, one issue which was raised was that the police department is required to take strict and stern action to prevent slaughtering of animals at illegal places in Ahmedabad and other cities of Gujarat State. If Sangh takes any action in this regard, then for getting co-operation from the public, it is necessary / required that Sangh gets necessary cooperation from the police department. At present, whatever actions are taken on the basis of Animal Laws to prevent illegal slaughter, such law stipulates imposition of fine of very petty / meager amount. Therefore, it is necessary that the amount of fine as stipulated under Section 8 of the Bombay Animal Preservation Act, 1954, is required to be imposed, so that such slaughterhouses being run illegally are controlled and closed.

Under the circumstances narrated above, all the concerned officers are hereby instructed to make all necessary required investigation to prevent illegal slaughtering and to take immediate action and shall extend adequate cooperation in this regard.

By the order and in the name of Governor of Gujarat.

Sd/-

(Nagin Mekwan)

Home Department,
Government of Gujarat

To,

Director General of Police and Chief Police Officer, Government of Gujarat, Gandhinagar.

Chief Commissioner of Police, CID, Railway, Ahmedabad

All Police Commissioners

The Secretary to the Hon'ble Chief Minister, the Secretary, Home Department,

The Secretary, Agriculture and Forest Department, Sachivalaya, Gandhinagar.

All Districts Police Officers, All Magistrates,

The Secretary, Panchayat and Urban Development Department, Sachivalaya, Gandhinagar.

Branch Select File

Additional Select File.

28. The notification dated 10.07.1973, permitting the Panchayat / Municipality to notify / fix the approved place of slaughter within their areas under the Bombay Animal Preservation Act.

**POWERS CONFERRED ON THE VILLAGE PANCHAYATS UNDER THE
PROVISIONS OF THE BOMBAY ANIMAL PRESERVATION ACT, 1954**

Agriculture, Forest & Cooperation Dept.

NOTIFICATION

SACHIVALAYA, GANDHIAGAR, 10TH JULY, 1973

The Bombay Animal Preservation Act, 1954 :

No. GH-K-199(a) HLT-1061-42471-R(1)

In exercise of the powers conferred under section 6 of the Bombay Animal Preservation Act, 1954 (Bombay 72nd of 1954) and in supersession of all the notifications which are presently in operation and all notifications issued in this regard earlier, the Government of Gujarat, do hereby appoint the local authorities mentioned in the Schedule attached hereto as the Authority for the purpose of section 6 of the said Act in respect of the areas falling under their respective territorial jurisdiction:

S C H E D U L E

NAME OF THE LOCAL AUTHORITY

1. Municipal Corporation
2. Nagarpalika
3. Nagar Panchayat
4. Gram Panchayat.

EXPLANATION :

1. Except to the animals for which certificate has been issued for their slaughtering at the place specified by any Authority or Officer appointed by the State Government under section 6 of the Mumbai Animal Preservation Act, 1954, the provisions of this Act will apply to all animals (Oxen, Bullock, Cow, Calves, Buffalo, he-buffalo). Hence, vide this notification, the Government has conferred powers on the Gram Panchayats to specify and fix a particular place falling within gram panchayat area for slaughtering of such animals. Except at the place specified/ determined by the Gram Panchayat, such animals can not be slaughtered at any other place and breach thereof will amount to commission of offence under section 6 of the Act and on found guilty, would be liable for punishment of imprisonment up to 6 months or fine of Rs.1000/ or both. Such offence would be treated as cognizable offence. Further, the person instigating for commission of such offence and the person attempting to commit such offence would also be liable to the punishment equal to the punishment liable to be imposed on the person committing offence. (Sections 8, 9 and 10).
2. Prior to slaughtering of the animals referred to above to whom the provisions of the above-said Act are applicable, Certificate in accordance with Section 5 is required to be obtained from the appropriate/ competent officer and in absence of such certificate, no animal can be slaughtered. In the State of Gujarat, for issuing such certificate, each Veterinary Officer in charge of Veterinary Hospital or Veterinary Dispensary in the State, has been appointed under the provisions of the Act as appropriate/ competent Officer in respect of the local area falling under his jurisdiction to issue such certificate. Before issuing such certificate, the office concerned shall take into consideration the advise (recommendations) given by the Panel of the Advisory Committee present at the relevant place. For controlled slaughter house, the Director of Animal Husbandry, from time to time, shall appoint panel of Advisory Committee of the members not exceeding three in number. (Notification issued by Agriculture & Forest Department No. GHKH-205/82-1 SLT-1082-PM-1-P-1 dated 08.10.1982.)

• • •

29. The circular dated 18.06.2003 by the Director of Municipalities to his subordinate officers for implementation of the PCA (Slaughterhouses) Rules and to inform the police in case of illegal slaughter.

No. Local Unit-3-Slaughter House
Vashi - 1831 to1900 : 2003

Office of the Regional
Director of Municipalities,
Collector Office Compound,
Rajkot Dated 18.06.2003

IMPORTANT :

To
The Chief Officers, All

Sub: Regarding implementation of the Slaughter
House Rules, 2001 framed under the
Prevention of Cruelty to Animals Act,1960

Ref: Copy of the Notification dated 26.03.2001
issued by the Government of India.

With reference to the subject noted above, it is intimated and informed that District Collector might have forwarded the copy of the notification in connection with the implementation of the provisions of The Slaughter House Rules,2001. Even then, copy of the said notification is enclosed herewith.

The Prevention of Cruelty to Animals Act, 1960 is the Act falling within the domine/ jurisdiction of the Home Department. In The Slaughter House Rules,2001 enacted under the said Act, very strict standards and provisions have been made and applied for running a slaughter house. The said provisions are such that if they are implemented and complied with strictly, the slaughter houses run illegally and with irregularities, would automatically be required to be closed down. You are hereby

instructed to strictly implement and comply with the aforesaid provisions.

You are also requested to give information regarding the slaughter houses being run illegally to the concerned Police Officer and also intimate the same to the under-signed as well as to the concerned Collector and District Magistrate, at the relevant point of time.

Signature of Regional
Director is on Office Copy

sd/ Illegible
Regional Director
of Municipalities,
Gujarat State, Rajkot.

Copy respectfully forwarded to :-

1. Section Officer,
Urban Development & Urban Housing Department,
Sachivalaya, Sardar Bhavan, Block No.14:9,
Gandhinagar For information
2. Director of Municipalities,
Gujarat State, Gandhinagar,
.....for information in connection with his
letter dated 03.03.2003.
3. All District Collectors,
Local-self Govt. Branch
.....for information and necessary action.

• • •

30. The I.S. standards for the slaughterhouses.

Indian Standards for Slaughter Houses

- | | | |
|-----|---------------------|---|
| 1. | IS 1982 : 1971 | Code of practice for ante-mortem and post-mortem inspection of meat animals (first revision). |
| 2. | IS 7053 : 1973 | Basic requirement for a stall for sale of meat of small animals. |
| 3. | IS 8700 : 1977 | Basic requirement for a stall for sale of meat of large animals. |
| 4. | IS 8895 : 1978 | Guidelines for handling, storage and transport of slaughter house by-product. |
| 5. | IS 4157 (PT 2) 1983 | Code for transport of livestock; Part Transport of cattle by rail and road (first revision) |
| 6. | IS 4157 (PT 3) 1983 | Code for transport of livestock; part 3 transport of sheep and goat by rail and road (first revision) |
| 7. | IS 5236 : 1962 | Code for transport of pig by rail and road (first revision) |
| 8. | IS 4393 : 1979 | Basic requirement for an abattoir (first revision) |
| 9. | IS 13061 : 1991 | Meat & Meat products-Detection of Salmonellae (Reference method) |
| 10. | IS 6628 : 1972 | Slide rails for use in abattoirs |
| 11. | IS 6782 : 1972 | Hog Gambles |
| 12. | IS 6950 : 1973 | Pig Hooks |
| 13. | IS 7891 : 1973 | Inedible offal trollys |
| 14. | IS 7909 : 1975 | Electrical Stunning tongs for pig (or Revised Edition of 1993) |
| 15. | IS 11533 : 1985 | Sheep dressing Hook |
| 16. | IS 11531 : 1985 | Gambrel for sheep and goats |
| 17. | IS 12187 : 1987 | Sheep Spreader ____ ? |
| 18. | IS 12190 : 1987 | Sheep Bleeding Shackle |
| 19. | IS 12486 : 1988 | Meat Inspection table |
| 20. | IS 12487 : 1988 | Offal handling table for small animals. |
| 21. | IS 4393 : 1979 | Basic requirements for an abattoir (first revision)
Before slaughter to give rest of minimum 24 hours to Animal, to provide sufficient space for various process, to provide hot - cold water, to provide steam. |
| 22. | | |
| 23. | IS 1982 : 1971 | Code of practice for ante-mortem and post-mortem inspection of meat animals (first revision) |
| 24. | IS 1361 : 1991 | Examination of presence of salmonellae, e.coli. |

31. The circular dated 31.04.2007 by the Directors of Municipalities for the implementation of the PCA (Slaughterhouses) Rules, 2001 and the letter dated 26.06.2006 by the Regional Director, Rajkot on the same subject.

The Regional Director,
The Office of the Municipalities,
Collector Office Compound,
Rajkot.

Date : 26.06.2006

To,
The Chief Officers – All,

**Sub: Regarding implementation of the Slaughterhouse Rules, 2001
under the Prevention of Cruelty to Animals Act.**

It is to inform regarding the aforesaid subject that you must have been sent the copy of the Notification for the implementation of the Slaughterhouse Rules, 2001 from the District Collector, however, the copy of the Notification is enclosed herewith.

The Prevention of Cruelty to Animals Act, 1960 comes under the jurisdiction of Home Department. In the slaughterhouse – 2001 Rules issued under the said Act, strict standards and provisions are made for running the slaughterhouses. Therefore, if they are implemented, the provisions are such that the slaughterhouses run illegally and without licence are required to be closed automatically. You are instructed to implement the said provisions strictly. It is requested to inform the undersigned and the Collector and District Magistrate regarding giving of the information to the police officer regarding illegally run slaughterhouses.

The Regional Director,
Municipalities
Gujarat State,
Rajkot

Regarding strict compliance of the Rules and Regulations for Slaughter House.

OFFICE OF THE DIRECTOR OF ANIMAL HUSBANDRY

Block No.14, 3rd Floor,
Dr. Jivraj Mehta Bhavan Complex,
Gandhinagar
NO. NPN /U.1/Vashi-994/07
Date : 31.04.2007

C I R C U L A R :

The Chief Officers of all the Municipalities of the State are hereby informed that the People for Ethical Treatment of Animals (PETA) has filed a writ petition being Writ Petition (Civil) No.44/2001 in the Hon'ble Supreme Court of India, wherein the Hon'ble Supreme Court, vide order dated 11.11.2006, ordered the State Government to file an affidavit with regard to 9 suggestions made in the said petition. Out of the aforesaid 9 suggestions, in respect of the suggestions concerning the Municipalities, the following necessary instructions are hereby issued :-

- (1) While transporting the animals for slaughtering, precautions / care should be taken to satisfy that there is no breach of the provisions of the Transport of Animals Act, 1978 as well as of the provisions of the Prevention of Cruelty to Animals (Transportation on Foot) Rules, 2000 and that the said provisions are strictly complied with.
- (2) To satisfy that the animals are being slaughtered only in the slaughter houses of the municipal area who have been issued licence / approved Slaughter Houses. Further, all illegal / unauthorized slaughter houses shall be closed.
- (3) To verify and satisfy whether the approved / licensed slaughter houses are in accordance with the provisions of Prevention of Cruelty to Animals (Slaughter Houses) Rules, 2000. In case of non-approved / licensed slaughter houses, if they fail to comply with the mandatory provisions made in the aforesaid Rules within the time limit as may be fixed by the Hon'ble Court, such slaughter houses shall be closed.
- (4) Slaughtering of any animal shall be made in the manner that other animals can not see the said scene. Further, if any animal is pregnant or having a baby animal of the age of less than three months or if there is any animal of the age of less than three months or if it is not certified by the Veterinary Doctor that such animal is fit for slaughtering, in such cases, it shall be ensured and satisfied that no slaughtering is made of such kind of animals.
- (5) It is also be ensured and satisfied that no permission is granted to appoint any

authorized person in the employment in any approved slaughter house unless such person has attained age of 18 years and is not suffering from any contagious or infectious disease.

- (6) Animal brought for slaughtering shall be provided with and made available sufficient and adequate reception area, space for resting and rest house (vishram gruh). Due care shall be taken to see that no animal shall be slaughtered within the period of 24 hours from the time of it's arrival at the Vishram Gruh (lerage).
- (7) Due care shall be taken to see that sufficient numbers of Veterinary Doctors shall be appointed for issuance of certificate of quality of the meat of the animal before and after slaughtering of the said animal and for the purpose for examining the health of the animal.

It shall be required to observe / satisfy that the aforesaid instructions are being complied with strictly in municipal areas.

Sd / Illegible
(Mamta Verma)
Director of Municipalities
Gujarat State, Gnadhinagar.

Forwarded for

- Director of Municipalities,
Gujarat State, Gandhinagar.

To,
President / Chief Officer,
Concerned Municipalities.

Copy forwarded to :-

1. Deputy Secretary (Municipalities),
Urban Development & Urban Housing,
Gandhinagar.
2. Deputy Secretary,
Agriculture & Cooperation Department,
Sachivalaya, Gandhinagar.
3. Regional Director of Municipalities,
Rajkot.
4. All the Collectors.
5. Select file.

• • •

32. The order dated 19.12.2007 issued under Section 144 of the Code of Criminal Procedure by the Commissioner of Police, Vadodara prohibiting the slaughter of animals except in the recognized slaughterhouse, on BAKRI ID.

True Translation:

ORDER PASSED UNDER SECTION 144 OF THE CRIMINAL PROCEDURE
CODE, 1973

No. S.B./ Notification/5628/2007
Office of the Commissioner of Police,
Vadodara City, Vadodara.

Date : 19.12.2007

It appears that there is likelihood of breach of public peace and tranquility on the day of ensuing festival of Bakri Idd on account of slaughter of cow, bull, bullock, he-buffalo, buffalo, goat or other animals at public place or in a private place or outside slaughter house and, therefore, it is necessary to prevent the same in public interest.

THEREFORE, I, Rajan Priyadarshi, IPS, Police Commissioner, Vadodara City, vide Notification No.GG/422/CrPC/1082/1080/M dated 08.11.1982 issued under sub-section (1) of section 20 of the Code of Criminal Procedure, 1973 by the Home Department, Government of Gujarat and which has been revised vide Compiled Notification No.GG/6/FKA/1088/6750/M dated 07.01.1989 issued by the Home Department, Government of Gujarat, whereby Police Commissioner, Deputy Police Commissioner and Superintendent of Police (Assistant Police Commissioners) of Vadodara City have been declared as Executive Magistrate and they have been especially authorized to exercise the powers conferred under section 144 of the Code of Criminal Procedure. AND in exercise of the said powers, I hereby impose a ban/prohibition on doing following acts in the area notified herein below between the period from 00.00 hrs. of 20.12.2007 to 24.00 hrs. of 28.12.2007 :-

ACTS

That during the period as notified above, no person shall slaughter any animal like cow, bull, bullock, he-buffalo, buffalo, calf of buffalo, goat etc. either outside the recognized slaughter house or at a public or private place in the manner that any one can see it from outside OR no animal should be slaughtered

in any street, at some public place within the limits of the area notified above in the manner that any one can see it from outside.

AREA AND PERIOD FOR ENFORCEMENT

Entire area falling within the jurisdiction of Police Commissioner of Vadodara City.

This order shall remain in force from 00.00 hrs. of 20.12.2007 to 24.00 hrs. of 28.12.2007.

The person committing breach of this order shall be liable to be punished under section 188 of the Indian Penal Code, 1860.

Therefore, I hereby order to publish press-notes and also issue advertisements in local news papers, Doordarshan, Radio and Electronic Media and by affixing on conspicuous places, through vehicles and loud-speakers, for wide publication of this order/notification.

Issued today on 19.12.2007 under my seal and signature.

Seal

sd/ Rajan Priyadarshi
Police Commissioner
Vadodara City, Vadodara

Copy respectfully forwarded to :-

- (1) Addl. Chief Secretary, Home Department, Gandhinagar
- (2) Director General of Police & Inspector General of Police.
- (3) Additional Director General of Police (Intelligence),
Gujarat State, Gandhinagar.
- (4) Police Commissioner, Ahmedabad City, Rajkot City, Surat City.
- (5) Special Chief Superintendent of Police, Vadodara, Range, Vadodara.
- (6) District Superintendent of Police, Vadodara, Rural.
- (7) District Collector, Vadodara,
- (8) Municipal Commissioner, Vadodara City.
- (9) Director, Information Bureau, Gujarat State,
Gandhinagar.
- (10) District Government Pleader, Sessions Court,
Vadodara.
- (11) Manager, Government Press, Vadodara (For
Publication in Govt. Gazette Part;I)
- (12) Assistant Commissioner of Police, A, B, C, D, Traffic
Control, Vadodara City.

- (13) Assistant Commissioner (Intelligence), Vadodara Region, Vadodara.
- (14) Deputy Superintendent of Police/ Police Inspector, Vadodara Railway Police Station.
- (15) All Police Station Incharge, Vadodara City (for publication By affixing copies and through Loud-Speaker, Vehicle)
- (16) All Squads & Branch Incharge, Vadodara City,
- (17) Control Incharge, Vadodara City (10 copies for circulation to news papers)

Copy respectfully forwarded to :-

- (1) Registrar, High Court of Gujarat, Sola, Ahmedabad.
- (2) Registrar, District & Sessions Court, Vadodara
- (3) Registrar, Chief Judicial Magistrate Court, Vadodara
- (4) Registrar, Addl. Sessions Judge Court, Vadodara
- (5) Executive Magistrate, Vadodara City
- (6) Executive Magistrate, Vadodara Taluka.
- (7) Jt. Director of Information, Vadodara

(Local News Papers, All India Radio, Door Darshan For publication / broadcasting/ telecasting and for press cuttings of newspapers)

• • •

33. The circular dated 27.09.1999 by the Deputy Secretary, Department of Urban Development and Urban Housing to close down illegal slaughterhouses operating in the different cities of Gujarat State.

True Translation :

Regarding closure of illegal slaughter houses
operating in the cities of State of Gujarat.

GOVERNMENT OF GUJARAT
URBAN DEVELOPMENT & URBAN HOUSING DEPARTMENT
CIRCULAR NO.: MISC/8097/820/P,
SACHIVALAYA, GANDHINAGAR.

DATED : 27.09.1999

READ : Circular No. Misc/ 8097/820/P dated 19.03.1997 issued by the
Urban Development & Urban Housing Department.

CIRCULAR :

It has come to the notice of the State Government that certain illegal slaughter houses are being run in small as well as big cities of the State of Gujarat.

2. Therefore, Heads of all the Nagarpalika / Municipal Corporations are hereby instructed /directed to take steps for immediate closure of illegal slaughter houses as well as slaughter houses being run without licence and to close down such illegal slaughter houses. Considering the situation at the local level, if required, you are also instructed to take assistance from the police machinery.

BY THE ORDER AND IN THE NAME OF GOVERNOR OF GUJARAT.

Sd/ Illegible
P.B. Solanki
Deputy Secretary,
Urban Development & Urban Housing Dept.

To

- Municipal Commissioner, Municipal Corporation, Ahmedabad, Surat, Vadodara, Rajkot, Jamnagar, Bhavnagar.
 - Director of Municipality, Office of Director of Municipality, Ahmedabad.
 - President/ Administrator, Director of All Nagarpalikas
-

- Regional Director, Office of Regional Director, Rajkot
- Chief Superintendent of Police & Police Officer, New Mental, Ahmedabad.
- All Collectors

Copy forwarded for information to :-

- 1 P.S. to Hon'ble Chief Minister, Sachivalaya, Gandhinagar.
- 2 Hon'ble Speaker, Gujarat Legislative Assembly, Sachivalaya, Gandhnagar.
- 3 P.S. to Hon'ble Minister (Cabinet) (Home), Sachivalaya, Gandhinagar.
- 4 P.S. to Hon'ble Minister (Urban Development), Sachivlaya, Gandhinagar.
- 5 P.S. to Addl. Chief Secretary (Home), Sachivalaya, Gandhinagar.
6. Addl. Chief Secretary (Panchayat), Urban Development & Urban Housing Department, Sachivalaya, Gandhinagar.
7. Deputy Secretary (Nagarpalika), Urban Development & Urban Housing Department, Sachivalaya, Gandhinagar.
8. Section Officer (M – Branch) Sachivalaya, Gandhinagar.

With a request to collect data of the activities that may be undertaken by all the Municipalities.

N.B. All Presidents/ Administrators of Nagarpalikas are requested to forward the report regarding action/steps taken within your jurisdiction to the Deputy Secretary(Nagarpalika).

• • •

34. The Yadi dated 22/23.08.2010 by the Superintendent of Police, Anand insisting to have the slaughter only from the recognized slaughter house and the slaughter of animals and selling of meat only after obtaining the required opinion of veterinary doctor.

TRUE TRANSLATION :

No. GNH/Animal Cruelty/Action/12682/10
Office of Superintendent of Police, Anand.
Date : 22/23.08.2010

Sub : Regarding showing the sections/provisions of law as applicable in connection with the offences of cruelty to the animals and to take stern actions.

Ref : Application of applicant Shri Surendrakumar Hariprasad Hathi, Animal Welfare Board of India.

With reference to the subject noted above and with reference to the subject under reference, it is hereby intimated and informed that after releasing the animals being transported illegally to the slaughter houses, police is initiating proceedings in accordance with law by registering offence and by filing chargesheet in the Hon'ble Court. However, in most of the cases, the chargesheet is being filed by registering offence under section 11(1)(2) of the Prevention of Cruelty to Animals Act, 1960. This section under the Act stipulates a sentence of fine only up to Rs.50/ for first offence, as a result of which, there is no decrease in such offensive acts. Because of registration of the offence under the weaker provisions of the Act, offenders without any fear are accelerating / increasing their offensive activities gradually and therefore the hard work put on by the police department and workers/ activities is rendered worthless/futile.

As and when vehicles containing animals and/or the animals going on foot are caught by the police (station) concerned, offences under the following provisions of law are committed :-

- (1) Under Sections 5 & 6 of the Bombay Animal Preservation Act, 1954. Further, the butchers are not having any authorized certificate either for transportation or for slaughter and, therefore, the same shall be verified.
- (2) Infectious animals are also being transported along with healthy animals and, therefore, the offence under section 269 of Indian Penal Code for an attempt to spread infectious disease in animals is committed.
- (3) When religious feelings of the people or the persons believing in non-violence are hurt in public, an offence under section 295(1) of Indian Penal Code is committed.
- (4) There is wide difference between the order passed under section 119 of the

Bombay Police Act and the order passed under section 11(1) of the Prevention to Cruelty to Animals Act. Definitions in both the Acts are quite different. Appropriate sections of law are required to be mentioned in the FIR.

In the case of transportation of the animals to slaughter house in an illegal manner, if offence is registered under sections 5, 6 & 8 of the Bombay Animal Preservation Act, 1954 (As amended by the Act of 1971), sentence to undergo R/I up to 6 months OR to pay a fine of Rs.1000/ and/or both is provided. If such offence is committed within the area falling under Municipal Corporation, for commission of offences under sections 335 & 376(1) of the B.P.M.C. Act, sentence to pay a fine of Rs.100/ and Rs.500/ respectively is provided.

In this connection, therefore, all the Police Officers in charge of the police stations are hereby instructed that with a view to see that the provisions of law regarding illegal transportation of the animals to slaughter houses become more effective and with a view to see that such offensive activities are restricted/ controlled, when such offences are committed, Police Station Officer shall register criminal complaint under sections 5,6 & 8 of the Bombay Animal Preservation Act,1954 and if such offence is committed in the area falling within the area of Municipal Corporation, he shall also register offence under sections 335 and 376(1) of the B.P.M.C. Act and thereafter to initiate action in accordance with law to file the chargesheet in the Hon'ble Court. These instructions should be complied with scrupulously and if such types of offences are registered in the police stations concerned, necessary sections of relevant provisions of law shall be added and necessary action in this regard shall be completed.

Sd/ A.K. Jadeja
Superintendent of Police, Anand

Copy forwarded to:-

- All the In-charge Police Station Officers
- All the Deputy Superintendent of Police/ CPIs
- Police Inspector, LCB/ SOG, Anand.

Copy respectfully forwarded to :-

- District Magistrate & Collector, Anand for information.
- 2. Shri Surendrakumar Hariprasad Hathi, Chief Officer, Animal Welfare Board of India, Re: Halar Engineering Works, B/h Kashi Vishwanath Temple, Jamnagar. FAX (0288- 2568471)

. . .

35. The letter dated 25/26.02.2002 and 15.03.2002 for the Constitution of the Societies for Prevention of Cruelty to Animals in each District.

ANIMAL WELFARE BOARD OF INDIA

(Animal Welfare Division, Govt., of India)

Post Box No. 8672
3rd Seaward Road,
Valmiki Nagar,
Thiruvannamiyur,
Chennai - 600 041.
Dt. 15 March, 2002.

No. : 2/2002-P C A
All Animal Husbandry secretaries
of All States &
Union Territories,
All District Collectors &
District Magistrates.
Sir/Madam,

**Sub. : Enforcement of Prevention of Cruelty to Animals
(Societies for Prevention of Cruelty to animals) Rule, 2001.**

The Government of India have notified the prevention of cruelty to Animals (Establishment of Societies for prevention of cruelty to animals) Rules, 2001. A copy of the Rules is enclosed herewith for ready reference.

In this connection I am directed to request you to issue necessary instructions for the establishment of SPCAs in all the districts under your control. We also send herewith a model constitution and a booklet about How to Start Animal Welfare Organisation.

Your reply about the action taken may kindly be intimated to us.

Thanking you,

Yours faithfully,
(K. BABU)
Secretary (offg.)

Veena Upadhyay
Joint Secretary
Tel. / Fax : 3344421

Government of India
Ministry of Statistics & Programme Implementation
Animal Welfare Division
3rd Floor, Sardar patel Bhavan, Sansad Marg, New Delhi - 110001.

D.O.No,197/JS(AW)/2002

Dated 25/26th February 2002

Dear

The main responsibility of the Animal Welfare Division is to implement the provisions of the Prevention of Cruelty to Animals Act, 1960, and the various Rules framed under the above-said Act. The objective of the referred to Act is minimization of pain and suffering to animals, and-adoption of animal welfare measures. The said objective is also sought to be accomplished through the two statutory bodies viz. the Animal Welfare Board of India, and Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA).

2. Your kind attention is drawn to my predecessor's D.O. No.1-5/2001-AWD dated 29th November,2001 addressed to the Chief Secretary wherein he had enclosed a copy of Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001, and had requested for establishment of a Society for Prevention of Cruelty to Animals (SPCA) in each district on a priority basis. As a matter of fact, the Rules which came into force on 26th March,2001, envisage setting up the SPCA in each district within six months of Rules coming into existence. Rule 4(1) of the said Rules also enjoins upon every State Government to provide adequate land and other facilities to the Society for constructing infirmaries and Animal Shelters.
3. You would kindly appreciate that in the federal system of governance there should be a visible face of animal welfare at the State and District level so that the concern for animal welfare runs along the line. It is in this context that the undersigned has requested you to activate the functioning of State Animal Welfare Boards and also co-opt a representative of the Animal Welfare Division GOI as a Member, or till such time as he can be associated as a member, as a special invitee vide find my D.O. 166/JS(AW)/2002 dated 20.02.2002. .

4. As per the records available with us only 4 districts in you are, State whose names are given in the Annexure have got SPCAs so far.
5. I shall be grateful if extension of the network of SPCAs to the remaining districts of the State is accorded the highest priority. A copy of the instructions issued in this regard to the Collectors/District Magistrates may kindly be made available to the undersigned for our record .and information. I may mention here that subject to the availability of the resources, establishment of the need, and the fulfillment of eligibility terms, the SPCAs request for financial assistance for Shelter Homes or Ambulance etc. can also be duly considered.

Yours, Sincerely,

(Veena Upadhyaya)

Dr. A.W.P. David
Secretary Animal Husbandry
Gujarat
Gandhinagar,
Fax No. : 2712-24393

GUJARAT :

Districts having SPCAs as on date are as follows :

1. Alkapuri
2. Ahmedabad
3. Bhuj
4. Vadodara

• • •

36. The letter dated 15.10.2008 by the Animal Welfare Board of India for the constitution of State Animal Welfare Board in each State and for the constitution of society in each district.

**Animal Welfare Board of India
(Ministry of Environment and Forests, Govt. of India)**

**D. Rajasekar, IFS
Secretary**

D. O. Letter No. 72/2008 dated 15th October, 2008

To,
The Director,
Animal Husbandry of all the States
and Union Territories
Sir,

**Sub. : Establishment of State Animal Welfare Board and Society for
Prevention of Cruelty to Animals in each District - Reg.**

The Animal Welfare Board of India was established by the Government of India in 1962 in accordance with Section 4 of the Prevention of Cruelty to Animals Act, 1960 (No. 59 of 1960). The Board has been constituted for the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular. The basic function of the Board is to keep law in force in India for the prevention of cruelty to animals under constant study and also to advise the Government on issues relating to animal welfare.

The Central Government has directed the States to constitute State Animal Welfare Boards in every State to address the State level and local animal welfare issues and to implement the Prevention of Cruelty to Animals Act, 1960 in effective manner.

In this regard, I wish to bring to your kind notice that the Hon'ble Supreme Court of India in W.P. (C) No. 440 (Geetha Seshamani Vs. UOI), wherein, Hon'ble Apex Court has taken a note of the fact that despite the provisions contained in aforementioned Rules, the Apex Court in its Order dated 6.8.2008 has directed all the State Governments "to constitute State Animal Welfare Boards within a period of three months and also to see that the Society for Prevention of Cruelty to Animals (SPCAs)

be also constituted in every district as contemplated under the Rules." (Copy enclosed)

In view of the above, it is hereby requested to implement the provisions of the Prevention of Cruelty to Animals Act, 1960 in letter and spirit and any violation of the above Order of the Supreme Court will amount to contempt of Court.

You are requested to direct to give suitable directions / instructions to all the authorities concerned to take necessary steps to constitute State Animal Welfare Board in the State and to establish Society for Prevention of Cruelty to Animals (SPCAs) in every District of the State and with a copy of the action taken in this regard may kindly be forwarded to us for our records and further necessary action.

A line in reply is highly solicited.

With warm regards,

Yours truly,
SD/-
(D. RAJASEKAR)

Encl : as above

• • •

37. The notification dated 14.10.1998 & 11.07.2011 naming the animals prohibited for performance under the PCA (Performing Animals) Rules.

Ministry of Social Justice and Empowerment
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
NOTIFICATION

New Delhi, the 14th October, 1998

G.S.R. 619 (E). - Whereas the High Court of Delhi in C.W.P. No. 890/91 by its order dated 21st August, 1997 directed that "the Central Government may take up the notification dated 2-3-1991 for consideration afresh" and "take into consideration such material as may be available with it or it may choose to collect through any of the authentic agencies or such other agency or committee of experts as it may choose to appoint"; Whereas in pursuance of the order of the Hon'ble High Court of Delhi, the Central Government constituted a Committee under the Chairmanship of Additional Inspector General of Forests (Wildlife) to have a fresh look at the notification G S P No. 252 dated 2-3-1991 in the light of the additional material available with any authenticated agencies such other agency persons;

Whereas the said Committee submitted its report to the Central Government;

Whereas the Central Government has taken into consideration the report of the said committee; Now, therefore, in exercise of the powers conferred by section 22 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), and in supersession of the Notification of the Government of India in the erstwhile Ministry of Environment and Forests G.S.R. No. 252 dated 2-3-1991 and G.S.R. No. 485 dated 7-8-1991, except as respects things done or omitted to be done before such supersession, the Central Government hereby specifies that the following animals shall not be exhibited or trained as performing animals, with effect from the date of publication of this notification, namely

1. Bears 2. Monkeys 3. Tigers 4. Panthers 5. Lions

[File No. 9-9/97-A.W.]
Dr. M. S. AHMED. Jt. Secy.

NOTIFICATION

G.S.R. 528(E)- In exercise of the powers conferred by section 22 of the prevention of cruelty to Animals Act, 1960 (59 of 1960), and in supersession of the Notification of the Government of India in the erstwhile ministry of social justice and Empowerment No G.S.R. 619 (E), dated 14-10-1998, except as respects things done or omitted to be done before such supersession, the Central Government, hereby specifies that the following animals shall not be exhibited or trained as performing animals, with effect from the date of publication of this notification, namely :-

1. Bears, 2. Monkeys, 3. Tigers, 4. Panthers, 5. Lions, **6. Bulls**

[F.No.27-1/2011-AWD]

Dt. : 11.07.2011

ANJANI KUMAR, Director (AW)

38. The proposed education of Animal Laws by the Bar Council of India.

LEGAL EDUCATION COMMITTEE'S RECOMMENDATION TO INCLUDE ANIMAL LAWS IN CURRICULUM

The Legal Education Committee of the Bar Council of India has recommended that the subject of "Animal Welfare" should be included in the curriculum for legal studies and should be taught as "Environmental Law including laws for the protection of Wild Life and other Living Creatures", This has been intimated by the Chairman of the Bar Council of India, Shri D. V. Subba Rao in a letter to the Ministry of Social Justice & Empowerment.

This recommendation is being forwarded to all the Universities for introduction of the course. Some Universities have already introduced such a course or have taken action to include in their syllabi. These include National Law School of India, University, Bangalore; Jamia Millia Islamia University, New Delhi; Punjabi University, Patiala; Aligarh Muslim University, Aligarh; the WB National University of Juridical Sciences, Calcutta.

It is expected that the recommendations of the Bar Council of India and the introduction of such a course would sensitize the officials who deal with the complaints filed against cruelties caused to the animals. This would also increase awareness to issues related to environment and animal welfare as the lack of awareness about animal laws was leading to a situation where animal welfare issues got ignored,

• • •

39. The notification dated 10.01.2003 constituting the committee for the experiment on the animals.

True translation :

NOTIFICATION DATED 10.01.2003

FOR ESTABLISHMENT OF A COMMITTEE FOR CONTROL ON THE
EXPERIMENTS ON THE ANIMALS

S.O. 32(e)

Dated 10.01.2003.

In exercise of the powers conferred under Section 15 of the Prevention of Cruelty to Animals Act, 1960 (59th of 1960), on the advise of the Board of Central Government and on being satisfied that a Committee is required to be set up / established for the purpose of Control & Supervision on the experiments made on the animals, a Committee consisting of following individuals as members thereof, is hereby constituted and functioning thereof will be deemed to have commenced from the date of publication of the notification in that regard in the Official Gazette, viz;

- | | |
|--|------------------|
| 1. Special Secretary, Ministry of Environment & Forest, COG Complex, Lodhi Road, New Delhi. | Chairman/ Member |
| 2. Successor, Health & Family Welfare Ministry, Nirman Bhavan, New Delhi | Member |
| 3. Successor, Department of Bio Technology, CGO Complex, New Delhi | Member |
| 4. Assistant Director General (Animal Science), ICAR, Agriculture Research & Education Ministry, New Delhi. | Member |
| 5. Director, Indian Veterinary Research Institute, Bareilly, Uttar Pradesh | Member |
| 6. Vice Chancellor, Tamil Nadu University of Veterinary & Agricultural Sciences (TA & UBS) OR his Successor, Chennai | ---- |
| 7. Vice Chancellor, Maharashtra Animal & Fisheries Science University OR his Successor. | Member |
| 8. Drug Controller General of India, Health & Family Welfare Ministry, Nirman Bhavan, New Delhi. | Member |

- | | | |
|-----|---|-------------------|
| 9. | Director, Indian Council of Medical Sciences,
Ansari Nagar, New Delhi. | Member |
| 10. | Director, All Indian Institute of Medical Sciences,
Ansari Nagar, New Delhi. | Member |
| 11. | Director, Indian Institute of Sciences, Bangalore | Member |
| 12. | Plant Production Advisor, Agriculture Ministry,
New Delhi. | Member |
| 13. | Joint Secretary (Animal Welfare), Environment &
Forest Ministry, New Delhi. | Member |
| 14. | Shri Bala Krishnamurthy, Director, Indian Institute
of Bio-Technology & Fisiology (IIBS), Madras | Member |
| 15. | Shri K.M. Charo, Deputy Director, Shree Ram
Institute of Industrial Research, New Delhi. | Member |
| 16. | Miss Norma Elwarez, People for Animals, Goa. | Member |
| 17. | Miss Sanobar Bharucha, Compassion Unlimited
Plus Action (CUPA), Bangalore | Member |
| 18. | Director (Animal Welfare), Environment & Forest
Ministry, New Delhi | Member/ Secretary |
2. The Central Government, hereby appoints Special Secretary, Environment & Forest Ministry as Chairman under section 15 of the said Act.
 3. The tenure of the committee, if not dissolved immediately, will be for a period of 4 years from the date of its formation.
 4. The Committee constituted vide Official Gazette SO No.140(e) dated 17.02.2000, hereby stands dissolved on publication of this notification in the Official Gazette.

• • •

40. The resolution dated 10.08.2007 by the Department of Forest and Environment, Gujarat Government constituting the Wildlife Crime Control Bureau under Section 38 of the Wildlife (Protection) Act, 1972.

**Govenment of Gujarat
Forest & Environment Department
GR No. : HLC - 102007-603-GI**

New Sachivalya Gandhinagar.
Date : 10th August, 2007

Preamble :

In the wake of the recent poaching of the lions in the Gir, Hon. CM had visited Sasan Gir and had expressed his personal anguish and said that the state government views the incident very seriously. Hon. CM has announced the formation of a separate Wild Life Crime Cell in the Forest Department to deal effectively with the poaching crime by exchange of information and ideas with all India agencies and wild life experts and other state govenments. Accordingly, constitution of the wildlife crime cell was under consideration of the government.

G.R. : The state government is pleased to constitute a Wild Life Crime Cell. The cell will look into the following aspects :

1. The cell will deal effectively with Poaching crime by exchange of information and ideas with all India agencies.
2. It will collect and colleate information on the wild life crime in the state.
3. It will collect and collate information on the wild life crime in the state.
4. It will also suuggest measures to mitigate/curb the wild life crime in the state.
5. It will also suggest measures to effectively deal with such crimes.
2. The cell will comprise of the following members :
 1. Additional DGP, Home Department Chairmen
 2. PCCF (Wild Life) Member
 3. IGP, CID (Crime) Member
 4. Conservator of Forests (Wildlife), Junagath Member
 5. Conservator of Forests (Wildlife Crime), Member Secretary
Gandhinagar

3. The cell will be headed by Conservator of Forests (Wild Life Crime) Gandhinagar for the administration purpose. Following new posts are created for the cell :

1.	Conservator of Forest (Wild Life Crime)	-	One
2.	Assistant Conservator of Forests	-	Two
3.	Accountant	-	One
4.	Driver	-	One
5.	Clerk	-	One
6.	Peon	-	Two

Total Posts

Eight

The posts will be filled as per Annexure - A.

Performance review of the cell will be made on completion of its one year. Filling up of the above post through direct recruitment or on promotion will be decided after the performance review of the cell.

4. The following vehicles are approved for the cell and the same will be purchased with following terms and conditions:

1. **One car :** For Conservator of Forests (Wild life Crime), Gandhinagar.
 - (i) Competitive rates will be obtained through different agencies that have DGS&D rate contracts and the car will be purchased from the agency offering the lowest price within the limit of Rs. 5 lac. (Rs. Five lac only).
 - (ii) The car will be Diesel / CNG and Non-Ac. In case, the vehicle purchased is Non-CNG then it will be converted to CNG after the purchase.
2. **One Jeep-For Assistant Conservator of Forests**

The jeep will be kept on rent after following the present rule and regulations of the government.

5. The expenditure will be incurred from the saving under the following budget head :
Deamnd No. : 26
Major Head : 2406
Sub Head : 02 FST - 20 Management and development of national parks and sanctuaries

2406 02 110 02 8

This issues with the concurrence of Finance departments note dated 16.7.07 on this departments file of even number.

By order and in the name of Governor of Gujarat.

(Victor Mecwan)
Under Secretary to Government
Forests and Environment Department

Copy forwarded with compliments ot :

- Principal Secretary, Forest, Environment Department, Block No. 14, 8th Floor, New Sachivalaya, Gandhinagar.
- Additional DGP, Home Department
- IGP CID (Crime & Railway), Gujarat, Police Bhavan, Sector 18, Gandhinagar.
- PCCF, Dr. Jivraj Mehta Bhavan, Block No. 14, Gandhinagar.
- Principal Chief Conservator of Forests (WL), Gujarat State, Dr. Jivraj Mehta Bhavan, Block No. 14, Gandhinagr.
- Conservator of Forests (Wildlife Crime), Gandhinagar.
- Conservator of Forests (Wildlife), Junagadh.
- The Accountant General, Rajkot / Ahmedabad.
- The Finance Department, Sachivalaya, Gandhinagar.
- Financial Advisor, F & E Department, Sachivalaya, Gandhinagar.
- The Pay & Accounts Officer, Gandhinagar / Ahemdabad.
- Select file.

• • • •

ANNEXURE - A

	Name of the Post	Pay Scale	Sanctioned Posts	To be filled as follows:
1	Conservator of Forests(Wildlife Crime)	Rs. 16400-450-20000	1 (One)	To be adjusted internally.
2	Assistant Conservator of Forests	Rs.8000-275-13500	2(Two)	To be adjusted internally.
3	Accountant	Rs.4000-1 GO-6000	1(One)	On deputation from surplus cell, Finance department.
4	Driver	Rs.3050-75-4590	1(One)	To be adjusted internally.
5	Clerk	Rs.	1 (One)	On contractual basis for 11 months and fix pay of rs.2500/-as per attached terms and conditions.
6	Peon	Rs.3050-75-4590	2 (two)	As per OR No:MKM-2004-2539-kh3 of GAD dated 30,11,2006. It will be on the outsourcing mode and the expenditure should not be more than Rs.1500/-
		Total Posts	Eight	

41. The Vidhan Sabha question and answer dated 09.03.2005 regarding constitution and work of Wildlife Protection Board.

TRUE TRANSLATION :

WILDLIFE PROTECTION BOARD
IT'S ESTABLISHMENT & FUNCTIONS
Star Question No.10772 by Shri Govindbhai Parmar (Talala)
Presented on : 09.03.2005

QUESTION

REPLY BY HON'BLE
MINISTER OF FORESTS :

- | | |
|--|--|
| (1) Is it true and correct that
, as provided by the Amendment
In The Wildlife Protection Act,
2002 making provisions for
establishment of State Board for
Wildlife, whether such Board is
Constituted / established ? | (1) Yes |
| (2) If yes, what are the nature of
Functions / duty of this Board? | (2) The function / duty of the
State Board of Wildlife is
To give advise to the State
Government on the
Following matters / subjects:-
(a) Selection of the protected areas
for sanctuary / Rashtriya
Udhyan & it's Management.
(b) In the matter of work relating
to drafting of any policy for
protection and conservation of
wildlife and protected plants.
(c) Additions / Amendment in the
Schedule appended to Wildlife
Act.
(d) Any advise sought for by the
State Government in connection
with the protection of wildlife. |
| (3) For which Districts the Board
is established ? | (3) For entire State of Gujarat,
the Board is established /
constituted. |

42. The circular dated 24.05.2005 for preventing misuse of oxytocin injection.

True Translation :

CIRCULAR

Sub : Regarding prevention of misuse/ abuse of Injection “Oxytocine” .

During the raids inflicted by the Drugs Control Department in many parts of the State of Gujarat, the Department has recovered /seized unauthorized quantity of injection “Oxytocine” from Pan Galla shops, Provision Stores and from other businessmen.

“Oxytocine” Injection is to be used for the treatment of the animal as animal medicine under the supervision of Registered Veterinary Doctor only. It is a medicine for an internal oozing (exudation) and its uncontrolled/ haphazard use inflicts very grave impact on the health of the animal and as a result of which animal becomes a victim of very grave and serious disease. It is also revealed that the long term use of the milk produced and procured by the use of the said medicine by the human beings, also causes diseases in human beings.

Uncontrolled and haphazard use of the said injection by the unregistered (unqualified) Veterinary Officers and Animal-keepers for improving lactation i.e. procuring more milk production, affects very gravely the health of the animal which can also cause adverse effect on the health of the human beings after considerably long period.

Prevention of Cruelty to Animals Act, 1960 as amended by the Act of 1982, has been implemented and adopted by the State Government. As per Sec.12 of the said Act, if any person adopts any method out of the methods used for increase in production of milk (in which injection of any kind is being used) which includes pituitarian which causes harm to the health of the animal, the following provisions as to the imposition of fine and sentence/ imprisonment are made for those persons using such methods :-

1. If any person performs upon any cow or other milch animal the operation called phooka or doom dev or any other operation (including injection of any substance) to improve lactation which is injurious to the health of the animal, 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.

2. In view of section 31 of the Prevention of Cruelty to Animals Act, 1960, the Offence punishable under section 12 of the said offence is cognizable offence within the meaning of Code of Criminal Procedure Code, 1998.
3. As per the provisions of section 32(2) of the Prevention of Cruelty to Animals Act, 1960, if a police officer not below the rank of Sub Inspector, or any person authorized by the State Government in this behalf, has reason to believe that phooka or doom dev or any other operation of the nature referred to in section 12 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 that such animal is there, 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.

It is hereby intimated/informed to all the concerned Veterinary Officers of Animal Husbandry Department as well as to other technical employees/officers that uncontrolled/ haphazard use of “oxitocine injections on the animals can cause harm/injury to the animal and it may also cause loss/damage to the animal-keepers as their animal can become unproductive.

It is also hereby intimated and informed to provide guidance and to persuade all the animal-keepers under your area that there are provisions as to fine and imprisonment for the use of such injections.

Further, it is also intimated to extend co-operation to the police department at an appropriate time for bringing awareness of the animal-keepers in this regard.

Place: Gandhinagar
Date : 24.05.2005

sd/ Illegible
Dr. R.B. Shukla
Director of Animal Husbandry
Gujarat State, Gandhinagar.

Outward No.V-VET-2-3483-3436-2005

Office of the Director of Animal Husbandry, Gujarat
State,
Krishi Bhavan, Sector No.10-A,
Gandhinagar.

Date : 24.05.2005

Copy forwarded with compliments to :-

1. Deputy Director of Animal Husbandry,
All District Panchayats.
2. Deputy Director of Animal Husbandry,
All Vet.Poly.
3. Deputy Director of Animal Husbandry,
All Intensive Animal Breeding Schemes,
4. Deputy Director of Animal Husbandry,
All Animal Breeding Centres.
5. Deputy Director of Animal Husbandry,
All Units of Poultry Farms
6. Chief Director of Animal Husbandry.
7. Regional Joint Director of Animal Husbandry,
Ahmedabad, Region Rajkot, Vadodara.
8. Joint Director of Animal Husbandry,
AHBS (MM)
9. Pashudhan Branch/ Animal Health Branch

Copy respectfully forwarded to :-

1. Joint Commissioner (Drugs),
Commissioner, Food & Drugs Control
Department, Gujarat State,
Block No.8, 1st Floor,
Jivraj Mehta Bhavan, Gandhinagar
..... For information
2. Deputy Secretary,
Agriculture & Co.Operation Department,
Sachivalaya, Gandhinagar

Sd/ Illegible
Deputy Director of Animal Husbandry
(Epidemiology)

. . .

43. The orders dated 26.05.2006 by the Department of Personnel, Public Grievance and Pension for initiating disciplinary proceedings against Government employees causing cruelty to animals.

Fax : 011-3012432 (N.B.)
011-3013142 (E.O.)
011-4824821 (L.N.B.)
011-8107962 (Trg.Div.)
011-4361230 (P.E.S.B.)

F.No.30/9/22-WELFARE

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
DEPARTMENT OF PERSONNEL AND TRAINING
NEW DELHI

Lok Nayak Bhawan
Khan Market, New Delhi

Date : 26.05.2006

OFFICE MEMORANDUM :

Subject: Prevention of cruelty to animals-guidelines reg.

1. It has been brought to the notice of this Department that a number of Associations have been engaging in dealing with the problem of stray animals in their areas on their own or through security guards appointed by them. It has also been reported that apart from beating animals etc. some of the associations have also been taking recourse to intimidating residents who may be feeding / tending some of the stray animals.
2. Section 11 of Prevention of Cruelty to Animals Act, 1960 as amended from time to time, provides that if any person beats, kicks, over-drives, over-loads, tortures or otherwise treats any animals so as to subject it to unnecessary pain or suffering, he shall be punishable with fine and / or imprisonment. In terms of the provisions of the Act, therefore, the Government servant who indulges in act of cruelty to animals will be making himself liable for action under Prevention of

Cruelty to Animals Act. Besides, punishment under the Act, he would also make himself liable for action under CCS (Conduct) Rules for conduct unbecoming of a Government servant.

3. It may be noted that for dealing with the problem of stray animals, there are designated agencies in Government / local self-government organizations etc. Such organizations regularly undertake inoculations, sterilization of female animals etc. Recognized Associations in Government colonies may approach such institution for redressal of their grievances. Un-recognized associations may also approach such bodies with their individual / collective grievances, but they shall restrain from pretending to represent the residents in general. Where there is no recognized association, grievances, if any, of the residents may be taken up with the Institutions through the AWO / Office of the CWO. However, all the problems of stray animals have to be handled within the institutional framework available and no association, recognized or unrecognized, shall take recourse to action on their own, either themselves or through any person employed by them like security guards etc.
4. While residents and Associations are free to address institutional agencies for redressal of grievances in this matter, no resident / association will interfere with the freedom of other residents in tending animals etc. Intimidation, in any form, is a criminal offence. Apart from action under appropriate criminal law, such persons will under themselves liable for action under the CCS Conduct Rules.

SD/-
(M. S. Nagra)
Under Secretary (Welfare)
Tel. No.24646961

Copy to all Joint Secretaries (Administration) in all the Ministries/Depts. of Govt. of India, The provisions of Prevention of Cruelty to Animals Act, 1960 and the guidelines provided in the Circular may be brought to the notice of all employees in your Department.

Dept, of Posts,
(Shri P. Gopinath, Secretary)
New Delhi.

• • •

44. The circular dated 20.02.2007 by Gujarat University prohibiting dissection on live animals.

True translation :

GUJARAT UNIVERSITY

Academic / B/ 60666/2007

Date : 20.02.2007

CIRCULAR :

As per the orders of the Chancellor, it is hereby informed that against fatal use of animals like frogs, worms, rats, cockroach during scientific experiments and exhibitions, much hue and cry has been made and is being made in our country as well as in foreign countries. An opinion among the experts has cropped up that while imparting education in anatomy, such type of dissections of animals has not made much difference. Today, other alternatives to demonstrate exact reproduction of anatomy of the animals are available with the help of computer with computer simulation and computer graphics without making any dissection of the animals. In this context and taking into consideration both in the context of animal cruelty and the pains undergone by the students during such education, it appears just and proper that use of such dissections should be made at the minimum or such use should be stopped.

Further, keeping in view the opinion of the experts, it is hereby ordered to stop the use of animals in the subject of Zoology and in place thereof, it is hereby instructed to use alternative educational methods.

Further, considering the proposal of University Grants Commission and Ministry of Human Resources Department on the subject of Zoology, it appears just and proper to effect appropriate changes in the syllabus for the year 2007-2008 to prevent the misuse of the animals. Zoology Department of Gujarat University will provide guidance in this regard. This circular shall be required to be implemented/enforced from the academic year 2007-2008.

Sd/ Urmila Chaudhary
For Vice Chancellor

To :-

1. Principals of all the Science Colleges affiliated with the University.
2. Head of Science Bhavan of the University as well as all the Head of the Departments.
3. Head of Zoology Department, Gujarat University, Ahmedabad.

• • •

45. The notification dated 07.01.2010 by the Commissioner of Police Ahmedbad prohibiting use of Chinese thread during Uttarayan.

NOTIFICATION

ORDER NO. VISHA/A-SECTION/PERMIT/1098/2010 DATED 07/01/2010
PASSED BY POLICE COMMISSIONER, AHMEDABAD CITY.

Read : Letter No. ENV/10/2009/400/E dated 04.12.2009 by Forest & Environment Department, Government of Gujarat, Sachivalaya, Gandhinagar.

During Uttarayan Festival, on account of flying of kites with pakka threads made of synthetic material, toxic material or nylon, human beings as well as birds get injured and often they die also and, therefore, it appears to be necessary to prevent this. Hence, in the letter under reference issued by the Government, instructions have been issued under section 5 of the Environmental Protection Act, 1986.

THEREFORE, I, S.K Saikia, Police Commissioner, Ahmedabad City, in exercise of the powers conferred upon me under section 144 of the Code of Criminal Procedure, I hereby order in public interest in the context of Uttarayan Festival that there shall be a ban/prohibition for selling synthetic material, nylon threads, threads made from toxic material, for the purpose of flying the kite or for using the same for the said purpose or for selling the same for that purpose, in the entire area falling within the jurisdiction of Commissioner of Police, Ahmedabad City during the period from 08.01.2010 hours 00.00 to 18.01.2010 hours 24.00.

The person committing breach of and/or violating this order, shall be liable to be punished under section 188 of the Indian Penal Code (Act No.45 of 1860).

Therefore, I hereby order to publish press-notes and also issue advertisements in local news papers, Doordarshan, Radio and Electronic Media for wide publication of this notification for the information and knowledge of the people of the aforesaid area.

Issued today on 07.01.2010 under my seal and signature.

Seal

Sd/ S.K. Saikia,
Police Commissioner,
Ahmedabad City.

Copy respectfully forwarded to :-

- (1) Additional Chief Secretary, Government of Gujarat, Home Department, Gandhinagar.
- (2) Inspector General of Police and Director General of Police, State of Gujarat, Gandhinagar.
- (3) Inspector General of Police (Inteli.) State of Gujarat, Gandhinagar.
- (4) Municipal Commissioner, Ahmedabad city.
- (5) Collector, Ahmedabad
- (6) Director of Information, State of Gujarat, Gandhinagar.
- (7) Registrar, High Court of Gujarat, Ahmedabad.
- (8) Registrar, City Civil and Sessions Court, Ahmedabad
- (9) Registrar, Sessions Court, Mirzapur, Ahmedabad
- (10) Chief Metropolitan Magistrate, Ahmedabad.

Copy To :

- (1) Joint Police Commissioner, Sector 1/2, Crime Branch / Main Branch / Traffic, Ahmedabad.
- (2) Deputy Police Commissioner, Zone – 1 / 2 / 3 / 4 / 5 / 6 / Crime / Control, Ahmedabad.
- (3) Manager, Government Press and Stationary Department, Vadodara side Gazette Part-1 for publication.
- (4) All Additional Police Commissioner, Ahmedabad.
- (5) Senior Government Pleader, Ahmedabad
- (6) Public Relation Officers (Local Newspapers, All India Radio and Durdarshan Kentra for broadcasting / telecast)
- (7) All Police Inspectors, Ahmedabad city _____
- (8) Police Inspector, Ahmedabad, Railway Police Station
- (9) Police Sub Inspector, Sabarmati Railway Police Station

• • •

46. The notification dated 06.01.2010 by the District Magistrate, Ahmedabad prohibiting use of Chinese thread and glass coated thread during Uttarayan.

True Translation :

No. DC/MG/S.R.1/2010
Office of the District Magistrate,
Subhash Bridge Circle,
Ashram Road, Ahmedabad.
Date : 06.01.2010

READ :

- (1) Letter No. ENV/10/2009/400/E dated 04.12.2009 issued by the Forest & Environment Department of State of Gujarat.
- (2) Letter No. LIB/Notification/ 4705/ 09 dated 23.12.2009 issued by the Superintendent of Police, Ahmedabad (Rural)

During Uttarayan Festival, on account of flying of kites with pakka threads made of plastic, synthetic material, toxic material, iron powder, glass etc. as well as by the pakka threads of Chaina Made, humans beings as well as birds get injured and often they die also and, therefore, with a view to prevent the same in accordance with the instructions issued in the letter under reference vide Read (1) issued by the Government, I, B.R. Patel, Addl. District Magistrate, Ahmedabad, in exercise of the powers conferred on me under section 113, 33(w)(1) & (2) of the Bombay Police Act, I hereby order that there shall be a ban/prohibition on flying kites with the pakka threads made of plastic, synthetic material, toxic material, iron powder, glass etc. as well as by the pakka threads of Chaina Made as well as there shall be a ban/prohibition on flying the kites during the period between 6.00 a.m. to 8.00 a.m. in the morning and between 5.00 p.m. to 7.00 p.m. in the evening from 07.01.2020 to 17.01.2010, in the entire area falling notified herein below:-

AREA :

Except the area falling within the jurisdiction of Police Commissioner, Ahmedabad City, the entire area falling in Ahmedabad District.

The person committing breach of and/or violating this order, shall be liable to be punished under section 117 of the Bombay Police Act, 1951 as well as under section 188 of the Indian Penal Code (Act No.45 of 1860).

Therefore, I hereby order to make known this order to public by affixing copy thereof at conspicuous places, by beating drums in the area or by uses of loud-speakers and also by publishing press-notes and also issue advertisements in local news papers,

Doordarshan, Radio and Electronic Media for wide publication and also by getting the same published in the Extra-Ordinary Gazette of the Government of Gujarat.

Issued today on 06.01.2010 under my seal and signature.

Seal

Sd/ B.R.Patel,
Addl. District Magistrate,
Ahmedabad

Copy forwarded to :-

- (1) Superintendent of Police, Ahmedabad Rural, Ahmedabad.
For supplying copies of the aforesaid notification to all the Police Station and for implementation thereof.
- (2) Sub Divisional Magistrate, Ahmedabad, Viramgam, Dholka.
- (3) Divisional Police Officer, Dholka, Viramgam, Sarkhej.
- (4) Executive Magistrate, City, Dascroi, Dholka, Viramgam, Sanand, Mandal, Ranpur, Barvala, Detroj, Dhandhuka, Bavla.
- (5) All Police Inspectors/ Police Sub Inspectors,
_____ Police Station, Ahmedabad Railway Police Station.

Copy forwarded with respect to :

- (1) Director (Environment) & Addl. Secretary, Forest & Environment Department, Gujarat State, Gandhinagar.
- (2) Additional Chief Secretary, Government of Gujarat, Home Department, Gandhinagar.
- (3) Police Commissioner, Ahmedabad City, Ahmedabad.
- (4) Registrar, District Court, Old High Court Building, Navrangpura, Ahmedabad. High Court of Gujarat, Ahmedabad.
- (5) Government Pleader, City Civil Court, Bhadra, Ahmedabad.
- (6) Government Pleader, District Court, Mirzapur, Ahmedabad.

Copy To:

- (1) Assistant Director of Information, Polytechnic College Compound, Ambawadi, Ahmedabad
– For free of costs publication of this order in the news papers having wide circulation.
- (2) Manager, Govt. Press & Stationary Department,
- For publication of this order in Part-I of Government Gazette and thereafter sending 25 copies thereof.

• • •

47. The Yadi dated 25.08.2006 by the Director General of Police informing the provisions of the Animal Birth Control (Dogs) Rules, 2001 and for effective implementation thereof.

No.: PRC/Animal-Dog/163/2006
Office of the Additional Director General
of Police,
C.I.D. Crime and Railways,
Government of Gujarat, Gandhinagar.
Date : 25/08/2006

Memo

Sub: Regarding information and effective enforcement of the Animal Birth Control (Dogs) Rules, 2001.

With reference to the subject noted above, with respect, it is stated, as and when any proceedings / actions under the provisions of Section 44 of the Bombay Police Act, Sections 159 to 168 of Gujarat Panchayat Act, Sections 238 to 245 of the Gujarat Municipalities Act, 1863 are required to be taken in the area falling within your jurisdiction, you are requested to take such action after taking into consideration the provisions of the Animal Birth Control (Dogs) Rules, 2001 which Rules came to be published vide Notification dated 24-12-2001 by the Central Government in exercise of the powers vested in it under Section 38(1)(2) of the Prevention of Cruelty to Animals Act, 1960. Copy of the said Notification is enclosed herewith for necessary information and effective implementation.

Encl : As above

(G. C. Raigar)
Director General of Police,
C.I.D. Crime and Railways,
Government of Gujarat, Gandhinagar.

To,
- All Police Commissioner,
- All Head of the Range,
- All District Superintendents

Copy to :

- (1) Additional Secretary, Home Department (Special),
Gandhinagar, for information No.V-2/ARJ/122006/1400,Dated 11.08.2006.
- (2) Director General of Police and Chief Police Officer,
Government of Gujarat, Gandhinagar.

. . .

48. The Yadi dated 13.12.2010 by the S.P. Anand Regarding the approval of slaughterhouse and distribution of meat without obtaining opinion of competent doctor.

No. Appl./36/Local/3005/Vashi/18386/10

Office of Superintendent of Police, Anand.

Date : 13-12-2010

Sub : Regarding the approval of slaughterhouse and distribution of meat without obtaining opinion of competent doctor.

Yadi :

Regarding the aforesaid subject, it is to inform that the applicant Surendrakumar Hariprasad Hathi residing at Jamnagar has represented vide his application dated 26-11-2010 as under.

The persons selling the meat, sells the meat after obtaining the licence from the Municipality / Nagarpalika and the Food and Drugs Regulation Department and on the basis of such licence, slaughter the animals illegally. They do not inform, from which authorized and licensed slaughterhouse, they obtained the meat. Because, the meat can be obtained only if the animals are slaughtered. The shopkeepers selling the meat do not have any evidence like bill, cash memo and transport challan / receipt. Similarly, no such evidence is obtained during the police investigation and because of that reason such persons doing such activities get relief from the Hon'ble Court.

The meat is not checked by the authorized officer. No inquiry is made, whether it is obtained from the prohibited animal or other animal. No inquiry is made whether the slaughterhouse is legal or not. The meat shop has the licence for shop only from the Municipality or Nagarpalika and based upon the same they sell the meat by slaughtering the animals.

The meat is sold in the absence of the NOC from the Doctor and without permission/ approval as the authorized slaughterhouse. Such activity is an offence under the provisions of Indian Penal Code, Animal Preservation Act, Prevention of Cruelty to Animals Act, the Bombay Animal Preservation Act and legal proceedings can be initiated in this regard.

Thus, all police stations officers of the district are hereby informed that proceedings should be initiated regarding such activities and appropriate punishment can be imposed upon the offender if the legal investigation is conducted by collecting the sufficient evidence as aforesaid regarding the criminal case and thereafter appropriate charge-sheet is filed in the Court against the accused and thereby such illegal activities can be stopped.

Sd/ A.K. Jadeja

Superintendent of Police Anand

To,

District Police Stations and Police Inspector, LCB,

Copy respectfully forwarded to :-

- All Dy.S.P. and Reader Branch, Anandfor information.

Copy respectfully forwarded to :-

Shri Surendrakumar Hariprasad Hathi, Re: C/o. Shri Halar Engineering Works,
B/h Kashi Vishwanath Temple, Jamnagar - 361001

49. Directive dated 15.09.90 by Railway Board for prevention of cruelty to animals transported in rail.

Directive to the General Managers Railways

Government of India
Ministry of Railways
(Railway Board)
New Delhi
Dated – 25.9.90

No TCI/90/11/1
The General Managers,
All Indian Railways.

Sub : Steps for prevention of cruelty to animals transported in rail.

A copy of letter No. AWBI/CH/PCA/90 dated 18.5.90 from Chairman, Animal Welfare Board on the above subject is enclosed.

1. To Prevent cruelty to animals carried by rail instructions may please be issued to all concerned to ensure:
 - (i) That adequate ventilation is provided in Wagons;
 - (ii) Over loading is prevented and
 - (iii) Adequate facilities for water are provided.
2. In this connection attention is drawn to Rule 403 of Goods Tarrif part 1, Volume 1 and Rules 812.6, 812.7 and 812.9 of the Coaching Tarriff.
3. Instruction may please be issued to all concerned and receipt of this letter acknowledged.

(R. Aravamudhan)
Dy. Director, Traffic Comml. (R)
Railway Board.

50. Competent Officers under the Gujarat Animal Preservation (Amendment) Act, 2011

To finalise the competent officers under
the Gujarat Animal Preservation
(Amendment) Act, 2011

Agriculture and Cooperative department
Resolution No.APA-10-2011-633855-P I
Sachivalaya, Gandhinagar
Date : 24-10-2011

Read :

1. Gujarat Animal Preservation (Amendment) Act, 2011
2. Gujarat Animal Preservation (Amendment) Rules 2011
S.No.APA-10-2011-633855-95-P.I. – dated 24.10.2011

Preface :

Amendment is made to section 5 and 6 of the Gujarat Animal Preservation Act, 1954 vide the reference no.1 and the imprisonment and the fine is increased. The rules, in tune with the Act are framed under the reference no.2. In this connection, the competent officers are required to be appointed under the amendment provisions of section 6A(3) and section 6B(2), amended under the Gujarat Animal Preservation (Amendment) Act, 2011

Resolution :

After due consideration, in pursuance the referred details, and in view of the powers conferred under section 6A(3) and section 6B of the Gujarat Animal Preservation (Amendment) Act 2011, the police officers belonging to Gujarat Police Force, not below the rank of Police Sub Inspectors, are conferred powers as Competent Authority regarding illegal transport of cow progeny, slaughter of cow progeny, illegal transport and sale of its beef, under the Act and they are declared to be the Competent Authority for that purpose under this resolution.

By the order of and in the name of the Governor of Gujarat.

Bakul Shah
[Deputy Secretary]

To,

51. Instructions dated. 21.03.2005 by AWBI & dated 16.09.2006 by Director of Animal Husbandry, Gujarat for implementation of Slaughter House Rules.

No. E/VET/2/4690-4773/06
Office of the Director of Animal
Husbandry, Gujarat State,
Krishi Bhavan, Sector: 10-A,
Gandhinagar.

Date : 16.09.2006

Copy forwarded to :-

- (1) Deputy Director of Animal Husbandry,
..... All District Panchayats
- (2) Municipal Corporations of
Ahmedabad / Vadodara/ Surat/ Rajkot/ Jamnagar/ Bhavnagar.
- (3) Chief Officer, Municipalities/ Municipal Corporations
..... All Districts (Except six districts named at Sr.No.2 above)
- (4) District Collectors,
..... All Districts
- (5) Section Officer,
Agriculture & Co-Operation Department,
Sachivalaya, Gandhinagar.
- (6) Section Officer,
Urban Development Department,
Gandhinagar.
- (7) Section Officer,
Panchayat & Rural Housing.
- (8) Divisional Joint Director of Animal Husbandry,
Ahmedabad/ Rajkot/ Vadodara

..... For information, implementation & issuance of necessary instructions and orders at your level.

Sd/ Illegible
For, Director of Animal Husbandry,
Gujarat State, Gandhinagar

Ref : Letter No.9-1/2005/ PCA dated 21.03.2005 addressed by Animal Welfare Board of India, Ministry of Environment & Forests, Govt. of India.

CIRCULAR :

Along with the copy of the letter under reference Animal Welfare Board of India of India., please find enclosed herewith the copy of the Notification dated 26.03.2001 regarding all the activities/work being carried out in Slaughter House, infrastructure, wada (space) meant for keeping animals brought for slaughtering in accordance with the provisions of Slaughter House Rules, 2001. This circular has also been forwarded by the Government of India to the Municipal Commissioners of all the States as well as to the Collectors of all the Districts.

In the above-referred Slaughter House Rules, 2001, in view of sub-sections (1) & (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960, “at Serial No.3, a ban/prohibition is imposed to slaughter baby animal below the age of 3 months”. Veterinary Doctors are being appointed for undertaking exercise of issuing certificate of slaughtering of animal for all the registered slaughter houses in your district and, therefore, you are hereby intimated to provide/supply all the information required in this regard to all those concerned Veterinary Doctors and instruct them to take appropriate action to ensure that aforesaid provisions are complied with strictly. You are also requested to make necessary arrangement to furnish/forward one copy of the Slaughter House Rules, 2001 to all the concerned Veterinary Doctors so as to make them aware about the provisions of the aforesaid Rules and to take necessary actions in accordance with the provisions of the said Rules.

It is further intimated that certificate to the effect that animal is fit for slaughtering in the registered slaughter houses is being issued by the concerned Veterinary Doctor (Competent Authority). IN such certificate, at Sr.No.1 regarding description of the animal, there is a column given as to the age of the animal concerned. In the said column, an endorsement is required to be made to the effect that “animal concerned is not below the age of 3 months and accordingly, the age of the animal shall be shown in precise manner.” You are also requested to bring this aspect to the knowledge of the Veterinary Doctors.

Since the above aspect being legal aspect of the matter, you are requested especially to see that the aforesaid provisions are strictly complied with by the concerned officers.

Sd/ Illegible
Director of Animal Husbandry,
Gujarat State, Gandhinagar

Encl : Slaughter House Rules, 2001

ANIMAL WELFARE BOARD OF INDIA
(Ministry of Environment & Forests, Govt. of India)

13/1, 3rd Seward Road,
Valmikinagar, This Vanmiyur,
Chennai – 600041.

Phone : 044-24454735, 358

Fax : 044 – 24454330

Date : 21-3-05

No.9-1/2005 P.C.A.

To,
All State Secretary (Animal Husbandry)
All State Municipality / Corporation Commissioner,
All Secretary, State of Government,
All District Collector and District Magistrate

Sir,

With a view to reduce the cruelty towards the animals in slaughterhouses and for the purpose to supply the meat to the people in wholesale, of the non-prohibited animals, the Prevention of Cruelty to Animals (Slaughter Houses) Rules, 2001 – Slaughterhouses Rules are published by the Government of India in the Gazette dated 26.03.2001, the copy of which is sent herewith for implementation. The notification regarding the rules was circulated in March 2004.

It is requested to send the said rules for its strict implementation in the slaughterhouses to the Nagarpalikas at District level and also to the others. It is requested hereby to ensure that the children, stray dogs and the animals do not enter into the slaughterhouse.

If any response is communicated regarding the steps initiated in this regard, the same would be very appreciated.

With Thanks,

Yours faithfully,
Sd/-
Dr. R. Bala Subramaniam
Secretary

Encl : As above

MISCELLENOUS

1. LIST OF REGISTERED PANJARAPOLES RECOGNIZED AS INFIRMARIES BY THE STATE OF GUJARAT

Goseva Aayog,
State of Gujarat,
Block No. 7, 2nd Floor,
Dr.Jivraj Mehta Bhavan, Gandhinagar.
DISTRICT: AHMEDABAD – PANJARAPOLE

-
- (1) Mandal Mahajan Panjarapole, Taluka: Viramgam, District: Ahmedabad.
 - (2) Viramgam Mahajan Panjarapole, Taluka: Viramgam, District: Ahmedabad.
 - (3) Shrirampura Panjarapole, Taluka: Viramgam, District: Ahmedabad.
 - (4) Ahmedabad Panjarapole, Ahmedabad.
 - (5) Sheth Anandji Kalyanji Panjarapole, Ahmedabad.
 - (6) Shri Dhandhuka Khodadhor Panjarapole, Taluka: Dhandhuka, District: Ahmedabad.
 - (7) Ranpur Panjarapole, Taluka: Dhandhuka, District: Ahmedabad.
 - (8) Dholera Mahajan Panjarapole,, Taluka: Dhandhuka, District: Ahmedabad.
 - (9) Bavada Mahajan Panjarapole, Taluka: Dhandhuka, District: Ahmedabad.
 - (10) Naroda Mahajan Parabadi & Khoda Dhor Panjarapole Trust, Ahmedabad.
 - (11) Bavada Panjarapole, Taluka: Bavada, District: Ahmedabad.
 - (12) Dholaka Khodadhor Panjarapole, Taluka: Dholaka, District: Ahmedabad.
 - (13) Koth Panjarapole Trust, Taluka: Dholaka, District: Ahmedabad.
 - (14) Tejpal Vastupal Jain Charity Trust, Taluka: Dholka, District: Ahmedabad.
 - (15) Sheth Anandji Kushalji Khodadhor Panjarapole, Taluka: Sanand, Ahmedabad.
 - (16) Patadi Panjarapole, Taluka: Patadi, District: Ahmedabad.
 - (17) Bareja Panjarapole, Taluka: Dascroi, District: Ahmedabad.
 - (18) Jivdaya Kalyan Parivar, Ahmedabad.
 - (19) Manekchowk Khodadhor Panjarapole, Ahmedabad.

DISTRICT: SURENDRANAGAR – PANJARAPOLE

- (1) Dhangadhra Mahajan Panjarapole, Taluka: Dhangadhra, District: Surendranagar.
- (2) Thangadh Mahajan Panjarapole, Taluka: Thangadh, District: Surendranagar.

- (3) Limdi Mahajan Panjarapole, Taluka: Limdi, District: Surendranagar.
- (4) Lakhtar Mahajan Panjarapole, Taluka: Lakhtar, District: Surendranagar.
- (5) Sayla Mahajan Panjarapole, Taluka: Sayla, District: Surendranagar.
- (6) Halvad Mahajan Panjarapole, Taluka: Halvad, District: Surendranagar.
- (7) Chotila Mahajan Panjarapole, Taluka: Chotila, District: Surendranagar.
- (8) Muli Mahajan Panjarapole, Taluka: Chotila, District: Surendranagar.
- (9) Sudamada Mahajan Panjarapole, Taluka: Sayla, District: Surendranagar.
- (10) Chuda Mahajan Panjarapole, Taluka: Patadi, District: Surendranagar.
- (11) Patadi Mahajan Panjarapole, Taluka: Patadi, District: Surendranagar.
- (12) Bajana Mahajan Panjarapole, Taluka: Dasada, District: Surendranagar.
- (13) Rajsitapur Mahajan Panjarapole, Taluka: Patadi, District: Surendranagar.
- (14) Tinkar Mahajan Panjarapole, Taluka: Patadi, District: Surendranagar.
- (15) Godia Mahajan Panjarapole, Ta. Halvad, Dist. Surendranagar
- (16) Shree Aadariyana Mahajan Panjarapole, Ta. Dasada, Dist. Surendranagar
- (17) Shree Vadhavan Mahajan Panjarapole, Ta. Dist. Surendranagar
- (18) Panshina Mahajan Panjarapole Ta. Limadi, Dist. Surendranagar
- (19) Shree Jinjuvada Mahajan Panjarapole, Ta. Dist. Surendranagar
- (20) Dipchandgardi Rural, Ta. Dist. Surendranagar

DISTRICT - MEHSANA – PANJRAPOLE

- (1) Mehsana Panjarapole Sanstha, Ta. Dist. Mehsana
- (2) Kadi Panjarapole Sanstha, Ta. Kadi, Dist. Mehsana
- (2) Visnagar Gaurakhashn Panjarapole, Ta. Visnagar, Dist. Mehsana
- (4) Vijapur Mahajan Panjarapole, Ta. Vijapur, Dist. Mehsana
- (5) Kheralu Mahajan Panjarapole, Ta. Kheralu, Dist. Mehsana
- (6) Taranga Mahajan Panjarapole, Ta. Kheralu, Dist. Mehsana
- (7) Linch Mahajan Panjarapole, Ta. Jagudan, Dist. Mehsana
- (8) Jotana Mahajan Panjarapole, Ta. Jotana, Dist. Mehsana
- (9) Dingucha Mahajan Panjarapole, Ta. Visnagar, Dist. Mehsana
- (10) Pilvai Mahajan Panjarapole, Ta. Vijapur, Dist. Mehsana
- (11) Vadnagar Khodadhore Panjarapole, Ta. Vadnagar Dist. Mehsana

DISTRICT - PATAN – PANJRAPOLE

- (1) Patan Mahajan Panjarapole, Dist. Patan
- (2) Harij Panjarapole Mahajan Sanstha, Ta. Dist. Patan
- (3) Sami Mahajan Panjarapole Sanstha, Ta. Sami, Dist. Patan
- (4) Mujpur Mahajan Panjarapole, Ta. Sami, Dist. Patan
- (5) Manund Mahajan Panjarapole, Ta. Dist. Patan

- (6) Radhanpur Khodadhore Panjrapole, Ta. Radhanpur, Dist. Patan
- (7) Shantalpur Khodadhore Panjrapole, Ta. Shiddhpur, Dist. Patan
- (8) Shiddhpur Panjrapole, Ta. Shiddhpur, Dist. Patan
- (9) Chanshama Mahajan Panjrapole, Ta. Chanshama, Dist. Patan
- (10) Ranunj Mahajan Panjrapole, Ta. Ranunj, Dist. Patan
- (11) Shariday Jain Shwetambar Murtipujak Shangh, Ta. Dist. Patan
- (12) Sami Gaushala Mandal Panjrapole, Ta. Sami, Dist. Patan
- (13) Shidhapur Mahajan Panjrapole / Gaushala, Ta. Shidhapur, Dist. Patan
- (14) Unja Mahajan Panjrapole, Ta. Unja, Dist. Patan
- (15) Bahucharaji Mahjan Panjrapole, Ta. Chanshama, Dist. Patan
- (16) Chanshama Mahajan Panjrapole, Ta. Chanshama, Dist. Patan
- (17) Modhera Jivdaya Panjarapole Sanstha, Ta. Chanshama, Dist. Patan

DISTRICT : GANDHINAGAR – PANJARAPOLE

- (1) Pethapur Mahajan Panjarapole, Taluka – District : Gandhinagar.
- (2) Ganesh Ashram Panjarapole, Taluka – District : Gandhinagar.
- (3) Mansa Panjarapole, Taluka: Mansa, District : Gandhinagar.
- (4) Dahegam Khodadhore Panjarapole, Taluka: Dahegam, District: Gandhinagar.
- (5) Kalol Panjarapole, Taluka: Kalol, District: Gandhinagar.
- (6) Panjarapole, Taluka: Kalol, District: Gandhinagar.
- (7) Kadi Panjarapole, Taluka: Kadi, District: Gandhinagar.
- (8) Panchasar Panjarapole, Taluka: Kalol, District: Gandhinagar.

DISTRICT : BHAVNAGAR – PANJARAPOLE

-
- (1) Botad Mahajan Panjarapole, Taluka: Botad, District: Bhavnagar.
 - (2) Gadhada Mahajan and Goshala Trust, Taluka: Gadhada, District: Bhavnagar.
 - (3) Vallabhipur Panjarapole, Taluka: Vallabhipur, District: Bhavnagar.
 - (4) Jesur Mahajan Panjarapole and Goshala Sarvjanik Trust, Taluka: Shihor, District: Bhavnagar.
 - (5) Rohishala Panjarapole, Taluka: Shihor, District: Bhavnagar.
 - (6) Bhavnagar Panajapole, District: Bhavnagar.
 - (7) Shri Mahuva Panjarapole, District: Bhavnagar.
 - (8) Shri Gauraksha, Palitana, District: Bhavnagar.
 - (9) Sheth Ananji Kalyanji Panjarapole, District: Bhavnagar.
 - (10) Padiad mahajan Panjarapole and Goshana Trust, Taluka: Botad, District: Bhavnagar.
-

- (11) Sheth Ananji Kalyanji Panjarapole Sarvajanic Trust, Taluka: Mahuva, District: Bhavnagar.
- (12) Savarkundala Goshala Panjarapole, Taluka: Gariyadhar, District: Bhavnagar.
- (13) Gariyadhar Goshala Panjarapole, Taluka: Gariyadhar, District: Bhavnagar.
- (14) Shihor Mahajan Panjarapole, Taluka: Gariyadhar, District: Bhavnagar.
- (15) Shrimali Tapsya Jain Sangh Panjarapole, District: Bhavnagar.
- (16) Dungar Panjarapole, District: Bhavnagar.
- (17) Visamanbhat Panjarapole / Goshala, Taluka: Botad, District: Bhavnagar.
- (18) Shri Jain Shvetambar Murtipujak Sangh Panjarapole, Taluka: Shihor, District: Bhavnagar.
- (19) Samadhiyala Panjarapole, Taluka: Ghogha, District: Bhavnagar.
- (20) Shri Sarvoday Goushala Gousadan Panjarapole, Taluka: Palitana, District: Bhavnagar.
- (21) Shah Lilachand Tarachand Girivihar Panjarapole, Taluka: Palitana, District: Bhavnagar.

DISTRICT : AMRELI – PANJARAPOLE

- (1) Amreli Mahajan Panjarapole, Taluka: District – Amreli.
- (2) Shri Babra Panjarapole, Taluka: Babra, District: Amreli.
- (3) Sarvoday Jivkhaya Sangh Panjarapole, Taluka : Rajula City, District: Amreli.
- (4) Sarvoday Jivkhaya Sangh Panjarapole, Taluka : Rajula City, District: Amreli.
- (5) Kodinar Mahajan Panjarapole, Ta. Kodinar, Dist. Amreli
- (6) Ladhi Mahajan Panjarapole, Ta. Ladhi, Dist. Amreli
- (7) Chital Mahajan Panjarapole, Ta. Babra, Dist. Amreli
- (8) Kunkavav Mahajan Panjarapole, Ta. Kunkavav, Dist. Amreli
- (9) Mahuva Mahajan Panjarapole, Ta. Mahuva, Dist. Amreli
- (10) Rajula Panjarapole, Ta. Dist. Amreli
- (11) Chalala Panjarapole, Ta. Dhari, Dist. Amreli

DISTRICT - RAJKOT – PANJARAPOLE

- (1) Dhoraji Panjarapole And Gaushala, Ta. Ghoraji, Dist. Rajkot
- (2) Jetpur Mahajan Panjarapole, Dist. Rajkot
- (3) Rajkot Mahajan Panjarapole, Ta. Dist. Rajkot
- (4) Morbi Mahajan Panjarapole, Ta. Morbi, Dist. Rajkot
- (5) Gondal Mahajan Panjarapole, Dist. Rajkot
- (6) Bhayavadar Panjarapole, Ta. Upleta, Dist. Rajkot
- (7) Vankaner Panjarapole And Gaushala, Ta. Vankaner, Dist. Rajkot
- (8) Vinchiya Mahajan Panjarapole, Ta. Jasadan, Dist. Rajkot
- (9) Tankara Panjarapole Trust, Dist. Rajkot

- (10) Jasadan Mahajan Panjrapole, Ta. Jasadan, Dist. Rajkot
- (11) Upleta Mahajan Panjrapole, Ta. Ghoraji, Dist. Rajkot
- (12) Jamkandorna Mahajan Panjrapole, Ta. Jamkandorna, Dist. Rajkot
- (13) Khakharechi Mahajan Panjrapole, Ta. Maliya, Dist. Rajkot
- (14) Gauseva Panjrapole Trust, Ta. Gondal, Dist. Rajkot
- (15) Bhadla Mahajan Panjrapole, Ta. Dist. Rajkot
- (16) Gokul Gosadan, Ta. Upleta, Dist. Rajkot
- (17) Gram Swavraj Shikhashan Kendra, Ta. Jasadan Dist. Rajkot

DISTRICT - JUNAGDHA – PANJARAPOLE

- (1) Junagdha Panjrapole And Gaushala, Ta. Dist. Junagdha
- (2) Veraval Mahajan Panjrapole, Ta. Veraval, Dist. Junagdha
- (3) Vishavdar Gaushala Panjarapole, Ta. Vishavdar, Dist. Junagdha
- (4) Maliya Hatina Gaushala Panjrapole, Dist. Junagdha
- (5) Junagdha Panjrapole Limndra, Ta. Una, Dist. Junagdha
- (6) Devuna Delvada Mahajan Panjrapole, Ta. Una, Dist. Junagdha
- (7) Mangrol Mahajan Panjrapole, Ta. Mangrol, Dist. Junagdha
- (8) Bilkha Mahajan Panjrapole, Ta. Vishavdar, Dist. Junagdha
- (9) Menderda Mahajan Panjrapole, Ta. Menderda Dist. Junagdha
- (10) Patan Mahajan Panjrapole, Ta. Somnath, Dist. Junagdha
- (11) Vanthali Jain Sangh Panjarapole, Taluka: Vanthali, District: Junagadh.
- (12) Nandanvan Panjarapole, District: Junagadh.
- (13) Sarvoday Khedut Mandal, Taluka: Kutiyana, District: Junagadh.
- (14) Madhavpurghed Mahajan Panjarapole, Taluka: Mangrol, District: Junagadh.
- (15) Gauseva Trust Chorwad Panjarapole, Taluka: Mangrol, District: Junagadh.
- (16) Babra Gaurakshak Panjarapole, District: Junagadh.
- (17) Simar Mahajan Panjarapole, District: Junagadh.
- (18) Gauseva Sangh Bhesan, District: Junagadh.
- (19) Keshod Gaushala / Panjarapole, Taluka: Keshod, District: Junagadh.
- (20) Aakha Panjarapole, District: Junagadh.
- (21) Bhesan / Medarda Panjarapole / Gaushala, Taluka: Bhesan, District: Junagadh.
- (22) Birds and Animals Welfare Mandal, District: Junagadh.

DISTRICT : JAMNAGAR – PANJARAPOLE

- (1) Jamnagar Mahajan Panjarapole, District: Jamnagar.
- (2) Khambhalia Mahajan Panjarapole, Taluka: Jamkhambhalia, District: Jamnagar.
- (3) Salaya Gushala / Panjarapole, Taluka: Salaya, District: Jamnagar.
- (4) Jodiya Mahajan Panjarapole, Taluka: Jodiya, District: Jamnagar.
- (5) Okhkrushna Panjarapole & Gaushala, Taluka: Dwarka, District: Jamnagar.

- (6) Moavana Mahajan Panjarapole, Taluka: Khambhalia, District: Jamnagar.
- (7) Dhrol Gaushala Panjarapole, District: Jamnagar.
- (8) Shri Panjarapole, Taluka: Jodiya, District: Jamnagar.
- (9) Kalavad Panjarapole, Taluka: Kalavad, District: Jamnagar.
- (10) Vasal Mahajan Panjarapole, Taluka: Dwarka, District: Jamnagar.
- (11) Bhanvad Mahajan Panjarapole, District: Jamnagar.
- (12) Khambhalia Mahajan Panjarapole, District: Jamnagar.
- (13) Sheth Harjivandas Narottamdas Panjarapole, District: Bhavnagar.
- (14) Seva Samiti Panjarapole, Taluka: Kalavad, District: Jamnagar.
- (15) Gauseva Mandal Panjarapole, Taluka: Jamjodhpur, District: Jamnagar.
- (16) Gaurakshak Mandal Panjarapole, Taluka: Lalpur, District: Jamnagar.
- (17) Gauseva Samiti Panjarapole, Taluka: Dwarka, District: Jamnagar.
- (18) Shri Gauseva Sadan Panjarapole, Taluka: Jamjodhpur, District: Jamnagar.

DISTRICT: PORBANDAR – PANJARAPOLE

- (1) Porbandar Panjarapole, District: Porbandar.
- (2) Ranavar Panjarapole, District: Porbandar.
- (3) Kutiyana Panjarapole, District: Porbandar.
- (4) Sarvoday Khedut Mandal / Panjarapole, District: Porbandar.

DISTRICT - KUTCHH – PANJARAPOLE

- (1) Bhuj Panjarapole Shanthia, Dist. Kutchh
- (2) Kutchh Mundra Panjarapole, Dist. Kutchh
- (3) Kutchh Mandvi Panjarapole, Dist. Kutchh
- (4) Anjar Mahajan Panjarapole, Ta. Anjar, Dist. Kutchh
- (5) Shree Vardhaman Jivdaya Kendra Luni, Ta. Mundra, Dist. Kutchh
- (6) Shree Gundala Panjarapole Sanchalit Trust, Dist. Kutchh
- (7) Shree Gundala Mumbai Mahajan Sanchalit Shree Gundala Panjarapole, Ta. Mundra, Dist. Kutchh
- (8) Shree Kandagara Panjarapole And Jivdaya Seva Trust, Ta. Mundra, Dist. Kutchh
- (9) Shree Bhagvan Mahavir Pashu Raksha Kendra, Ta. Mundra, Dist. Kutchh
- (10) Shree Kutchh Durgapure Panjarapole, Ta. Mandvi, Dist. Kutchh
- (11) Shree Bidada Panjarapole And Gaushala, Ta. Mandvi, Dist. Kutchh
- (12) Shree Pith Rataliya Ashapura Mataji Mandir And Gaushala panjarapole, Ta. Mandvi, Dist. Kutchh
- (13) Shree Jayotevshavar Mahadev Panjarapole And Gaushala Trust, Ta. Mandvi, Dist. Kutchh
- (14) Shree Panjarapole Gaushala Charitable Trust, Ta. Abdasa, Dist. Kutchh
- (15) Shree Jakhau Panjarapole Trust, Ta. Abdasa, Dist. Kutchh

- (16) Suthari Panjrapole, Ta. Abdasa, Dist. Kutchh
- (17) Shree Kothara Panjrapole Trust, Ta. Abdasa, Dist. Kutchh
- (18) Shree Tera Panjrapole, Ta. Abdasa, Dist. Kutchh
- (19) Shree Parjav Panjrapole Gaushala Trust, Ta. Abdasa, Dist. Kutchh
- (20) Shree Madhapar Gaurakhashan Shanstha Trust And Havado, Ta. Bhuj, Dist. Kutchh
- (21) Moti Rudrani Jagir Gaushala And Panjrapole, Ta. Bhuj, Dist. Kutchh
- (22) Moti Rudrani Seva Mandal Trust Sanchalit Panjrapole, Ta. Bhuj, Dist. Kutchh
- (22) Moti Rudrani Seva Mandal Trust Sanchalit Gaushala Panjrapole, Ta. Bhuj, Dist. Kutchh
- (23) Shree Kotay Panjrapole And Panjrapole Cheritable Trust, Ta. Bhuj, Dist. Kutchh
- (24) Shree Katchh Narayan Sarovar Gaushala And Panjrapole, Ta. Bhuj, Dist. Kutchh
- (25) Shree Bhachav Panjrapole, Ta. Bhachau, Dist. Kutchh
- (26) Shree Manfara Panjrapole, Ta. Bhachau, Dist. Kutchh
- (27) Shree Adhoi Panjrapole, Ta. Bhachau, Dist. Kutchh
- (28) Shree Katchh Vagad Lakadiya Panjrapole, Ta. Bhachau, Dist. Kutchh
- (29) Shree Khedoi Moti Gaushala Panjrapole, Ta. Anjar, Dist. Kutchh
- (30) Shree Nagavladiya Gaushala Panjrapole Cheritable Trust, Ta. Anjar, Dist. Kutchh
- (31) Shree Nakhatrana Gauseva Panjrapole, Ta. Nakhatrana, Dist. Kutchh
- (32) Jivdaya Panjrapole Trust, Ta. Rapar, Dist. Kutchh
- (33) Jivdaya Kendra Padampar, Ta. Rapar, Dist. Kutchh
- (34) Khadsiya Panjrapole, Ta. Bhachau, Dist. Kutchh
- (35) Kotada Mahajan Panjrapole, Ta. Anjar, Dist. Kutchh
- (36) Shree Jivdaya Mandal Rapar, Ta. Rapar, Dist. Kutchh
- (37) Bhujpure Panjrapole, Ta. Mundra, Dist. Kutchh
- (38) Ravechi Panjrapole, Motirav, Ta. Rapar, Dist. Kutchh
- (39) Shree Rataliya Panjrapole, Ta. Mundra, Dist. Kutchh
- (40) Shree Chasara Jivdaya Kendra, Ta. Mundra, Dist. Kutchh
- (41) Shri Bhoral Panjarapole, Taluka: Mandra, District: Porbandar.
- (42) Shri Lakhpatt Panjarapole, Taluka: Lakhpatt, District: Porbandar.
- (43) Shri Naliya Panjarapole Gaushala Charitable Trust, Taluka: Abadsa, District: Kutch.

DISTRICT : BANASKANTHA – PANJARAPOLE

- (1) Palanpur Mahajan Panjarapole, Taluka: Palanpur, District: Banaskantha.
- (2) Rajpur Deesa Panjarapole, Taluka: Rajpur, District: Banaskantha.
- (3) Old Deesa Panjarapole, Taluka : Deesa, District: Banaskantha.
- (4) New Deesa Panjarapole, Taluka : Deesa, District: Banaskantha.
- (5) Thara Mahajan Panjarapole, Taluka: Thara, District: Banaskantha.
- (6) Dhanera Mahajan Panjarapole, Taluka: Dhanera, District: Banaskantha.

- (7) Santalpur Khodadhor Panjarapole, District: Banaskantha.
- (8) Shri Vav Jain Sangh Khodadhor Panjarapole, District: Banaskantha.
- (9) Suigam Mahajan Panjarapole, Taluka: Suigam, District: Banaskantha.
- (10) Shihori Mahajan Panjarapole, Taluka: Shihori, District: Banaskantha.
- (11) Diyodar Khodadhor Panjarapole, Taluka: Diyodhar, District: Banaskantha.
- (12) Chimangadh Panjarapole, District: Banaskantha.
- (13) Bhabhar Khodadhor Panjarapole, Taluka: Diyodar, District: Banaskantha.
- (14) Siddhibhavan Manohar Jain Panjarapole, Taluka: Kankrej, District: Banaskantha.
- (15) Gayatri Sevashram Trust, District: Banaskantha.

DISTRICT: SABARKANTHA – PANJARAPOLE

- (1) Idar Mahajan Panjarapole, District: Sabarkantha.
- (2) Talod Panjarapole, Taluka: Pratij, District: Sabarkantha.
- (3) Pratij Khodadhor Panjarapole, Taluka: Pratij, District: Sabarkantha.
- (4) Jivdaya Panjarapole, Taluka: Khedbrahma, District: Sabarkantha.
- (5) Jivdaya Seva Trust, Taluka: Bholoda, District: Sabarkantha.

DISTRICT: BANASKANTHA – PANJARAPOLE (BARODA)

- (1) Vadodara Mahajan Panjarapole, Taluka – District : Vadodara.
- (2) Miyagam Karjan Panjarapole, Taluka: Karjan, District: Vadodara.
- (3) Dilip Paresh Ashokchandra Shah Panjarapole, Taluka: Karjan, District: Vadodara.
- (4) Chhotaudepur Panjarapole, Taluka: Chhotaudepur, District: Vadodara.
- (5) Dabhoi Sarvajanic Panjarapole, Taluka: Dabhoi, District: Vadodara.

DISTRICT : PANCHMAHAL – PANJARAPOLE

- (1) Dahod Panjarapole, Taluka: Dahod, District: Panchmahal.
- (2) Jain Panjarapole, District: Panchmahal.
- (3) Panjarapole run by Bhansali Trust, District: Panchmahal.
- (4) Panjarapole run by Bhansali Trust, Taluka: Halol, District: Panchmahal.
- (5) Godhra Panjarapole, District: Vadodara.

DISTRICT - KHEDA – PANJARAPOLE

- (1) Kheda Khoadhore Panjrapole, Dist. Kheda
- (2) Khambhat Mahajan Panjrapole, Dist. Kheda
- (3) Jinaj Panjrapole, Ta. Khambhat, Dist. Kheda
- (4) Petlad Mahajan Panjrapole, Ta. Borsad, Dist. Kheda
- (5) Shojitra Mahajan Panjrapole, Ta. Petlad, Dist. Kheda
- (6) Mahemdavad Panjrapole Trust Khodadhore Panjrapole, Ta. Mahemdavad,

Dist. Kheda

- (7) Premdharma Panjarapole, Dist. Kheda
- (8) Shree Maha Gopalan Trust, Ta. Kapadvanj, Dist. Kheda
- (9) Gulab ,Trust Panjrapole, Ta. Kapadvanj, Dist. Kheda
- (10) Mithabhai Gulabchand Panjrapole Cheritable Trust, Ta. Kapadvanj, Dist. Kheda

DISTRICT - ANAND – PANJRAPOLE

- (1) Boresad Mahajan Panjrapole, Ta. Borsad, Dist. Anand
- (2) Nirashrit Gaurakhashak Panjrapole, Ta. Dhasara, Dist. Anand
- (3) Khodadhore Panjrapole Gaushala, Ta. Dhasara, Dist. Anand
- (4) Sojitra Panjrapole, Ta. Borsad, Dist. Anand

DISTRICT - BHARUCH – PANJRAPOLE

- (1) Shree Bharuch Mahajan Panjrapole, Dist. Bharuch
- (2) Rajpipala Panjrapole, Dist. Bharuch
- (3) Valiya Mahajan Panjrapole, Dist. Bharuch
- (4) Jambusar Panjrapole, Dist. Bharuch

DISTRICT - SURAT – PANJRAPOLE

- (1) Surat Panjrapole, Dist. Surat
- (2) Bardoli Panjrapole, Ta. Bardoli, Dist. Surat

DISTRICT - VALSAD – PANJRAPOLE

- (1) Bilimora Panjrapole, Ta. Bilimora, Dist Valsad
- (2) Amalsad Panjrapole, Dist Valsad
- (3) Dharagiri Tapovan Gaushala Panjrapole, Ta. Navsari, Dist Valsad
- (4) Valsad Panjrapole, Dist Valsad

2. Universal Declaration of the Rights of Animals

Proclaimed on October 15, 1978

by International League for Animal Rights

Preamble

Whereas all animals have rights.

Whereas disregard and contempt of the rights of animals have resulted and continued to result in crimes by man against nature and against animals.

Whereas recognition by the human species of the right to existence of other animal species is the foundation of the coexistence of species throughout the world.

Whereas genocide has been perpetrated by man on animals and the threat of genocide continues.

Whereas respect for animals is linked to the respect of man for man.

Whereas from childhood man should be taught to observe, understand, respect and love animals.

It is hereby proclaimed.

• • •

THE WORLD SOCIETY FOR THE PROTECTION OF ANIMALS (WSPA) UK :

PROCLAIMS this Universal Declaration for the Welfare of Animals as a common standard of achievement for all peoples and all nations, to strive by all appropriate means to promote respect for these principles and by progressive measures, national and international, to secure their universal and effective recognition and observance.

ARTICLE 1 : Definitions :

- 1.1. “animal” means any non-human mammal, bird, reptile, amphibian, fish or invertebrate capable of feeling pain or stress.
- 1.2. “wildlife” includes any animal who has not been domesticated by humans.
- 1.3. “human-dependent animals” means any animal whose welfare and survival is under

human care and includes companion animals; animals raised for the provision of, products or entertainment and wild animals held in captivity.

- 1.4 “companion animals” refers to species who, within the context of the local culture, have traditionally been companions to humans and bred, whether systematically or not, for this purpose.
- 1.5 “cruelty” means any infliction of unnecessary pain or distress on an animal whether deliberate act or neglect.
- 1.6 “welfare” is the degree to which the physical, behavioural and psychological needs of an animal are met.

ARTICLE 2 : Fundamental Provisions :

- 2.1 Humans have a positive obligation towards the care and welfare of animals.
- 2.2 No animal should be killed unnecessarily or be subjected to cruel acts by a human.
- 2.3 Cruelty to any animal be regarded as a serious offence, recognized as such in legislation at all levels and punishable with sufficient penalties to deter the perpetrator from acting in the same way again.

ARTICLE 3 : Wildlife :

- 3.1 The capture and killing of wild animals for the purpose of entertainment or sport should be prohibited and all necessary measures shall be taken to protect habitat and ecosystems.

ARTICLE 4 : Human-dependent animals :

- 4.1 Animals raised under the control of humans or taken into captivity by humans should be afforded the provisions of the basic Five Freedoms, being adopted increasingly throughout and animal welfare world, as follows;

Freedom from hunger and thirst : by ready access to freshwater and a diet to maintain full health and vigour.

Freedom from discomfort; by providing an appropriate environment including shelter and a comfortable resting area.

Freedom from pain, injury and disease : by prevention or rapid diagnosis and treatment.

Freedom from fear and distress : by ensuring conditions and treatment which avoid mental suffering.

Freedom to express normal behaviours; by providing sufficient space, proper facilities and company of animals' own kind.

- 4.2 Veterinary surgeons and other qualified persons should be authorised to destroy humanely any animals, who is so injured, diseased or distressed that their existence involves continued suffering.

ARTICLE 5 : Animals raised for draught power or other purposes :

- 5.1 All appropriate steps should be taken to minimise the transportation of animals. Where such transportation does occur, animal welfare concerns should be applied.
- 5.2 All appropriate steps shall be taken to ensure that animals used to provide draught power and other work duties for humans should be entitled to a reasonable limitation on the duration and intensity of their work; such limitations should be based on a scientific evaluation.

ARTICLE 6 : Companion Animals :

- 6.1 Owner of companion animals should be obliged to take responsibility for their care and welfare for the duration of the animals' lives or to make adequate arrangements to pass them on a responsible person, if they can no longer care for them.
- 6.2 Appropriate steps should be taken to implement a process of registration & identification of companion Animals.
- 6.3 The commercial trade in companion animals should be subject to strict regulation, licensation & inspection to prevent cruelty & the breeding of unwanted animals.
- 6.4 The destruction of companion animals by inhumane and indiscriminate methods, including electrocution, poisoning, shooting, beating, drowning and strangulation should be prohibited.

ARTICLE 7 : Animals in Sport and Entertainment

- 7.1 Where animals are used in legitimate sport and entertainment all appropriate steps should be taken to prevent them from being exposed to cruelty or suffering .
- 7.2 Exhibition and sports using animals which are deleterious to their health and welfare should be prohibited.

ARTICLE 8 : Live animals in scientific research

- 8.1 Where it is deemed necessary to use animals for research and testing purposes, the methods used should ensure that the number of animals used is minimised. pain and distress is minimised and/or alleviated, high standards of husbandry and care are provided throughout the animals lives.
- 8.2 The replacement of experiments on live animals with alternative testing methods should be facilitated where possible and such alternative methods should be promoted, researched and validated.
- 8.3 The use of animals for the purpose of scientific research and testing should be prohibited wherever : it is possible to obtain information of similar scientific value without using animals.

Information of similar scientific value is already available

The results are not essential to human or animal welfare.

Article 1 :

All animals are born with an equal claim on life and the same rights to existence.

Article 2 :

- 2.1 All animals are entitled to respect.
- 2.2 Man as an animal specie shall not arrogate to himself the right to exterminate or inhumanly exploit other animals. It is his duty to use his knowledge for the welfare of animals.
- 2.3 All animals have the right to the attention, care and protection of men.

Article 3 :

No animals shall be ill treated or be subjected to cruel acts.

Article 4 :

All wild animals have the right to liberty in their natural environment, whether land, air or water.

Article 5 :

- 5.1 Animals of species living traditionally in a human environment have the right to live and grow at the rhythm and under the conditions of life and freedom peculiar to their species.
- 5.2 Any interference by man with this rhythm or these conditons for purpose of gain is an infringement of their right.

Article 6 :

- 6.1 All companion animals have the right to complete their natural life span.
- 6.2 Abandonment of an animal is a cruel and degrading act.

Article 7 :

All working animals are entitled to a reasonable limitation of the duration and intensity of their work, to the necessary nourishment and to rest.

Article 8 :

- 8.1 Animal experimentation involving physical or psychological suffering is incompatible with the rights of animals, whether it be for scientific, medical, commercial or any other form of research.
- 8.2 Replacement methods must be used and developed, alternative to animal experimentation should be prepared.

Article 9 :

When the animals are used as food, they should be brought by transport carefully and be slaughtered without pain.

Article 10 :

- 10.1 No animal shall be exploited for the amusement of man.
- 10.2 Exhibitions and spectacles involving animals are incompatible with their dignity.

Article 11 :

Any act involving slaughtering of the animal is biocide, that is, a crime against the life.

Article 12 :

- 12.1 Any act involving mass killing of wild animals is genocide, that is, a crime against the species.
- 12.2 Pollution or destruction of the natural environment leads to genocide.

Article 13 :

- 13.1 Dead animals shall be treated with respect.
- 13.2 Scenes of violence involving animals shall be banned from cinema and television except for human education.

Article 14 :

- 14.1 Representatives of movements that defend animals rights should have an effective voice at all levels of government.
- 14.2 The rights of animals, like human rights should enjoy the protection of law.

• • •

3. PROPER / ADEQUATE USE OF RIGHT TO INFORMATION ACT FOR PREVENTING SLAUGHTER OF THE ANIMALS AND FOR PREVENTING CRUELTY TO THE ANIMALS.

1. The Central Government has enacted the Right to Information Act in the year 2005. "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports papers, samples, models, data material held in any electronic form etc. in the government record.

"Right to information" means right to inspection of work, documents, records, taking notes, extracts or certified copies of documents or records, obtaining copies of film or cassette etc.

All such information can be obtained by making payment of fees within the stipulated time limit.

When an information is sought for from any competent authority whether any competent officer has performed his duties as prescribed under certain Acts, it is very difficult for him to give answer qua such information sought and, therefore, before giving answer, with a view to shield his mistake or dereliction in duty or for such other different purposes, first of all, he takes appropriate steps which he is duty bound to take and thereafter, furnishes information sought for. Thus, provisions of the Act can be enforced/ implemented directly or indirectly and such application can be disposed of accordingly.

Normally, when certain information regarding illegal slaughter houses or the shops selling meat illegally or illegal transportation of the animals etc. is sought from the concerned officer, first of all, he takes all the steps which he is required to take and thereafter, reply is being given. Over and above, the information regarding the Acts/ Laws enacted by the Government for protection of animals, circulars issued to that effect, the questions asked in Legislative Assembly in that regard, reports of committees formed for this purpose etc. can be obtained. Similarly, by seeking information regarding implementation of such provisions, such provisions can be got implemented indirectly. The information /details regarding the cases filed in different courts under the Animal Protection Laws, can be obtained.

• • •

4. RIGHTS, DUTIES AND POWERS OF THE INSTITUTION OR AN INDIVIDUAL WORKING FOR PROTECTION OF THE ANIMALS

Under the provisions of Sec.43 of the Criminal Procedure Code, any private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence, or is any proclaimed offender, and can keep him in his custody and, shall take such person or cause him to be taken in custody to the nearest police station. More over, if provisions of sections 32, 34, 35, 39, 40, 9(h) and 9(i) of the Prevention of Cruelty to Animals Act are considered jointly, a private person who has been conferred special powers/authority by the State Government, can exercise powers as exercised by the police officer viz. such private person can exercise powers of inspection of the place, search of the person concerned, seizure of the muddamal. Under section 35 of the said Act, if any animal requires treatment, such animal can be kept in Panjarapole until it is fit to perform its regular /routine work. Under section 39 of the said Act, the person who is authorized by the State Government to exercise powers under section 34 of the said Act, shall be deemed to be a “public servant” within the meaning of section 21 of the Indian Penal Code. Under section 40 of the said Act, no suit, prosecution or any other legal proceedings can be filed against such person (public servant). Section 9 of this very Act stipulates functions of the Animal Welfare Board and one of the function of the said Board is 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. And also to give financial or other assistance to such animal welfare organizations. Therein, there is also a provision to make appointment of a private person as a Honorary Animal Welfare Officer whereby the Animal Welfare Board confers authority in writing to a private person. Looking to the provisions of Transport of Animals Rules, rules 96 & 97 provide that a valid certificate issued by a private person authorized by the Animal Welfare Board shall be procured by any person making transport of any animal before transportation of such animal verifying that all the relevant Central and State Acts, Rules and Orders pertaining to the said animals including the rules relating to transport of such animals have been duly complied with and that the animal is not being transported for any purpose contrary to the provisions of any law. Animal Welfare Board has conferred special powers /authority to different private persons in India as Animal Welfare Officer or Hon. Animal Welfare Officer who are working for animal protection and safety. Over and above, the Central Government, under the provisions of the Prevention of Cruelty to Animals Act, 1960, has framed rules called Prevention of Cruelty to Animals (Establishment & Regulation of Society) Rules, 2001 wherein a provision is made to establish District Level Society in each districts in India by including private persons and organizations in such societies and duty is conferred on the State Government to provide

adequate land and other facilities to such societies. In view of the decision of the Hon'ble Supreme Court in the case of A.R. Antuley v/s R.S. Nayak, reported in AIR 1984 SC 718, the question of locus standi of the complainant for registration of a complaint is a foreign concept to the criminal jurisprudence meaning thereby that any person can file a complaint in respect of commission of any offence. In the case of Bal Gangadhar Tripathi, Advocate v/s State of UP, reported in 1996 Criminal Law Journal 3587, Hon'ble Justice of Allahabad High Court, while rendering judgment, has observed and held that animals are the national property. They are not only necessary for the existence of human beings, but they also help in maintaining the environmental balance. Different Acts have been enacted to prevent cruelty to the animals, but government machineries and government efforts by themselves are not sufficient for implementation thereof and, therefore, the private organizations are required to play a special role in this regard. Normally, such private organizations or the individuals working in this field approach the Court and such cruelty is being brought to the notice of the Court concerned or to the notice of the government officer concerned. Thus, such cases are in the nature like Public Interest Litigation and, therefore, in such cases, it would not be proper not to afford hearing to such private organizations. In view of the law laid down by the Hon'ble Supreme Court in the case of State of West Bengal v/s Ashutosh Lahiri, reported in (1995)1 SCC 189 as well as by the Hon'ble Gujarat High Court in the case of Mohmadbhai Jamalbhai v/s State of Gujarat, reported in 1985(2) GLR 983. the private person is having right of hearing in the cases relating to animal cruelty. Hon'ble Supreme Court, in the case of Akhil Bharatiya Go Seva Sangh v/s State of Gujarat, reported in 2006(2) GLH 201, interpreted Article 51-A(g) of the Constitution of India and in paras 56, 61 and 63 of the said judgment, propounded that it is the fundamental duty of every citizen of India to have compassion for living creatures. If it is found by any private person or any organization working for animal welfare that some offence is committed and police is informed on telephone about the same, it is nothing wrong if such private person or organization, for some period, detains such person or vehicle involved in commission of such offence and prevent further commission of offence, till the police arrives at the place of offence. In the Code of Criminal Procedure, a separate chapter is provided for "General Exceptions" and under that Chapter, that if any person who has no intention whatsoever to commit any offence, but he prevents some other person from committing any offence, the said act of the person concerned would fall within the general exceptions. Further, Go Seva Commission established by the State of Gujarat, encourages those private persons involved in the activities of prevention of transportation of animals for the purpose of slaughtering and the State Government, other State Governments as well as other Organizations also give "Jiv Daya Award" to them.

• • •

5. GIST OF SOME IMPORTANT DIFFERENT JUDGMENTS OF HON'BLE SUPREME COURT AS WELL AS OF HON'BLE GUJARAT HIGH COURT.

1. In the case of Om Prakash v/s State of Uttar Pradesh, Civil Appeal No. 3270/98, AIR 2004 SC 1986. Hon'ble Supreme Court upheld the action of the District Municipality in issuing a notification inflicting complete ban on selling fish, eggs, meat, as just and proper.

Similarly, Hon'ble High Court of Gujarat, recently upheld the similar ban issued by the Executive Magistrate, Palitana by issuing a notification, as just and legal. (Chandulal Chuhurmal, Spl.C.A. No.9031/1999).
2. In the Writ Petition No. 2490/2004 filed by PETA (People for Ethical Treatment to Animals), Bombay High Court directed Censor Board of India that before granting certificate to a film in which any animal has performed, the Board should obtain certificate from Animal Welfare Board to the effect that all the provisions of Performing Animals (Registration) Rules, 2001 have been complied with. Simultaneously, an undertaking should also be obtained from the film producer that on cruelty of any nature has been inflicted on any animal.
3. In the case of State of West Bengal v/s Ashutosh Lahiri, Civil Appeal No. 6790/1983 reported in (1995) 1 SCC 189, the Hon'ble Supreme Court has laid down that Muslim Religion does not compel slaughter of a cow on the occasion of IDD.
4. In the case Ozhar Hussain v/s UOI, AIR 2003 Delhi 103, Hon'ble Delhi High Court has issued directions/ instructions that labeling should be made on such medicines or etables (food articles) wherein essence (extract) of any animal or egg is being used. On the basis of that judgment, Central Government issued instructions to all State Governments that if in any private hotels articles containing these extracts (essence) are being served, appropriate endorsement to that effect should be made in the Menu Card of that hotel so that especially customers can know about the same.
5. In the case of Akhil Bharatiya Krishi Go Seva Sangh v/s State, PIL No.4/2005, Hon'ble Bombay High Court ordered to set up a Special Committee for effective and proper implementation of all the animal laws and functions of the said committee would be to get enforced / implemented the laws, to suggest addition or alterations in such laws, to establish Special Squad for protection of animals, to find out illegal slaughter houses and to prevent slaughtering. The Bombay High Court also directed the Home Department as well as Police Department to comply/implement the suggestions/ instructions of the said Committee. It was also ordered to arrange Special Training Programs for government officers for

procuring knowledge of animal laws. That the said Committee has also been conferred with special powers to appoint Animal Protection Workers and the concerned State Government is ordered to pay entire expenses that may be incurred for that.

6. In the case of Akhil Bharatiya Krishi Go Seva Sangh v/s State of Gujarat, 2006 GLH 201, out of 7 Judges Bench of Hon'ble Supreme Court, 6 Hon'ble Judges approved and upheld the amendment made by the State of Gujarat in the year 1994 in Bombay Animal Conservation Act whereby total ban of slaughtering of cow and cow progeny was imposed.
7. In the case of Viniyog Parivar v/s State Government – Corporation, in Writ Petition No.1596/1998 reported in AIR 1998 Bombay 71, Hon'ble Bombay High Court imposed restriction/ ban on catching and killing of dogs and instead ordered to control population of the dogs. On the basis of the said judgment, the Central Government enacted the rules called Animal Birth Management (Dogs) Rules, 2001.
8. In the case of Naroda Mahajan Panjarapole v/s State of Gujarat, Special Criminal Application No. 2037/2007 and 1184/2007, the Hon'ble Gujarat High Court has observed and held that in the case regarding custody of animals, Panjarapole is a just and proper party and without affording hearing to Panjarapole, custody of the animals can not be given to other parties.
9. In the case of Hinsha Virodhak Sangh v/s Mirzapur Moti Kuresh Kasab Jamat, reported in (2008)5 SCC 33 = 2008(2) GLH 304, Hon'ble Supreme Court has upheld and approved the decision to close Slaughter Houses during Paryushan and placing reliance on the fact that during the regime of Moghal Emperor, there was a ban on slaughter of animals almost for a period of 6 months in a year, Hon'ble Supreme Court held that prohibition on slaughter during Paryushan is not violative of a fundamental right of a butcher to carry on his business.
10. In the case of the Bombay Humanitarian League (Mubai Jivdaya Mandali) v/s Municipal Commissioner & Police Commissioner, Rajkot in Special Criminal Application No.1865/2008, the Hon'ble Gujarat High Court, recently issued orders to close down forthwith illegal slaughter houses being run in Krishnapura area of Rajkot and also observed and held that it is the duty of the Municipal Corporation to close down any illegal slaughter house (being run without license) in accordance with the provisions of law. The activities of illegal slaughtering are in contravention of the provisions of the Bombay Provincial Municipal Corporation Act as well as in contravention of the provisions of the Prevention of Cruelty to Animals Act and if such activities are not stopped, that would amount that the concerned authorities have failed in performing their duties in accordance with law.

It was also ordered that if Municipal Corporation requires police protection, then Police Commissioner, Rajkot shall provide adequate police protection to them.

11. In the case of Bal Gangadhar Tripathi v/s State of UP, 1996 CrLJ 3587, Hon'ble Allahabad High Court has observed and held that when police is more engaged due to different types of work, the voluntary organizations working in the field of protection of animals, are playing very important role and, therefore, applications filed by such organizations should be treated as Public Interest Litigation. Due to enthusiasm and activities undertaken by such organizations only, the object of animal protection is fulfilled.
12. In the case of PETA (People for Ethical Treatment to Animals) v/s Union of India being Writ Petition No.2490/2004 filed by PETA in Hon'ble Bombay High Court, the Hon'ble Bombay High Court issued appropriate directions to the Government to enforce proper and adequate implementation of the provisions of the Prevention of Cruelty to Animals (Performing Animals) Rules framed by the Central Government.
13. In the case of K.R. Haier v/s Union of India in O.P.11729/1999, the Hon'ble Kerala High Court ordered to protect the performing animals and simultaneously while admitting the usefulness of animals, suggested to start syllabus on Animal Laws.
14. In the case of State of AP v/s P.K. Jain in Writ Application No.1348/1996 filed in Hon'ble A.P. High Court, the Hon'ble High Court passed order not to make auction of stray animals caught. Similar order has also been filed by the Hon'ble Bombay High Court in Criminal Application No.1099/1987 filed by the Akhil Bharatiya Krishi Go Seva Sangh.
15. In Writ Petition No. 38469/1994 in the case of Mohammad Habib v/s State of UP, the Hon'ble High Court has observed and held that to slaughter an animal is not a constitutional right.
16. In Writ Petition No. 1030/1997 in the case of Viniyog Parivar Trust v/s UOI (AIR 1998 Bombay 71), the Hon'ble Bombay High Court imposed prohibition/ ban on sale of wild birds.
17. In Writ Petition No.3786/1977 in the case of Andhra Pradesh Jiv Raksha Sangham v/s State of AP, Hon'ble AP High Court imposed prohibition/ban on sacrifice of animals. In the same manner, in Writ Petition No. 347/1996 in the case of People for Animal v/s State of Goa, Hon'ble Bombay High Court imposed prohibition/ban on a bull fight.
18. In Criminal Revision Application No.519/1984 in the case of Mohhamad Jamalbhai v/s State of Gujarat reported in 1985(2) GLR 983, the Hon'ble Gujarat High Court has observed and held that Panjarapole is just and proper party in

animal related cases and while finally disposing of the case, Court should know from Panjarapole about the expenditure for maintenance of the animals.

19. In Criminal Revision Application No.2992/1996 in the case of Nirmalkumar Shantilal v/s Jamkhan B.Sindhi, Hon'ble Gujarat High Court has observed and held that if against the order passed by the lower Court, any party wants to file appeal/revision before the appellate Court and if such party requests the Lower Court to stay the execution and implementation of its order, the same should be considered by the lower Court.
20. In Special Criminal Application No. 1350/1995 in the case of Ahmed Ismail v/s State of Gujarat, Hon'ble Gujarat High Court has observed and held that when there is an allegation that animals were being transported to a slaughter house, only because of the fact that the accused was dealing in animal business, it can not be believed that said accused was not transporting the said animals to a slaughter house. The offence under the provisions of the Bombay Animal Conservation Act is a cognizable offence.
21. In Writ Petition (Civil) No.309/2003 in the case of Laxminarayan Modi v/s UOI, reported in 2006 (9) SC ALR 272, Hon'ble Supreme Court has observed and held that slaughter houses are also liable to comply with all the provisions of the Environmental Laws.
22. In Special Criminal Application No.1948/2006 in the case of Bhachau Panajarapole v/s State of Gujarat, the Hon'le Gujarat High Court has not handed over the custody of the animals to the accused as in the past he was found involved in other offences.
23. In Writ Petition No. 2966/2006 in the case of K. Munta Sami Khevar v/s DSP, reported in AIR 2006 Mad. 255, Hon'ble Madras High Court has upheld and approved the prohibition/ban imposed by the police officer on bullock-cart race and also ordered to impose prohibition/ban in entire Tamil Nadu State on such each and every nature of animal race.
24. In Civil Appeal No.3609/2001 in the case of N.R. Nayar v/s UOI, reported in AIR 2001 SC 2337, the Hon'ble Supreme Court declared section 22 of Prevention of Cruelty to Animals Act as Constitutional and also upheld and approved the notification issued by the Central Government imposing prohibition/ban to impart training to Bear, Monkey, Tiger, Leopard, Lion etc. and also using them in any performance/show.
25. In Special Civil Application No. 10725/1996 in the case of Dhanabhai Hirabhai Marwadi v/s Ahmedabad Municipal Corporation, Hon'ble Gujarat High Court upheld and approved the order directing to seal the shops selling meats illegally.

26. In Writ Petition No. 15787/2005 in the case of Sureshchandra Jain v/s State of MP, Hon'ble MP High Court at Jabalpur, in a Public Interest Litigation, has ordered to enforce adequate and proper implementation of prohibition/ban imposed on selling of meat of animals, hens etc. in open place contrary to the provisions of Municipalities Act & Rules and also ordered to prosecute such persons involved in such activities contrary to law.
27. In Special Civil Application No. 3600/2008 in the case of Refrigerated Truck Owners Association v/s UOI, recently the Hon'ble Gujarat High Court has observed and held that if the police is having any suspicion or information that in the containers containing buffalo meat transported from UP to Bombay for the purpose of exporting to foreign country, there is a beef instead of buffalo meat, the such container can be stopped and the same can be examined scientifically and thereafter on such examination if it is found that an attempt is made to export beef under the guise of buffalo meat, appropriate steps for seizure of such goods can be taken under the Customs Act and under other provisions of law.
28. (2010) 10 Supreme Court Cases 604 Sansarchand Vs. Union of India
The Hon'ble Supreme Court issued directions for the strict implementation of the Wildlife Protection Act, to the Central Government and to all the States.
29. Special Criminal Application No. 1635 of 2010 Abdul Kadar Vs. State of Gujarat and Special Criminal Application No. 2600 of 2010 Jayeshkumar Sadhani Vs. State of Gujarat.
No citizen has any right to keep any bird in the cage. It is the fundamental right of the bird to move freely in open sky. To keep the bird in the cage means to cause pain and suffering to it which is a punishable offence under the Prevention of Cruelty to Animals Act.

• • •

6. ANIMAL WELFARE BOARD OF INDIA

The Central Government has enacted Prevention of Cruelty to Animals Act 1960 for the protection of living creatures of all species. As per Sec.4 of the said Act, for the purpose of promotion of animal welfare activities - animal protection and for the purpose of protecting animals from being subjected to unnecessary pains or sufferings, Animal Welfare Board has been constituted. In many States, Animal Welfare Board has been constituted/established. Animal Welfare Board is required to perform many-fold functions, viz. to keep the different Laws in force in India for the prevention of cruelty to animals under constant study advise, to the Government on the amendments to be undertaken in any such law from time to time, to advise on the making of adequate/ proper rules with a view to preventing unnecessary pain or suffering to animals which include for transportation of animals from one place to another and when such animals are used as performing animals or when they are kept in captivity or confinement, to advise the Government or any local authority on improvements in design of vehicles so as to lessen the burden on draught animals and that the Board is authorized to take all such steps as the Board may think fit for amelioration of animals by providing for, the construction of sheds, water-troughs, to provide for veterinary assistance /medical treatment to animals, to prevent the animals from unnecessary pain or suffering, whether physical or mental, at the place where the animals are being slaughtered (in slaughter houses), to encourage, by the grant of financial assistance or otherwise, the formation or establishment of panjarapole, rescue homes, animal shelters, sanctuaries where animals and birds may find a shelter when they have become old and useless or when they need protection, to co-operate 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, to give financial assistance or other assistance to animal welfare organizations functioning in the local areas and to encourage the formation of animal welfare organizations in any local area, to give financial assistance or other assistance for establishment of animal hospitals and to provide adequate guidance for that purpose, 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 promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions etc. and to advise the Central Government on any matter connected with animal welfare or the prevention of infliction of unnecessary pain or suffering to animals.

• • •

7. SYLLABUS OF ANIMAL PROTECTION LAWS & CAREER IN THE SAID FIELD.

As mentioned in this Book, all throughout India, different kinds of Animal Protection Laws are in force. In each State, about 400 to 500 criminal cases under these Laws might have been filed every year. Almost in each districts, there are large number of panjarapoles as well as organizations working for the welfare and protection of the animals. As narrated in this Book, large number of cases of different nature are being filed or might be filed. There are very less number of Advocates regularly practising in this field. Every year, Central Government as well as State Governments are enacting different kinds of Laws and the organizations working for the welfare and protection of animals, require adequate legal guidance for saving different kinds of living creatures. In a big Organization, one can work as Law Officer or as an Advocate and can get handsome /lucrative remuneration. Even in Universities, education is being imparted on the Syllabus, on the animal laws.

• • •

8. QUESTIONNAIRE

- Q.1 What should be done if police refuses to accept the complaint ? OR If after accepting the complaint, refuses to register the complaint as an FIR ? OR After registering the FIR, prompt action/steps are not being taken by the police ?
- A. In view of the different circulars referred to in this Book as also in view of legal provisions, it is the legal duty (statutory duty) of the Police Officer to accept the complaint and to register the same and to investigate such complaint. Normally, the police should be given a complaint in writing. If complaint is not registered, a complaint in writing in that regard should be made to the higher officers. In spite of that if complaint is not registered, complainant should approach the Court and file complaint in the Court. If no prompt and immediate steps are taken after registration of the complaint, all the details in this regard should be sent immediately to the higher officers by Fax or by Regd. A.D. post.
- Q.2 If police is not investigating properly and/or the accused is getting benefit of incomplete /improper investigation by the police and/or if the appropriate sections of law relating to the commission of offence are not mentioned in the complaint, what should be done ?
- A. In the above circumstances, all the details in writing as to which sections of which Act are applicable to the commission of the offence, which other accused persons are involved in the offence over and above the accused persons named in the FIR, on which aspects the police is required to make investigation etc. should be sent to the police officer concerned as well as to his superior officers and also to Home Department by Regd. A.D. Post or by Fax.
- Q.3 If chargesheet is filed without making proper investigation and/or if appropriate sections of law are not mentioned therein and/or if the accused who are involved in the commission of the offence are not named as accused in the chargesheet, what should be done ?
- A. An application under section 173(8) of CrPC should be given to the Police Officer concerned in which all such facts in detail should be stated and police officer should also be informed that he has a right to make further investigation even after filing of a chargesheet and he should be requested accordingly. If officer concerned refuses to make further investigation, such an application under section 173(8) of CrPC should be filed in the Court where the chargesheet is filed by the police.
- Q.4 If the accused person who is involved in a very grave/ serious offence and/or is habituated in committing such offences and if such an accused is granted bail, then what steps should be taken for cancellation of bail granted to such accused ?
- A. At the time when such an accused person files an application for bail, said application should be opposed by bringing to the notice of the Court all relevant facts before the Court. In spite of that if bail is granted, proceedings in accordance with law can be initiated before the appellate court for cancellation of the order granting bail.

- Q.5 If the vehicle is released belonging to the accused who is involved in a grave or serious offence or who is habituated in committing such offences and/or when any vehicle is involved in commission of offence in relation to Animal Laws more than once and Hon'ble Court releases said vehicle, what should be done ?
- A. As narrated in this Book, if any vehicle is involved more than once in the commission of any offence under the Animal Laws, then as per the Questionnaire in Legislative Assembly, the concerned police officer or the concerned Court shall intimate about the same to RTO and to pass order to make appropriate entry in that regard. Over and above, by placing details regarding earlier offences by the accused concerned, Court should be requested either to auction the vehicle and deposit the amount in bank FD or to pass order for furnishing Bank Guarantee against release of such vehicle.
- Q.6 If pending the case/trial, if custody of animals is handed over to the accused or to the butcher, what should be done?
- A. Under the above circumstances, Criminal Revision Application can be filed before the Sessions Court under section 397 of CrPC. Similarly, a writ petition under Articles 226 & 227 of the Constitution of India can be filed before the Hon'ble High Court against the said order.
- Q.7 After disposal of the case relating to animals, if panjarapole is not awarded any amount towards expenses incurred for maintenance of the animals, what should be done ?
- A. In fact, when complaint is filed, at that relevant point of time itself, an application in writing containing details regarding expenses against maintenance of animals should be filed in the Court concerned and it should also be prayed in the said application that before final disposal of the case, a notice be issued to the Panjarapole concerned and after passing appropriate orders for payment of expenses incurred by the Panjarapole for maintenance of animals, judgment qua the accused should be pronounced in the said case. Further, if no order is passed awarding amount of expenses to the Panjarapole against maintenance of animal, such order can be challenged before the appellate court by filing Revision Application or Appeal.
- Q.8 How a prohibition/ban can be imposed on illegal sale of meat, fish in public place or on running of a slaughter houses illegally in public place?
- A. A complaint in writing in that regard should be given to the Municipality or Municipal Commissioner. Proper complaint in writing should also be made to the Police Officer concerned and they should be shown the judgments referred to in this Book and in spite of that if no positive steps are taken, Special Criminal Application and /or a Public Interest Litigation can be filed in the Hon'ble High Court for preventing commission of such offences.

• • •

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.

• • •

2. Objections against the Application for bail of the accused

IN THE COURT OF LD. JUDICIAL MAGISTRATE,
FIRST CLASS AT _____, DIST: _____

C.R. NO. _____ OF 200__
APPLICATION NO. _____ OF 200__
Re : Objections against the Application for bail.

MAY PLEASE THE HONOURABLE COURT :

It is respectfully prayed on behalf of the complainant herein/ Panjarapole/ Institution working for animal welfare that :-

- (1) Looking to the facts of the complaint of the present case, the applicants accused are habituated in committing non-bailable offences regularly and on large scale. At present, investigation is going on. Further, their true and real name and address is not on record. They are likely to abscond. Further, If they are released on bail, the slaughtering of innocent animals would start again.
- (2) The accused of this case have not furnished true and correct information before the Police and have misled the police. The accused of this case are hardened offenders involved in slaughtering of the animals. Hence, it is prayed not to release them on bail.
- (3) That if the Hon'ble Court comes to the conclusion that the applicants are required to be released on bail, in that event, the Hon'ble Court may be pleased to direct the applicants-accused to furnish Bond/ Undertaking before this Hon'ble Court before passing any order upon the bail application containing following terms and conditions:
 - (i) That prior to the present offence, the applicants accused are not involved in connection with the offence of beating or causing cruelty to the animals and that henceforth, the applicants accused will not indulge in any such activities in future;
 - (ii) That prior to the present offence, the vehicle caught along with the applicants accused, is not involved in connection with the offence of causing cruelty to the animals or in slaughtering/ killing the animals and that the same will not be used for the same offence in future;

PLACE : _____

DATE : _____

3. Objections against the Application for return of the custody of the muddamal vehicle.

**IN THE COURT OF LD. JUDICIAL MAGISTRATE,
FIRST CLASS AT _____, DIST: _____**

C.R. NO. OF 200__
APPLICATION NO. OF 200__

Re : Objections against the Application for return of the custody of the muddamal vehicle.

MAY PLEASE THE HONOURABLE COURT :

It is respectfully prayed on behalf of the complainant herein/ Panjarapole/ Institution working for animal welfare that :-

- (1) Looking to the facts of the complaint of the present case, the accused are habituated in committing non-bailable offences regularly and on large scale. At present, investigation is going on. Further, their true and real name and address is not on record. They are likely to abscond. Further, If their vehicle is released, the slaughtering of innocent animals would start again.
- (2) The accused of this case have not furnished true and correct information before the Police and have misled the police. The accused of this case are hardened offenders involved in slaughtering of the animals. Hence, it is prayed not to release their vehicle.
- (3) That at the first instance, Police Officer may be directed to investigate whether the vehicle caught is involved in any other offence earlier by sending wireless message to all the police stations of the State of Gujarat and after such investigation, Police Officer may be directed to make statement before the Hon'ble Court in that regard. Simultaneously, applicant may be directed to furnish undertaking in writing disclosing whether the said vehicle is involved in any offence earlier or not and whether any terms and conditions are imposed by any Hon'ble Court in that regard. It is, therefore, prayed that till the investigation on this aspect is over, the Hon'ble Court may not pass any orders on the present application.
- (4) The Police Officer may also be directed to intimate to Regional RTO Office all the details of the offence in question and details of the vehicle involved in the said

offence and also file an affidavit before this Hon'ble Court that the details as aforesaid have been furnished/ supplied to Regional RTO Office.

- (5) In the alternative, if the Hon'ble Court comes to the conclusion that the vehicle requires to be released, in that event, the Hon'ble Court may be pleased to direct the applicant to furnish Bond/ Undertaking before this Hon'ble Court before passing any order containing following terms and conditions and on deposit of the cash amount:-
- (i) That prior to the present offence, the vehicle is not involved in connection with the offence of beating or causing cruelty to the animals and that the same will not be used for the same offence in future;
 - (ii) Till the final disposal of the criminal case, the applicant shall not sell, mortgage, gift or in any manner transfer the vehicle in question to any person.
 - (iii) Shall produce the vehicle in question before the Hon'ble Court as when so directed by the Hon'ble Court.
 - (iv) The applicant also hereby gives undertaking that on receipt of seven days prior notice by the Investigating Officer or by the complainant or by the Institution involved in the activities of protection of living creatures, the applicant shall produce the muddamal vehicle before the Investigating Officer.
 - (v) The applicant shall not change the appearance of the vehicle as well as change the machineries of the vehicle till the disposal of the criminal case.

N.B : It is requested to intimate Regional Transport Officer concerned by a separate Yadi regarding registration of the offence and copy of the order passed below the application for recovery of muddamal.

PLACE : _____

DATE :

4. Objections against grant of custody of animals to butcher/ accused

**IN THE COURT OF LD. JUDICIAL MAGISTRATE,
FIRST CLASS AT _____, DIST: _____**

C.R. NO. OF 200__
APPLICATION NO. OF 200__

Re : Application for handing over the custody of
 muddamal animals.

MAY PLEASE THE HONOURABLE COURT :

1. That in the above case, the applicants of this case, (who in fact are or should be accused of the crime), have filed the application for handing over possession/ custody of the muddamal animal to them on their failing in an attempt to slaughter innocent animals. It is, therefore, respectfully prayed to dismiss/reject the application submitted by the applicants-accused for getting possession/custody of the animal requires to be rejected/dismissed on the following grounds :-
 - (1) As observed and held by the Hon'ble Supreme Court in its recent decision in the case of State of UP v/s Mustakim, 2002(3) GLH (UJ) 8, when an offence under the provisions of the Prevention of Cruelty to Animal Act, 1960 has been committed and when there is an allegation in the complaint that the animals were being taken for slaughtering, in that event, the custody/possession of those animals can not be given to the owner of the said animals.
 - (2) That at present, investigation is going on and the animals are being kept in safe and comfortable condition in the panjarapole. They are not facing any trouble/problem. The applicant is keeping them separately and is providing regular treatment, medicines etc., proper food and the important aspect viz. that the applicant is providing them love and warmth/shelter. No court will give custody of a child to a so-called father (owner of animal) who does not want to take care of the child (animals), but wants to slaughter/kill him.
 - (3) The accused have failed to disclose that they are having any safe place where he can keep these animals and take care and look-after them. Therefore, if custody of these animals, if is handed over to the accused, accused would not be able to keep and maintain them and on handing over the custody, death of such animals is likely to be caused because of they

being kept in open and barren place.

- (4) That the applicants are accused of slaughtering the animals and are also accused of transporting the animals for the purpose of slaughtering them. If the custody of the speechless animals is handed over to the accused, there are all possibilities of slaughtering of those animals within a short time. Further, even if the accused give an undertaking that if required they will produce the animals, there are all possibilities that in future they will produce some altogether different animals before the Court as muddamal, if asked for.
- (5) That Panjarapole of the applicant of this application is a registered Panjarapole registered in the State of Gujarat and the same is one of the infirmaries out of total 284 infirmaries declared by the State of Gujarat in all throughout the State. As per Section-35 of the Prevention of Cruelty to Animals Act, 1960, the State Government can establish infirmaries by a special or general order for treatment and care of the animals. Thus, our Institution is the bona fide Institution who has won the faith of the State Government. As per the provisions of section 35(2) of the Act, if infirmary is set up/ established, then the Magistrates are empowered to order custody of the animal to the infirmary. Accordingly, custody of the animals should be given to our infirmary-institution / (or custody of the animals given to our infirmary-institution should be continued).
- (6) Our Institution is a registered Trust and accounts thereof are being regularly audited and are being submitted to Hon. Charity Commissioner. Copy of the Constitution of our Trust is enclosed herewith. Further, our Institution has been established since the year _____ and till date, in respect of different cases, the Hon'ble Courts have handed over custody of thousands of animals to our Institution which were being transported to slaughter house. In all such cases, our Institution has taken care of those animals in a nice manner and also strictly complied with all the conditions incorporated by the Hon'ble Courts while handing over the custody of those animals.
- (7) If custody of the animals is handed over to our Institution/ is continued with our Institution, we will regularly and in nice manner look after those animals and as and when Hon'ble Court directs, we will give inspection of those animals at regular intervals as directed by the Hon'ble Court, to the so-called owner of the animals in presence of the Advocate.
- (8) That we have made application requesting the Higher Authorities/ Officers to carry out proper investigation in the matter, copy of which is enclosed herewith. It is prayed to treat the grounds stated in the said application as the grounds of this application also. It is, therefore, prayed that till the

investigation in different angles/directions is not over, no orders should be passed on this application.

- (9) That different laws/ enactments have been framed based on Articles 48, 48-A, 51-A(g) of the Constitution of India. Looking to the provisions of those Articles, the action of handing over custody of the animals to the persons involved in slaughtering of animals, would be unconstitutional.
- (10) At the time of hearing of this application, we will produce the photographs demonstrating the very cruel and pitiable position of the large number of animals concerned in different criminal cases, being loaded and dumped in a very narrow space treating them as dead articles.
- (11) Number of decisions by different Courts have been pronounced to the effect that when animals are being caught while transporting to the slaughter house, custody thereof should be given to “Jiv Daya Institutions”. Copies of some such decisions are enclosed herewith.
- (12) In the decision of the Hon’ble Gujarat High Court in the case of Naroda Mahajan Khoda Dhor Panjarapole Trust v/s State of Gujarat, rendered in Special Criminal Application No.1184/2007, it has been observed and held that before passing any order as to the custody of the animals, Panjarapole is required to be heard since the Panjarapole is having locus standi. Hence, the present application is made.
- (13) It is the case of the accused for getting the custody of the muddamal animals that they were not taking /transporting the animals to the slaughter house, but since the time of their forefathers, they are doing business of sale and purchase of the animals for agricultural purpose. In this regard, the so called owner has not produced village form no. 15 under the Gujarat Land Revenue Rules & the licence / registration certificate under PCA (Registration of the Cattle Premises) Rules, and also the licence / permit issued by the Municipal Commissioner under Sections 328, 329 of the Bombay Provincial Municipal Corporation Act.
- (14) In the very recent decision of the Constitutional Bench (7 Judges Bench) of the Hon’ble Supreme Court delivered on 29.03.2006 in the case of **Bharat Gau Seva Sangh v/s State of Gujarat, 2006(2) GLH 2001**, it has been observed and held that there is complete ban/ prohibition on slaughtering of cow and cow progeny in the State of Gujarat. Further, while interpreting Articles 48 and 51-A of the Constitution of India, the Hon’ble Supreme Court has observed that it is the fundamental duty of each and every citizen to have compassion towards living creature. When fundamental rights of any person is required to be interpreted, Directive Principles of State Policy and

Constitutional Duties are required to be taken into consideration. It is necessary that the fundamental duties are interpreted fully in accordance with 42nd Amendment of the Constitution. Government means collection (union) of the citizens and, therefore, though Article 51-A does not specifically impose any fundamental duty on the State, but it is a fact that the fundamental duty of a each citizen, if looked jointly (collectively), is the duty of the State. (Para-57). In the very same decision, in paras 61 & 62, after referring to other judgments, the HOn'ble Supreme Court has held that each State and its citizens are having fundamental duty to show compassion towards living creature.

- (15) The accused were carrying/ transporting the animals in such a situation that the animals have become sick and are like half-dead. They are not in a position to travel and regular medical treatment of those animals is going on.
- (16) If custody of the animals is handed over to the accused persons, their existence would be at risk. If any guardian (father or mother) sells out his child and on registration of police complaint, the Court is not handing over the custody of such child to his father but the custody is being handed over to Juvenile Home or to any Voluntary Organization. In the same manner, since the condition of the speechless animals is like minor child, custody thereof can not be handed over to the accused persons.

We would like to show the photographs of the animals, at the time of transport / unloading indicating cruelty to the animals by the accused and / or so called owner.

In view of above, it is respectfully prayed to reject/dismiss the application for handing over custody of the muddamal animals preferred by the accused persons and further prayed to hand over custody of the muddamal animals to the Panjarapole of the present applicant/ to continue the custody of the animals handed over to the Panjarapole of the present applicant.

PLACE : _____

DATE :

5. Application for proper police investigation

Name & address
of the Complainant :

To

- (1) The Secretary,
Home Department,
Sachivalaya,
Gandhinagar.
- (2) Police Commissioner,

- (3) Collector,
_____ District.
- (4) Gujarat Gau Seva Ayog,
- (5) Police Inspector,
_____ Police Station.
- (6) Police Sub Inspector,
_____ Police Station.
- (7) Regional Transport Officer,
RTO, _____ District.

Respected Sirs,

Sub : Regarding proper & expeditious investigation of Complaint
No. /200 _____

It is respectfully submitted that first of all heartily congratulations for saving _____ buffaloes, _____ cows, _____ sheep & goats and _____ pigs which were being transported in a truck/ tempo/ by foot and also arresting the accused persons on _____ on the basis of prior information. In this regard, it is requested to make proper and adequate investigation on the aspects stated below:

- (1) Accused persons/ true owners of the animals / owner of the vehicle are residents of which place? Whether, earlier they have been involved in such or similar

offences in other districts of entire State of Gujarat, whether the vehicle caught is earlier used and caught in the same or similar offence in other districts of State of Gujarat. Investigation on this aspect which was required to be made, has not been made. Such investigation is very much necessary because the Law provides different and distinct punishments for first and second offence.

- (2) When accused persons were caught, they were not having any papers regarding purchase of those animals. They have produced receipts of purchase at a later stage. Therefore, it is very much necessary to investigate whether the same are true /genuine or false. If the same are not genuine and are false, you are requested to registered separate offence for the same.
- (3) No investigation is made with regard to the fact that animals were being taken to which slaughter house, at whose instance the animals were brought, stable of animal was situated where and belonged to whom etc.
- (4) That number of animals were loaded side by side in one vehicle which caused abrasions on them, abrasions were also caused on “Anchal”. However, no examination by Veterinary Doctor has been made. You are requested now to get those animals examined through Veterinary Doctor.
- (5) The accused persons have committed non-bailable offence. They have suppressed so many information and have not give true information. The accused persons are clever and habituated. It is clear that they are having a large-scale network of taking the animals to a slaughter house and slaughtering them. Therefore, it is necessary to make thorough and proper investigation by seeking remand of the accused persons.
- (6) You are also requested to immediately investigate whether accused persons caught and vehicle seized has been involved in any earlier offences and submit the details thereof before the Hon’ble Court. If any accused is caught in connection with any offence, Police Officer concerned makes special investigation by making wireless messages to all the police stations through out the State to inquire whether any case is registered against the said accused, whether the said accused is “wanted” or not.
- (7) In the prohibition cases, generally the persons sending liquor and person calling for/ purchasing such liquor are also being joined as accused. Therefore, in the present case, by investigating regarding entire chain of offence, the persons who have committed offence, the persons who have attempted to commit the offence, the person running slaughter house, the conspirator of the offence, commission agents/ brokers who abetted the offence, owners etc. all should be made accused of the crime and should be arrested. The person at whose instance calves are

brought, all the places of the said person engaged in slaughtering, should be raided and it is also requested to recover the weapons used for slaughtering.

- (8) As per the instructions issued by the Government, in 11th Legislative Assembly Session, as per the authenticated declaration made by the Hon'ble Minister (Home) on 23.03.2007, you are requested to take steps for cancellation of registration of the vehicle involved in such offence, for cancellation of driving licence of the driver involved, to get the entry made in the RC Book of the said vehicle and to intimate about this immediately to the RTO./
- (9) The applicant who has filed an application for getting custody of the animal seized has stated that he is doing cattle-breeding and on cattle being young, is selling for agricultural purpose. Therefore, you are requested to investigate as to from whom and at what price the applicant had purchased the said animals, whether receipts are genuine or bogus, whether he is having any licence necessary for the business in animals, earlier also when he had done this type of business/activity, in which manner and with whom. If the information/details are found to be incorrect/ bogus, you are requested to submit report to the Hon'ble Court to add appropriate sections under the provisions of the Indian Penal Code in this very offence.
- (10) By registering the offence, you have taken the action/steps worth appreciation. The Hon'ble High Court, in its recent decision rendered on 25.09.2007 in Special Criminal Application No. 1442/2007 in the case of Naroda Mahajan v/s State of Gujarat, has observed and held that the main function of the police is to inquire and trace out the truth. Hence, it is requested to make proper investigation in this case qua the aforesaid aspects and to do the needful in the matter.
- (11) In the Gujarat Legislative Assembly, as per the declaration made by the Minister for Transportation (State) on 30.08.2001, constant watch is required to be kept on the vehicle caught in connection with the offence by informing number of the said vehicle to all the police stations of the district. Hence, you are requested to furnish all the details of the offence committed viz. names of the accused, number of the vehicle and other necessary information to all the police stations of the entire State through wireless.
- (12) Under section-3 of the Prevention of Antisocial Activities Act, 1985, (PASA Act) any offender/accused in slaughtering of any cow or cow progeny, can be booked and put under detention under the provisions of the PASA Act. The word "habitual" would not mean that more than one offence should have been registered against the accused person. It is not material whether earlier he has been caught in connection with such offence or not, but considering the spreading of his such offensive activities, it is required to be determined by the Detaining Authority whether the accused is involved in slaughtering of number of animals or whether he

is going to make such attempts. It is, therefore, requested to prepare and submit appropriate proposal for detention of the said accused under PASA.

- (13) In the 11th Legislative Assembly Session, as per the authenticated declaration made by the Hon'ble Chief Minister (Home) on 27.07.2007, in respect of the accused person found involved in two or more offences, externment proceedings are required to be initiated against such accused.
- (14) In the 11th Legislative Assembly Session, as per the authenticated declaration made by the Hon'ble Chief Minister (Home) on 21.03.2007, if the vehicle is found involved again in the offence of transportation of the cow and cow progeny for the purpose of illegal slaughtering, proceedings are required to be initiated before the Hon'ble Court for cancellation of the Bond. Thus, when the vehicle caught in commission of the offence, if is found caught earlier in connection with same or similar offence, you are requested to immediately take steps for cancellation of Bonds given in respect of earlier offence and for emptying the vehicle and for confiscation of the said vehicle.
- (15) In the 10th Legislative Assembly Session, as per the authenticated declaration made by the Hon'ble Chief Minister (Home) on 23.03.1999, when the animals are being caught while transporting to a slaughter house, the police department is issued necessary orders to make effective representation before the Hon'ble Court. Accordingly, in the present case, as and when hearing of the accused takes place or application is made for custody of the animals or when trial commences, it is requested to make effective and strong representation before the Hon'ble Court in such eventualities.
- (16) The value of the animals stated in the complaint is absolutely false, excessive and not based on any documents or evidence and the same is based on the basis of oral information given by the accused. You are, therefore, requested to find out real and actual value of the animals.

You are also requested to send Yadi to Government Veterinary Doctor for immediate medical examination of the animals caught. Further, you are also requested to instruct him to visit the animals twice in a week for regular treatment of the said animals.

Copy forwarded to :-

Ld. Government Pleader/ Public Prosecutor,
_____ Court.

**6. Application for stay of execution of the Order against
panjarapole / AWO**

CRIMINAL CASE NO. OF 2008

COMPLAINANT : 1.
v/s

ACCUSED : 1.

APPLICANT : Panjarapole / Animal Rights Protection Worker
Re : Application for stay of execution
of the Order dated _____

MAY PLEASE THE HONOURABLE COURT :

In the above matter, the applicant above-named, most respectfully prays before this Hon'ble Court as under:-

1. That in the above matter, this Hon'ble Court, vide order dated _____ has ordered to hand over the custody of those animals to the accused persons which have been originally ordered to be handed over to the applicant/ panjarapole by this Hon'ble Court vide earlier order. That the applicant is going to file Criminal Application and/or Criminal Revision Application against the said order before the higher forum. However, such exercise is likely to consume some time because for engaging an advocate, preparing case, filing the case and for placing the same before the higher forum for hearing, at least 15 days time would be consumed. Under the circumstances, in view of the ratio laid down by the decisions referred to herein below, the impugned order is required to be stayed for a period of 21 days. If the said order is not stayed, it would cause irreparable loss to the applicant which can not be compensated in terms of money :-
 - (1) Criminal Revision Application No.2992/1996 dated 18.03.1996 (Nirmalkumar Shantilal v/s Jamkhan Bhupendrakhan Sindhi)
 - (2) Criminal Revision Application No.98/2001 dated 08.03.2001 (Dilipkumar Ratilal Mehta v/s State of Gujarat).
2. Taking into consideration the ratio laid down in the aforesaid decisions as well as the facts and reasons of the case stated above, it is respectfully prayed to stay the execution and implementation of the order passed by this Hon'ble Court dated _____ for a period of 21 days in the interest of justice.

AHMEDABAD

DATE :

**7. Application for further investigation under section 173(8)
of Criminal Procedure Code,1973 in respect of the
above-referred case.**

CRIMINAL CASE NO. OF 2008

COMPLAINANT : 1.

v/s

ACCUSED : 1.

APPLICANT : Panjarapole / Animal Rights Protection worker

Re : Application for further investigation under section 173(8) of
Criminal Procedure Code,1973 in respect of the above-referred
case.

MAY PLEASE THE HONOURABLE COURT :

In the above matter, the applicant above-named, most respectfully prays before this Hon'ble Court as under:-

1. That the aforesaid case has been filed under different provisions of the Prevention of Cruelty to Animals Act. Looking to the complaint filed in the instant case, the Investigating Officer is required to investigate the offence in respect of number of other important and vital aspects. That the applicant is working since years for the protection of animals and, therefore, the applicant addressed an application dated _____ to the Investigating Officer pointing out to the IO that in connection with the said criminal complaint, offence under different provisions of the different Acts are also required to be incorporated. Further, it was also pointed out therein that as per the Government Circulars, IO is required to go to the root of the offence and other persons who are also involved in the commission of the offences, and who are also required to be arraigned as (joined as) accused and are also required to be arrested. Proper scrutiny and investigation in respect of the documentary evidence produced by the accused is also required to be made. A

copy of the said application given to IO is enclosed herewith.

2. The Hon'ble Supreme Court, in the case of **Gujarat State v/s Mirzapur Moti Kureshi Kasab Jamat, reported in 2006(2) GLH Page No.201**, has observed and held that it is the fundamental duty of each and every citizen individually as also jointly with the Government to protect the animals. In view of the decisions of the Hon'ble High Court as well as Hon'ble Supreme Court, the panjarapole has a locus standi to represent qua the animal protection. Even otherwise, as and when the question to inflict punishment on the offender arises, it is not required to be looked at (seen) under the Indian Penal Code as to who is the complainant and whether complainant has locus standi or not because due to the commission of the offence, entire society is suffering and, therefore, if any offence is committed and any person who is having information regarding commission of such offence, can file a complaint. (**A.R. Antuley v/s State, 1984 SC Page 718**).
3. As held by the the Hon'ble Supreme Court, in its decision in the case of **Hasanali Valibhai Qureshi v/s State of Gujarat, 2004(5) SCC Page 347**, it is not just and proper not to hold further investigation only on the ground that the same would cause delay. It is the duty of the IO to see that proper investigation is undertaken. In **Mustakali Mohammad Shaikh v/s State of Gujarat, 2008(1) GLH Page 414**, it has been observed that in reality, the main object of the IO is to find out the truth. The Hon'ble High Court, in the recent decision in the case of **Naroda Panjarapole v/s State of Gujarat**, in Special Criminal Application No. 1442/2007, passed order observing that IO is required to make further investigation.
4. In view of the decision of the Hon'ble Supreme Court in the case of **Bhagwan v/s State of Andhra Pradesh, (1990)5 SCC 740 = AIR 1999 SC 2332**, it has been observed and held that the Court is not required to afford an opportunity of being heard to the accused while passing the order to make further investigation.
5. For the reasons aforesaid and taking into consideration the facts of the case, since it is necessary for the IO to make further investigation qua the material and important aspects pointed out by the applicant in his application addressed to the IO and it is also necessary to find out the truth, it is respectfully prayed to pass order to make further investigation in the case in accordance with the provisions of section 173(8) of CrPC.

AHMEDABAD

DATE :

8. RECEIPT BY PANJRAPOLE (INFIRMARY) RECEIVING ANIMALS

Police Station : _____ Police Station

CR No. _____ Dated _____

Total _____ of animals/calves which were being transported and taken illegally to a slaughter house, were loaded in a truck No. _____ and through police were taken to _____ Panjarapole and were kept therein in presence of the undersigned. The physical verification of the animals has been done, details of which are as under:-

Sr. No.	Tag No. of the Animal affixed on the ear.	Sex of the animal	Age of the animal Yrs.	Colour of the animal	Infection etc	Condition	Primary treatment	Medical treatment
1	MP1	Male	1 ½	Whitish	Skin bruished	Front and rear legs are tired with rope in a manner that neck of all the calves remain in between.	FMD	P.C. Genticine
2	MP2	Male	2 ¼	Black	Injury on leg.			Antict onetice
3	MP3	Male	1 ¼	White	Aafaro i.e. windness in stomach		1	Avil
4	MP4	Male	1 ¼	White	Legs bruished			P.P.
5	MP5	Male	1 ½	Whitish	Aafaro			Templine old
6	MP6	Male	2	Whitish	Wound on the leg			Jink Oxide powder

7	MP7	Male	1 ½	Black	Blood ozzing from no strails			Pexona
8	MP8	Male	1	Black	Skin bruished			
9	MP9	Male	1 ½	White	Blood coming from mouth			FMD Vaccination
10	MP 10	Male	1 ½	Reddish	One eye lost			
11	MP 11	Male	2	Reddish	Blood from urine			
12	MP 12	Male	1	Black	Skin Bruished			
13	MP 13	Male	2	Black	Wound on the leg			
14	MP 14	Male	1	Whitish	Skin bruished			
15	MP 15	Male	2	Whitish	Aafaro			
16	MP 16	Male	1	Whitish	Loose motion			
17	MP 17	Male	1 ½	Black	Loose motion			
18	MP 18	Male	1	Whitish	Blood from No strails			
19	MP 19	Male	2	Reddish	Skin bruished.			

Over and above that :-

- (1) Aforesaid calves were found tied tightly with the rope.
- (2) The age of the aforesaid calves is found between 1 to 2 years.
- (3) The aforesaid calves can be used for agricultural operations after about 2 years.
- (4) The physical strength of the aforesaid calves is found to be very weak. Majority of them are found having skin infection.
- (5) The symptoms of FMD (Khar Movasa) are found in aforesaid animals.
- (6) No arrangements worth the name of sand, water, fodder for the animals were found in the said truck.

9. INQUEST PANCHANAMA

Sr.No.	Name	Caste	Age	Occ:	Re:
--------	------	-------	-----	------	-----

1.

2.

On being called/ summoned by you police today, we the panchas named above, remained present before you today at the Gate of Panjarapole in connection with the death of sheep- goats kept in Panjarapole.

Here, you police personnel explained us that in connection with I.CR No. _____ for the offences punishable under sections _____ registered at _____ Police Station, total _____ sheep and goats were kept in this Panjarapole and out of them, _____ sheeps and _____ goats have expired due to some illness and, therefore, their inquest panchanama is ordered to be made. We, the panchas have voluntarily shown our willingness to act as panchas and after inspecting and examining, we got prepared the panchanama as under by stating that :-

Here, the person/ office-bearer who has given information namely Shri _____ Re: _____ is present at the place of incident and he had shown us the place of incident which is situated at _____.

The wada in which aforesaid sheep & goats were kept is open wada and is admeasuring about 30 ft. in length and 50 ft. in width. At the distance of about 10 ft. from the entrance gate of said wada, (1) one white he-goat aged about 3 years, is found lying dead. Its head is towards east and its back portion is towards west, its legs are towards south and its hind part is facing towards north. Nearby the said he-goat, (2) one black she-goat aged about 2 years, is found lying dead. Its head is towards east and its back portion is towards west, its legs are towards north and its hind part is facing towards south. That nearby aforesaid she-goat, (3) one black he-goat aged about 2 years, is found lying dead. Its head is towards east and its back portion is towards west, its legs are towards north and its hind part is facing towards south. Nearby him, (4) one white he-goat aged about 1 ½ years, is found lying dead. Its head is towards east and its back portion is towards west, its legs are towards south and its hind part is facing towards north. That at a near distance of about 5 ft. from this white he-goat, (5) one black & white he-goat aged about 1 year, is found lying dead. Its head is towards east and its back portion is towards west, its legs are towards north and its hind part is facing

towards south. That nearby said he-goat, (6) one black he-goat aged about 1 month, is found lying dead. Its head is towards west and its back portion is towards east, its legs are towards south and its hind part is facing towards north. That nearby said he-goat, near the “Dhaliyu” (hut with single sloping roof), (7) one brown he-goat aged about 3 years, is found lying dead. Its head is towards east and its back portion is towards west, its legs are towards south and its hind part is facing towards north. That towards southern side of the said Wada, there is one “Dhaliyu” (hut with single sloping roof) having entrance facing east admeasuring about 70 ft. in length and 10 ft. in width. In the said “Dhaliyu” (hut with single sloping roof), just touching the east-west and north-south wall, there is a storage place for water and also a place for storage of fodder over which cement sheets are fixed and it has 8 pillars. In the said “Dhaliyu” (hut with single sloping roof), towards southern side and near the east-west wall, (8) one white she-sheep aged about 6 months, is found lying dead. Its head is towards north and its back portion is towards south, its legs are towards east and its hind part is facing towards west. Nearby she-sheep and near the pillar, (9) one white she-sheep aged about 2 years, is found lying dead. Its head is towards east and its back portion is towards west, its legs are towards south and its hind part is facing towards north. Nearby it, at a distance of about 3 ft. towards north, (10) one white she-sheep aged about 2 years, is found lying dead. Its head is towards west and its back portion is towards east, its legs are towards south and its hind part is facing towards north. Nearby it, (11) one brown he-goat aged about 3 years, is found lying dead. Its head is towards east and its back portion is towards west, its legs are towards north and its hind part is facing towards south. Further, near by the 3rd pillar of Dhaliya, (12) one black he-goat aged about 1 ½ years, is found lying dead. Its head is towards south and its back portion is towards north, its legs are towards west and its hind part is facing towards east. That near the 5th pillar of the said Dhaliya, (13) one white he-goat aged about 2 years, is found lying dead. Its head is towards west and its back portion is towards east, its legs are towards south and its hind part is facing towards north. Thus, 3 sheep and 10 goats who are found dead, have died due to some illness. Even then, it is the opinion of we panchas that for ascertaining the correct cause of death of said sheep-goats, post-mortem is required to be made of those sheep-goats.

That towards north of the place of incident, one hall for keeping sheep-goats and towards east-west from said Dhaliya, one wall having height of about 12 ft. is situated. After leaving the said wall, towards north, open land of Wid and towards west, wada for keeping sheep-goats, hall and a door for entering Dhaliya and for coming out from Dhalia are situated and that towards east, western wall is situated. After leaving that wall, open space is there. Further, towards southern side, after leaving the north-south wall of Dhaliya meant for keeping sheep-goats, one field is situated wherein crop Lachaka is grown. Further, towards east, one another hall is there for keeping sheep-

goats and leaving that hall, there is a kachcha way leading to Bore (tube-well). Thus, for boundaries of the place are as stated above.

The inquest panchanama as described above, is true and correct and is written as noticed and stated by us and since the same is true and correct, after reading and understanding the same, we panchas have put our signatures below this panchanama.

Panchanama commenced at _____ on _____.

Panchanama finished at _____ on _____.

1. Sd/ Illegible
2. Sd/ Illegible

Before me,

Sd/ Illegible

ASI/ PSI, _____ Police Station

• • •

10. INTIMATION OF DEATH OF ANIMALS, TO POLICE

To

Police Sub Inspector,

_____ Police Station,

Sir,

Sub : Regarding death of 4 he-goats out of 340 sheep - he-goats kept in Panjarapole.

With reference to the subject noted above, you are hereby informed that you have caught 340 sheep- he-goats from the vehicle/s and that our Panjarapole was given custody of aforesaid 340 sheep- he-goats for maintenance. However, in this season, due to spreading of epidemic in the sheep & he-goats, 4 he-goats have died due to illness. You are, therefore, requested to inspect the site, inquire and give permission to us to dispose of such dead animals. In case of your inability to visit within two days, we will be compelled to dispose of the dead bodies of the animals.

Sd/ Illegible
President/ Secretary
_____ Panjarapole

Outward No.
Veterinary Hospital

To
Police Sub Inspector,
_____ Police Station,

Sir,

Sub : Regarding supply of PM Report.

Ref : Request Letter dated _____ by ASI/ PSI, _____ Police Station for
furnishing post-mortem report.

With reference to the subject noted above, it is informed that out of the sheep,
goats kept in Panjaropole which were caught by the _____ police from the vehicle
during transportation, _____ sheep and _____ goats have died and, therefore,
post-mortem was carried out and post-mortem reports are hereby forwarded to you.

Sd/ Illegible
Veterinary Officer
Veterinary Hospital, _____

Encl :

Post Mortem Reports (Total _____).

• • •

LAWS OF LIVING CREATURES

Animals | Birds | Insects

Nimish M. Kapadia

Advocate

Pankaj Buch

Dy. Secretary, Gujarat Vidhansabha

1. Constitution of India

CENTRAL ACTS

2. Prevention of Cruelty to Animals Act, 1960
3. The Wildlife (Protection) Act, 1972
4. The Wildlife (Protection) Amendment Act, 2006
5. The Environment (Protection) Act, 1986
6. Indian Penal Code
7. Code of Criminal Procedure, 1973
8. The Biological Diversity Act, 2002
9. The Indian Forest Act
10. The Cattle Trespass Act, 1871
11. The Carriage By Road Act, 2007
12. The Coastal Aquaculture Authority Act, 2005
13. Custom Act, 1962
14. The Foreign Trade (Development & Regulation) Act, 1992
15. Import Export Policy 2004-2009
16. The Food Safety and Standards Act, 2006

CENTRAL RULES

17. The Prevention of Cruelty to Draught and Pack Animals Rules, 1965
18. The Prevention of Cruelty to Animals (Licensing of Ferries) Rules, 1965
19. Performing Animals Rules, 1973
20. The Performing Animals (Registration) Rules, 2001
21. Performing Animals (Registration) Amendment Rules, 2001
22. The Prevention of Cruelty to Animals (Application of Fines) Rules, 1978
23. The Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules 1978
24. Transport of Animals, Rules 1978
25. The Transport of Animals (Amendment) Rules, 2001
26. The Transport of Animals (Amendment) Rules, 2009
27. Prevention of Cruelty (Capture of Animals) Rules, 1979
28. The Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998
29. The Breeding of and Experiments on Animals (Control and Supervision) Amendment Rules, 2001
30. The Breeding of and Experiments on Animals (Control and Supervision) Amendment Rules, 2006
31. The Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001
32. The Prevention of Cruelty to Animals (Slaughter House) Rules, 2001

33. The Prevention of Cruelty to Animals (Slaughter House) Amendment Rules, 2010
34. The Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001
35. The Animal Birth Control (Dogs) Rules, 2001
36. Animal Birth Control (Dogs) Amendment Rules, 2010
37. Foreign Trade (Regulation) Rules, 1993
38. Meat Food Products Order, 1973 [now repealed]
39. The Prevention of Food Adulteration Rules, 1955 [now repealed]
40. Indian Railway Rules
41. Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011
42. Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011

GUJARAT ACTS

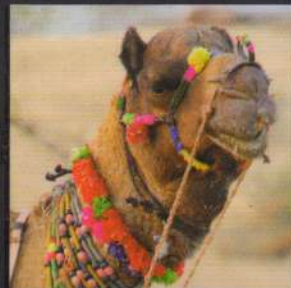
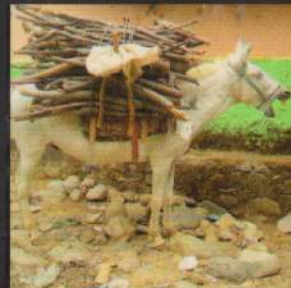
43. The Bombay Animal Preservation Act, 1954
44. The Gujarat Animal Preservation (Amendment) Act, 2011
45. The Gujarat Animals Birds Sacrifices (Prohibition) Act, 1972
46. The Gujarat Essential Commodities and Cattle (Control) Act, 2005
47. Bombay Police Act, 1951
48. The Gujarat Prevention of Anti - Social Activities Act, 1985
49. Bombay Provincial Municipal Corporation Act, 1949
50. The Gujarat Municipalities Act, 1963
51. The Gujarat Fisheries Act, 2003

GUJARAT RULES

52. The Bombay Animal Preservation (Gujarat) Rules, 1967
53. Gujarat Animal Preservation (Amendment) Rules, 2011
54. The Gujarat Fisheries Rules, 2003
55. The Gujarat Motor Vehicles Rules 1989
56. Orders Under the Bombay Essential Commodities and Cattle (Control) Act Including, The Gujarat Cattle (Movement Control) Order, 1982, The Gujarat Milch and Draught Cattle (Control of Movement) Order, 1983
57. Gujarat Biological Diversity Rules, 2010
58. Circulars
59. Miscellaneous
60. Suggested Drafting

Special Features : Laws relating to

Cow	Poultry	Snakes
Buffaloes	Pigs	Birds
Goats	Tiger	Horse
Monkeys	Tree	Camel
Dogs	Fishes	Donkey
Cats	Corals	Yak
Sheep	Butterfly	Elephant



Sajiv Sanrakshan Parivar

"Indralay", 5, Balgayatri Society -2,
Near Syamal Cross Road,
Satellite, Ahmedabad, INDIA.
Phone: 079 - 2676 2762, 2675 1545
E-mail: kapadianimish@gmail.com