

# Case Property Maintenance

Live animals

# Assessment of the condition of the animals

In case of an FIR

- Seizure memo
- Panchnama
- Identification
- Health report
- Photographs

In a Complaint Case:

- The IO may be asked to submit a time bound report

# Recommendation by the AWBI



## Animal Welfare Board of India

(Ministry of Environment, Forest & Climate Change, Govt. of India)

13/1, Third Seaward Road, Valmiki Nagar, Thiruvanimiyur, Chennai - 600 041.

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website:[www.awbi.org](http://www.awbi.org), Phone:044-24571025, 24571024, Fax: 044-24571016.

No.9-1/2015-16/PCA

27.1.2016

The Director of Prosecution,  
Office of the Director of Prosecution,  
Govt. of NCT of Delhi  
Tis Hazari Courts, Delhi-110054.

Sir,

I write to you on behalf of the Animal Welfare Board of India (AWBI), which is a statutory body established under Section 4 of the Prevention of Cruelty to Animals Act, 1960 [hereinafter referred to as the "Act"] for the promotion of animal welfare generally, and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular.

In exercise of its functions under Section 9 of the Act, the AWBI is issuing the following recommendations for all cases where animals have been seized from owners/persons on allegations of cruelty, including slaughter, and the question of release of custody to the accused owners/persons on superdari has arisen-

- I. The State must vehemently oppose the release of custody of animals to owners/persons against whom allegations of cruelty, or allegations of slaughter in respect to animals not permitted to be slaughtered, have been made. The State can do so on the basis of an order passed by the Hon'ble Supreme Court in the matter of State of UP Vs Mustakeem, on 22.2.2002. We enclose the order for your ready reference. A perusal of the same will reveal to you that the Hon'ble Supreme Court had expressed the view in that matter, that in a complaint of cruelty to animals, when there is apprehension of slaughter, the case property animals must not be given into the custody of the accused during the pendency of the trial.
- II. In cases where the courts are inclined to return the case property animals to the accused owners/persons, we recommend that the following conditions be sought to be imposed on the owners/persons in the order of release -
  1. That the owner/custodian of the case property animal shall give an undertaking to the Court by means of an affidavit stating -
    - i. That the case property animals shall be kept within the jurisdiction of the Court. He shall give the exact address of and space availability at the place where such animals are going to be shifted and kept.
    - ii. That detailed records relating to the feeding, treatment and vaccination for each animal shall be maintained and be furnished as and when required by the Investigating Officer or the Court or at the time of inspection by any other authorized person.
    - iii. That in the eventuality of death of any animal which is case property, the concerned Investigation Officer, the Station Officer and the Court shall be informed within 6 hours of such death. That the post-mortem shall be conducted by the Jurisdictional Veterinary Doctor in the presence of the Investigating Officer and the body shall not be disposed off by the custodian prior to the same.
    - iv. That no cruelty will be meted out to the case property animal under any circumstances.

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- v. That the custodian shall not sell, transfer ownership, gift or donate the animals to any person and will be solely responsible for their safekeeping,
  - vi. That a personal bond of the amount being the current market value of the animals shall be deposited in the concerned police station which will be forfeited in case the animals are misused, missing or slaughtered.
  - vii. That at the time of receiving custody of animals, custodian shall permit each case property animal to be microchipped for proper identification, by the jurisdictional veterinary officer.
2. That the Investigating Officer be directed to ensure the compliance of the above conditions by the accused, stated by him / them on affidavit filed before the Court. The Investigating Officer be also given the following directions to ensure the protection of the animals-
    - i. That before giving custody of the case property to the custodian/owners, the Investigating Officer shall physically verify the address given in the above-mentioned Affidavit and ascertain the possibility of housing the case property animals comfortably, in terms of space.
    - ii. That in case of death of animal being case property, a post mortem is conducted by the Jurisdictional Veterinary Officer and photographed for record.
    - iii. That at the time of giving custody of animals, detailed Panchnama must be made for each animal and the microchip number must be mentioned in the Panchnama.
  3. That apart, for the purpose of care and protection of these animals, the Jurisdictional Veterinary Officer be directed to conduct a weekly health check of each animal and submit a report to the concerned Investigation Officer.
  4. Further that the Members of the State Animal Welfare Board be urged to conduct regular inspections and submit their reports to the Investigation Officer.

It is reiterated that the State must and ought to oppose release of custody to accused persons where there are serious allegations of cruelty including slaughter in respect of animals not permitted to be slaughtered.

The Police be further given the above-stated directions to ensure compliance with the conditions imposed by the Court, and to ensure adherence with the provisions of the Act at the time of release of the animals.

It is requested to kindly inform the Board of the action taken in this regard.

Yours faithfully,

  
(S. VINOD KUMAAR)  
Assistant Secretary

# Selection of Custodian

- Will it be cruel to keep the animal alive?
- Is it a wild animal?
- Where is the animal now?
- Is there a notified infirmary or a district SPCA in within the jurisdiction of the Court?
- Is there a recognized animal welfare organisation within the jurisdiction of the Court?
- Has the IO sourced information about the nearest infirmary/shelter/gaushala where the animals can be kept?

# Prevention of Cruelty to Animals Act 1960

35. (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 authorize 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 may be authorized in this behalf by rules made under this Act certified that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to any 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 authorized 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.

# Transportation and maintenance cost

प्रमुख सचिव एवं आयुक्त  
वन एवं ग्राम्य विकास आयुक्त शाखा  
त्र प्राप्ति संख्या... 4163... प्र.सं./2011/1  
दिनांक-देहरादून... 22/04/2011

कार्यालय :- जिलाधिकारी, ऊधमसिंहनगर।

आदेश

श्री राजीव गुप्ता, प्रमुख सचिव गृह एवं आयुक्त वन एवं ग्राम्य विकास उत्तराखण्ड शासन के पत्रांक 3541-3574/पशु कल्याण/2011 दिनांक 8.2.2011 द्वारा दिये गये निर्देशों एवं सचिव, उत्तराखण्ड पशु कल्याण बोर्ड देहरादून के पत्रांक 3590-3602-21/Ukd.AWB(61) 2010-11 दिनांक 11.02.2011 द्वारा दी गई दरों के आधार पर तथा जनपदीय पशु क्रूरता निवारण समिति, ऊधमसिंहनगर की दिनांक 2.4.2011 को सम्पन्न हुई बैठक में लिये गये निर्णय के अनुसार "उत्तराखण्ड गौवंश संरक्षण अधिनियम 2007" के तहत विभिन्न न्यायालयों में अभियोजन की कार्यवाही प्रक्रियाधीन हो सकती है एवं सभी प्रकरणों में केश प्रापर्टी एनीमल्स, पशुपालन विभाग की संस्थाओं अथवा उत्तराखण्ड पशु कल्याण बोर्ड द्वारा मान्यता प्राप्त गौसदनों को उपलब्ध कराये जाने का प्राविधान है। न्यायालयों द्वारा गौवंशीय पशुओं को मुक्त किये जाने पर पालन पोषण/रखरखाव खर्च पशु स्वामी से वसूल कर लिये जाने के आदेश दिये जाते हैं।

अतः "उत्तराखण्ड गौवंश संरक्षण अधिनियम 2007" के तहत न्यायिक प्रक्रियाधीन केश प्रापर्टी एनीमल्स के पालन पोषण/ रखरखाव हेतु पशुक्रूरता निवारण अधिनियम 1960 की धारा 35(4) के प्राविधानानुसार निम्नलिखित खर्च की दरें निर्धारित की जाती हैं।

क्र० सं०	मद	पालन पोषण/ रखरखाव हेतु निर्धारित खर्च की दर
1.	उत्तराखण्ड गौवंश संरक्षण अधिनियम 2007 के प्राविधानानुसार पशु की बहु आयामी रंगीन फोटोग्राफी, निजी पहचान चिन्ह, इअर टैगिंग एवं स्वास्थ्य परीक्षण पर व्यय	रु० 150.00 प्रति पशु-
2.	बड़े पशु हेतु कुल दैनिक व्यय	रु० 201.00 प्रति पशु प्रति दिन
3.	छोटे पशु हेतु कुल दैनिक व्यय	रु० 163.00 प्रति पशु प्रति दिन

सचिव पशुपालन  
S. S. B.

(डा०बी०वी०आर०सी०पु०कु०पो०तम)  
जिलाधिकारी, ऊधमसिंहनगर।

प्र.सचिव एवं आयुक्त  
वन एवं ग्राम्य विकास  
उत्तराखण्ड शासन, देहरादून  
पत्रांक 1075

/प०प०-पशु कल्याण/एस०पी०सी०ए०/2011-12 दिनांक 18-4-11  
प्रतिलिपि निम्नलिखित को सूचनार्थ प्रेषित -  
1- वरिष्ठ पुलिस अधीक्षक, ऊधमसिंहनगर।  
2- सचिव, उत्तराखण्ड पशु कल्याण बोर्ड, देहरादून।  
3- निदेशक, पशुपालन विभाग उत्तराखण्ड, देहरादून।  
4- सचिव, पशुपालन विभाग, उत्तराखण्ड शासन, देहरादून।  
5- प्रमुख सचिव गृह एवं आयुक्त वन एवं ग्राम्य विकास, उत्तराखण्ड शासन, देहरादून।

(डा०के०के०जोशी)  
मुख्य पशुचिकित्सा अधिकारी,  
ऊधमसिंहनगर।

# State of UP Vs Mustakeem

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NOS. 283-287/2002  
(arising out of SLP(CRJ.) Nos. 2790, 2793, 2795, 2797, 2800/1999)

570595

State of U.P. ... Appellant

Vs.

Mustakeem & Ors. ... Respondents

ORDER

Leave granted.

*Signature*  
Assistant Registrar (Legal)  
Supreme Court of India

The State of Uttar Pradesh is in appeal against the direction of the Court directing release of the animals in favour of the owner. It is alleged that while those animals were transported for the purpose of being slaughtered, an FIR was registered for alleged violation of the provisions of Prevention of Cruelty to Animals Act, 1960, and the specific allegation in the FIR was that the animals were transported for being slaughtered, and the animals were tied very tightly to each other. The criminal case is still pending. On an appeal for getting the custody of the animals was filed, the impugned order has been passed. We are shocked as to how such an order could be passed by the learned Judge of the High Court in view of the very allegations and in view of the charges, which the accused may face in the criminal trial. We therefore set aside the impugned order and direct that these animals be kept in the Goshala and the State Government undertakes to take the entire responsibility of the preservation of those animals so long as the matter is under



trial.

The appeals stand disposed of accordingly.

*Sd/-*  
.....J.  
( G.B. PATTANAİK )

New Delhi,  
February 22, 2002

*Sd/-*  
.....J.  
( BRIJESH KUMAR )

*39*  
*272*

Supreme Court of India  
Continued copy issued in  
Matter No. *11-2402-2002*  
Bhil Cause Title *State of U.P. vs. Muzaffarpur*

RECORDED IN  
11-2402-2002  
2002 FEB 22

# State of Haryana Vs Aneesh

State Vs Aneesh

FIR No.332 dated 12.12.2015.  
U/S11-59-60 of A.C.Act.  
P.S. Ferozpur Jhirka.

Present: Sh. S.K. Parmar, Ld. APP for the State with Sh. Ashok Kumar, SHO P.S. Ferozpur Jhirka.  
Sh. Narender Chauhan on behalf of "People for Animal Society".

The learned Duty Magistrate had directed to release the camels vide order dated 12.12.2015. However, the said order was stayed by the revisional Court vide order dated 14.12.2015. Today, an application has been moved by the police of police Station Ferozpur Jhirka for shifting the 13 camels recovered from the accused to some safe place in village Sirohi (Rajasthan) run by the name of "People for Animal Society". The application is allowed. The recovered camels are directed to be lodged in above mentioned place till further orders received from the revisional Court. The application is disposed of accordingly. Papers be attached with the FIR.

Mohit Aggarwal  
(Mohit Aggarwal)  
SDJM, F.P. Jhirka. 15.12.2015.

**Certified to be true copy**

Examiner to A.C.J (SD)-cum-SDI  
Authorized by Sec 76 of the  
Indian Evidence Act 1874

15/12/15

Appreciation fee: 4407

Date of Presentation of Application: 15/12/15

Record Received: 15/12/15

Date of Preparation of Court: 15/12/15

No. of Pages: 2

Urgent Fee: 1000

Search Fee: 1000

Name of Copyist: D. S. S. S. S. S.

Date of Delivery: 15/12/15

# Sonali Circus – ACJM Malda

Copy of o/s dt. 03/7/15  
Ref: Bdn. East P.S. Case No. 57/15 dt. 18/5/15  
w/s 188 I.P.C. & 57 of The Wild Life Protection Act 1972 &  
14 of The Child Labour Prohibition & Regulation Act, 1986.

GR-445/15



15. Both parties take steps. Today is fixed for passing order in respect of the application dt. 16.06.15 filed on behalf of the D/C and also the application which is filed by one Parul Singh both of whom praying for necessary order for safe custody of elephant namely Champa. Both the applications re taken up together for discussion & passing order to avoid unnecessary repetition.


The D/C Radhika Bose being the Animal Welfare Officer of Animal Welfare Board of India, Ministry of Environment & Forest, Government of India filed this case as well as application on 16.06.15 and praying for necessary order for safe custody of the elephant namely Champa with the Principal Chief Conservator of Forest, Wild Life & Chief Wild Life Warden, West Bengal on the grounds that she lodged this case against the wrongful captivity of an elephant named Champa alleged to have violated the provisions of the Wild Life Protection Act, 1972 & Prevention of Cruelty Act, 1960, Child Labour (Prohibition & Regulation) Act, 1986 for violation of the guidelines for care and management of captive elephants. It is also stated that on 19.05.15 direction was given by this court upon the I.C., BDN(E) P.S to hand over the elephant to the Bidhannagar Forest Range Office, Wild Animal Rescue and Transit facility Center, Wild Life (HQ) Division, Block-AE, Sector-I, Salt Lake under BDN(N) P.S for the proper wellbeing of the elephant. It is further claim of the D/C that the elephant in question falls under the category of Schedule-I of the wild Life Protection Act, 1972, Chapter-V of PCA Act, 1960 and performing Animal (Registration) Rules, 2001 requires all animals to be exhibited and performed to be register with the AWBI and all circuses with captive animals need to be mandatorily recognized by the CZA. It is further alleged that the instant circus in question had no valid permission from the competent authority concern. It is further alleged that the Forest Department is now looking after the wellbeing of the elephant for its proper care and the circus company had no valid ownership certificate in respect of the captive



elephant Champa. The further case of the D/C is that the Manager & Principal Officers of the said circus have violated the grant of renewal of recognition "Captive Animal Facility" as Zoo of Sonali Circus. It is also alleged that the elephant Champa is falling under Schedule-I of the Act, 1972 being a Wild Life is a Government property and the Forest Department is obliged to look after the upkeep of the elephant at all times and for which by filing that application she prays for necessary directions upon the Principal Chief Conservator of Forest, Wild Life & Chief Wild Life Warden, West Bengal to take immediate and permanent custody of the elephant Champa who is now in the Bidhannagar Forest Range Office, Wild Animal Rescue and Transit facility Center, Wild Life (HQ) Division, Block-AE, Sector-I, Salt Lake under BDN(N) P.S for wellbeing and maintenance of the elephant.

In support of its contention Ld Advocate of the D/C files several documents as well as Government Notification as well as Rules for Guidelines of care & Management of Captive elephants, Ministry of Environment and Forest. He also filed Gazette of India, Performing Animal Rules, 1973, Guidelines for care & management of Captive Elephant and Photograph of the captive elephant in Chain.

At the time of hearing Ld Advocate of the petitioner Parul Singh has stated that she is the actual owner of the elephant namely Champa which was seized by the police of BDN(E) P.S on 18.05.15. Ld Advocate of the petitioner also submits that the elephant was seized from the possession of Gopal Singh @ Bapi of Sonali Circus and as per the direction of this Court it was handed over to the Bidhannagar Forest Range Officer for safe custody. He also submits that the petitioner Parul Singh is an aged lady who is suffering from various ailments and she praying for return of the said seized elephant by rejecting the prayer of the D/C. In support of its contention Ld Advocate of the petitioner also filed some documents including one xerox copy of a report regarding permanent identification marking by



implementation of micro chip on female elephant Champa dt. 12.05.05, xerox copy of NOC of captive elephant for shifting dt. 03.09.12 issued by the DFO, North 24-Pgs at Barasat, xerox copy of permission for a procession on 175 Birthday Anniversary of Sri Sri Ramkrishna dt. 16.02.12, xerox copy for movement of a female elephant Champa issued by DFO, West Bengal dt. 03.06.10 and several other applications for movement of the said elephant dt.16.04.04, 07.11.03,08.11.03, 16.10.07, 01.08.1, 08.04.11, 24.02.11; 30.09.13, 21.03.13, 12.11.14, 02.06.14, 04.05.15, 24.02.15 & 27.01.15. Ld advocate of the petitioner Parul Singh also filed one xerox copy of receipt regarding purchase of the elephant from one Dilip Kumar Sasmol.

Having heard the Ld Advocate of both sides as well as Ld APP and on perusal of the applications of the parties including the documents filed it reveals that the case was initiated by the D/C with BDN(E) P.S on 18.05.15 alleging offence punishable U/S. 188 IPC & 51 of the Wild Life Protection Act, 1972 & 14 of the Child Labour Prohibition and Regulation Act, 1986. It is admitted fact that the I.O has seized the elephant in question from the Sonali Circus at Baisakhi Mela Grounds of Bidhanagar including the tickets of Sonali Circus on 18.05.15 as well as Birth Certificate of Sathi Singh, Saurav Singh, Alope Singh and Voter Card of Gopal Singh, Pratap Singh and Smriti Singh. Report was called for from the I.O regarding the prayer of the D/C as well as Parul Singh. Report was submitted by the I.O who has specifically stated that the present petitioner namely Parul Singh as well as the authority of Sonali Circus did not produce any relevant documents and permission from the Forest Department, Government of West Bengal for the said female elephant which they kept under their possession. I.O has also stated that to facilitate proper upkeepment of elephant Champa not only the petitioner but also the accd persons took no initiative during its stay. I.O also raised strong objection as the present claimant Parul Singh did not produce any valid ownership certificate as well as fitness to travel certificate, Health Register or



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record for the elephant and also fails to produce transport certificate or permission from Forest Officer/CWLW for transporting the elephant for previous camping location and also fails to produce the vaccination record, disease & treatment record, movement register, feeding register, work register etc. By submitting the report the I.O also praying for necessary order so that the captive elephant namely Champa is permanently shifted to the forest of North Bengal. From the basic ingredients of Wild Life Protection Act it is held that there is a provision which specifically stated in Sec39(3) of the said Act that no person shall without previous permission in writing of the Chief Wild Life Warden or authorized Officer a) acquire or keep in his possession, custody or control b) transfer, c) destroy such Government property. There is also a specific provision in the said Act which clearly states that no person shall after 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-11. There is a specific direction that the Chief Wild Life Warden may for the purpose of Sec.40 of the said Act issue a certificate of ownership to any person. But in the case in hand the petitioner Parul Singh did not produce any valid documents regarding ownership of captive elephant that the required certificate has been issued in her favour. It is known to all vide Provisions of the Wild Life Protection Act that the trade of any elephant is purely illegal and to keep an elephant the owner must get an ownership certificate from the Chief Wildlife Conservator of the State. As per the latest decision of the Hon'ble Apex Court trading of elephant since long back is banned. It is admitted fact that the elephant Champa is the property of a Government for all purposes. By violating the basic mandates of the said Act the petitioner Parul Singh procured one fake document as if she purchased the elephant properly as per law. The document submitted by the petitioner Parul Singh regarding the sale receipt which was alleged to have executed on 25.07.93 is nothing but a fake



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document which completely violates the provisions of the Wildlife protection Act since when the Act, 1972 came into force all Wild animal being the property of Government for all purposes no private person can possess or own the same by any means. From the documents submitted by the petitioner Parul Singh who claimed as owner of the elephant Champa it is admitted fact that the petitioner Parul Singh has no license or permission from any statutory organization. In view of the above prayer of the petitioner Parul Singh is rejected.

The Prayer of the D/C is allowed in view of the above observation.

Hence, it is:-

Ordered

Prayer of the Defacto Complainant vide it's application dt. 16.06.15 is allowed. The Principal Chief Conservator of Forest, Wildlife and Chief Wildlife Warden, West Bengal is directed to take immediate and permanent custody of the elephant Champa which is now stationed in Bidhannagar Forest Range Office, Wild Animal Rescue and Transit facility Center, Wild Life (HQ) Division, Block-AE, Sector-I, Salt Lake under BDN(N) P.S. It is also directed to the Department of Forest, Government of West Bengal as well as Principal Chief Conservator of Forest, Wildlife & Chief Wildlife Warden, West Bengal for providing necessary funds for taking steps for transportation as well as proper wellbeing of the elephant Champa to the nearest sanctuary in West Bengal for well maintenance of the elephant Champa. Inform all concern.

# Prosecution Director - Haryana

From

The Director of Prosecution, Haryana  
Bays No. 9 & 10, Sector-14, Panchkula

To

All the District Attorneys,  
Posted at District HQs,

Memo No. AP(7)-2015/ 21242  
Dated Panchkula the 22-12-15

Subject:- Failure of Prosecution Officers in defending state action in cases of cattle smuggling.

Reference on the subject noted above.

It came to the notice that in most of the cases registered for the offences under Prevention of Cruelty of Animals Act 1960, the APPs/PPs do not appear at the time of handing over custody of the animals by the courts on superidari and sometimes the custody of the animals is given to the accused by the courts rendering the entire exercise useless.

It is therefore, directed that all the PPs/APPs working under you be directed to appear in such cases and defend the cases zealously and ensure the compliance of orders of Hon'ble Supreme Court dated 22.02.2002 passed in Criminal Appeal No. 283-287/2002 State of U.P V/s Mustakeem & Ors (copy enclosed). Any lapse shall be viewed seriously.

Additional Director,  
for Director of Prosecution, Haryana



# Director Prosecution - Delhi

## OFFICE OF THE DIRECTOR OF PROSECUTION

GOVT. OF NCT OF DELHI  
TIS HAZARI COURTS : DELHI - 110054

No.: 47 /DOP/2015/

Dated: 07-01-16

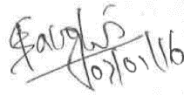
### ORDER

Whereas, it has been observed that most of the cases registered for the offences under the Prevention of Cruelty of Animals Act, 1960, are not being conducted properly by the concerned Prosecuting Officers, resulting which, State is suffering from irreparable loss in such cases.

On a number of occasions, concerned Assistant Public Prosecutors / Additional Public Prosecutors do not appear at the time of handing over custody of the animals by the Courts on Superdari and sometimes the custody of the animals is given to the accused by the Courts, rendering the entire exercise useless.

Hence, in order to ensure the proper compliance of the Order of Hon'ble Apex Court dated 22.02.2002 passed in Criminal Appeal No. 283-287/2002, "State of U.P. V/s Mustakeem & Others" (copy enclosed), all the concerned APPs / Adtl. PPs are hereby directed to defend the said cases with utmost dedication, zeal and enthusiasm and ensure the proper compliance of the provisions of the Act as well as Order of the Hon'ble Supreme Court.

Any default in this regard will be viewed seriously.

  
(PANKAJ SANGHI)  
DIRECTOR OF PROSECUTION  
DELHI

Copy forwarded to :-

1. Head of Office / PP (Hqrs) : for necessary compliance
2. All PP/CP Incharge : -do-
3. All Chief Prosecutors : -do-
4. All concerned Adtl. PP/APPs  
Through concerned PP/CP : for compliance
5. Notice Board : for information
6. Guard File / Record File : for record
7. Reader to DOP : for record.

# Roles and Responsibilities

- Animal Welfare Board of India, MoEF&CC – PCA Act
- State Animal Husbandry Department – District SPCA and State Animal Welfare Board (PCA Act and Orders of the Hon'ble Supreme Court)
- Local bodies – Kanjhouse and ABC Centers (State Municipal Corporation Acts and PCA Act)
- Health Department – Food Safety Inspectors (FSSA Act 2006)
- Department of Road Transport (Motor Vehicles Act)
- Forest Department -

## NOTIFICATION

New Delhi, the 26th March, 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-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 1166 (E) dated the 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 1 st 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 **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 of 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 areas.

(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 (21 of 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 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 Organisations.

#### **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 bye-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.

(F.No.19/I/2000-AWD)

DHARMENDRA DEO,

Jt. Secy.

ITEM NO.3

COURT NO.1

SECTION PIL

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 440 OF 2000

GEETA SESHAMANI

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T., directions, impleading party and office report) (For final disposal)

Date: 06/08/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.K.MATHUR

For Petitioner(s) Mr. P.K. Manohar, Adv.

For Respondent(s) M/s Ashok Bhan, Sunita Sharma  
S.W.A.Qadri, DS Mahra, Advs.

For NCT of Delhi Mr. S.W.A.Qadri, and  
Uts Mr. J.A.Khan, Advs.

For Chhattisgarh Ms. Suparna Srivastava, Adv. (NP)  
M/s Nidhi Minocha, Rajesh Srivastava, Advs.

For MCD M/s Sanjiv Sen &amp; Praveen Swarup, Advs.

For State of AP M/s Manoj Saxena, Rajnish Kr. Singh  
Rahul Shukla for TV George, Advs.

For Mizoram M/s KN Madhusoodhanan &amp; R.Sathish, Advs.

For NDMC Mr. Surya Kant, Adv.

For Maharashtra Mr. Sanjay V.Kharde, Adv.  
Mrs.Asha G.Nair, Adv.

For State of MP M/s CD Singh, Merusagar Samataray &amp;

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Vairagya Vardhan, Advs.

For Nagaland	M/s U.Hazarika, Satya Mitra & Ms. Sumita Hazarika, Advs.
For Haryana	Mr. Manjit Singh, Addl. A.G. Mr.Harikesh Singh, Adv. Mr. T.V. George, Adv.
For Assam	Mr. Riku Sarma, Adv. for M/s Corporate Law Group, Advs.
For Manipur	Kh. Nobin Singh, David Rao,S.Biswaji Meitei, Vijay Prakash, Advs.
For W.B.	M/s Tara Chandra Sharma, Neelam Sharma, Advs.
For Pondicherry	M/s VG Pragasam, S.J.Aristotle & S.Prabu Ramasubramanian, Advs.
For Bihar& Tripura	M/s Gopal Singh and Rituraj Biswas, Advs. Manish Kumar, Advs.
For UP	M/s Pramod Swarup, Aloka Sinha & Anuvrat Sharma, Advs.
For Punjab	Mrs. Jayashree Anand, Addl. Adv. General Mr. Karunakar Mahalik, Adv.
For Rajasthan	M/s Naveen Kumar Singh, Shaswat Gupta, Advs. for Mr. Aruneshwar Gupta, Adv.
For Sikkim	Mr. A.Mariarputham, Mrs. Aruna Mathurs, Advs. for M/s. Arputham Aruna & Co., Advs.
For Meghalaya	M/s Ranjan Mukherjee & S.C.Ghosh, Advs.
For HP	Mr. JS Attri, Addl. Adv. General
For AWBI	M/s Raj Panjwani & Vijay Panjwani, Advs.
For Jharkhand	Mr.Rajesh Pathak, Advs. For Mr.B.B.Singh,Adv.
For Arunachal Pr.	Mr. Rituraj, Adv.
For Gujarat	Ms. Hemantika Wahi, Adv. Ms.Pinky Behra, Adv. Ms.K.Enatoli Sema, Adv. Mr.Somnath, Adv.

Ms. A.Subhashini ,Adv.

Mrs Anil Katiyar ,Adv

Mr. Rajesh Prasad Singh ,Adv

Mr. R. Sathish ,Adv

Mr. Surya Kant ,Adv.

Mr. Anil Nag ,Adv

Mr. Rajeev Sharma ,Adv

Mr. R. Ayyam Perumal ,Adv

Mr. K.R. Sasiprabhu ,Adv

Mr. Ranjan Mukherjee ,Adv

Mr. Annam D.N. Rao ,Adv

Mrs.D. Bharathi Reddy ,Adv

Mr. Ramesh Babu M.R. ,Adv

Mr.A.Rohen Singh, Adv.

Mr.Amit Kr.Chawla, Adv.

For Mr. Sanjay R. Hegde ,Adv

Mr. Subramonium Prasad ,Adv

Mr. Ambhoj Kumar Sinha ,Adv

Mr. V.N. Raghupathy ,Adv

Mr. Ratan Kumar Choudhuri ,Adv

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Ms. Rachana Srivastava ,Adv

Mr. Rajesh Srivastava ,Adv

Mr. C.D. Singh ,Adv

Mr. Kamendra Mishra ,Adv

Mr. Mohanprasad Meharia ,Adv

Mr.P.N.Gupta,Adv.

Mr.Anis Suhrawardy, Adv.

Mr.S.Mehdi Imam, Adv.

Mr.Naresh Kumar, Adv.



UPON hearing counsel the Court made the following  
ORDER

This writ petition has been filed by the petitioner alleging that the provisions contained under the Prevention of Cruelty to Animals Act, 1960 are not fully implemented by the various States. All the State Governments were impleaded as party respondents and some of the States have filed their responses.

Heard petitioner's counsel.

The main grievance of the petitioner is that in many States the State Animal Welfare Boards are not constituted and, therefore, implementation of the provisions of the Act and the Rules are not done effectively. It is also pointed  
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that the Animal Welfare Boards in the States are not taking effective steps to establish Societies for prevention of Cruelty to Animals (SPCAs) in every district as contemplated under Rule 3 of the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001. Some of the States have submitted that they have filed a statement to the effect that these SPCAs had already been constituted in all the States.

We direct the States, which have not constituted the State Animal Welfare Boards to constitute 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.

A copy of this order be sent to the Chief Secretary of the all the States to do the needful.

The sum of Rs.1,11,363/- which is lying in F.D.R. may be made available to the Delhi State Animal Welfare Board as and when the same matures.

The writ petition is disposed of accordingly.

(G.V.Ramana)  
Court Master

(Vijay Dhawan)  
Court Master

ITEM NO.17 COURT NO.4 SECTION PIL(W)  
 S U P R E M E C O U R T O F I N D I A  
 RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 881/2014

GAURI MAULEKHI

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(with appln. (s) for directions and exemption from filing O.T. and office report) WITH

W.P.(C) No. 210/2015 (With appln(s) for directions and exemption from filing OT and office report)

Date : 13/07/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Anand Grover, Sr. Adv.  
 Ms. Nithya Rajshekhar, Adv.  
 Mr. Purushottam Sharma Tripathi, Adv.  
 Mr. Mukesh Kumar Singh, Adv.

Dr. Manish Singhvi, Adv.  
 Mr. Mumal Rajvi, Adv.  
 Mr. D.K. Devesh, Adv.  
 Mr. Shantanu Sagar, Adv.

For Respondent(s) Ms. Binu Tamta, Adv.  
 Ms. Vimla Sinha, Adv.  
 Mr. Sridhar Pottaraju, Adv.  
 For Ms. Sushma Suri, AOR

Mr. Anip Sachthey, Adv.  
 Ms. Shagun Matta, Adv.

Ms. Vimla Sinha, Adv.  
 for Mr. Gopal Singh, AOR

Mr. Siddhjarth Singh, Adv.  
 Mr. Samir Ali Khan, Adv.

Ms. Rachana Srivastava, Adv.

Mr. Milind Kumar, Adv.

UPON hearing the counsel the Court made the following  
 O R D E R

Learned counsel for the rival parties are agreed, that

the suggestions formulated by all the respondents, and incorporated in annexure A-2 placed on the record of this case (along with the affidavit dated 28.5.2015, filed by Mr. Banshi Dhar Sharma, IPS, Director General, Sashastra Seema Bal), deserves to be accepted, and an appropriate order need be passed for implementation thereof.

Based on the acceptance of the proposals, we direct all concerned, to implement the same forthwith. Whilst doing so, it shall be imperative for all the concerned State Governments to constitute District SPCAs, in each and every District of the State, as per Rule 3 of the SPCA Rules, within four weeks from today. Likewise, the State Governments concerned are directed to constitute State Animal Welfare Boards, to supervise and co-ordinate with the District SPCA. The aforesaid State Animal Welfare Boards, shall also be constituted within four weeks from today.

All State Governments concerned are directed to submit compliance report to this Court, within eight weeks from today. The aforesaid compliance report shall be verified by respondent no.7, i.e., The Secretary, Animal Welfare Division, Ministry of Environment and Forests, New Delhi, within a further period of four weeks.

List the instant writ petitions for further consideration on 16.11.2015.

(Renuka Sadana)  
Court Master

(Parveen Kr. Chawla)  
AR-cum-PS

Thank you

**Gauri Maulekhi**

Co-opted Member, Animal Welfare Board of India

Member, Uttarakhand Cattle Protection Commission

Executive Secretary, SPCA Dehradun

Member, Delhi Slaughterhouse Monitoring Committee

Member, Kerala Slaughterhouse Monitoring Committee

Member, Kerala Captive Elephant Task Force

Trustee, People for Animals