

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

Identification - Perma Flex Tags



Identification - RFID



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 u/s 35(4) of Prevention of Cruelty to Animals Act 1960



प्रमुख सचिव एवं आयुक्त
वन एवं ग्राम्य विकास आयुक्त शाखा
जिन प्राप्ति संख्या... 4163... प्र.स. / 2011
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 पशु क्रूरता निवारण अधिनियम 1960 की धारा 35(4) के प्राविधानानुसार निम्नलिखित खर्च की दरें निर्धारित की जाती हैं।

क्र० सं०	विवरण	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

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

(डा०बी०बी०आर०सी०पु०कु०शर्मा)
जिलाधिकारी, ऊधमसिंहनगर।

/ 4040-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



The Hon.ble Supreme Court in Criminal Appeal No 283-287/2002 namely State of UP Versus Mustakeem & Ors vide order dated 22.02.2002 directed the animals to be kept in a Gaushala and the State Government to take the responsibility of the preservation of those animals as long as the matter is under trial.

Dhyan Foundation Vs State of Bihar & Ors



The Hon'ble High Court of Patna in Criminal Writ Jurisdiction Case No 263 of 2017 namely Dhyan Foundation Vs State of Bihar & Ors vide order dated 27.04.2017 quashing the impugned order passed by the Sessions Judge held that in case the orders of the Sessions Judge was allowed to stand, the same would be dangerous for the life of the seized camels, and further directed to release the seized animals in favour of the Animal Welfare Organisation (Petitioner) in order to transport case property animals to the state of Rajasthan.

State of Haryana Vs Aneesh



The Hon'ble SDJM Court of Haryana in FIR No 332 dated 15.12.2015 of 2017 namely State of Haryana Vs Aneesh on an application moved by the Police of the Police Station Ferozepur Jhirka against the revisional orders passed in the Revisional Court vide which the Duty Magistrate's order dated 12.12.2015 was challenged, allowed the application and directed the recovered camels to be lodged in People For Animal Society in village Sirohi (Rajasthan)

Rajendra Kumar Chaudhary-ACJM



The Hon'ble ACJM Court of Assam in Case No 350/2017 dated 16.12.2017 regarding the consideration of release of the vehicle and the cost of transportation of camels ordered the vehicle owner to proportionately bear the burden of transportation costs of the camels and on execution of bond of Rs 15,00,000/- ordered the I/O to release the vehicle

Sonali Circus – ACJM Malda



The Hon'ble ACJM Court of Malda (West Bengal) in Case No 57/15 dated 18.05.2015 praying for necessary orders for safe custody of elephant namely champa declining custody to the owner Parul Singh ordered the Principala Chief Conservator of Forest, Wildlife and Chief Wildlife Warden, West Bengal to take immediate and permanent custody of the Elephant Champa and to take steps for transportation as well as proper wellbeing of the elephant Champa to the nearest sanctuary in West Bengal for well maintenance.



Rule 3: Custody of animals pending litigation

When an animal has been seized under the provision of the Act or the rules made thereunder—

- (a) the authority seizing the animal shall ensure health inspection, identification and marking such animal, through the jurisdictional veterinary officer deployed at Government Veterinary Hospital of the area and marking may be done by ear tagging or by chipping or by any less irksome advance technology but marking by hot branding, cold branding and other injurious marking shall be prohibited;
- (b) the magistrate may direct the animal to be housed at an infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala during the pendency of the litigation.



Rule 4: Cost of care and keeping of animal pending litigation

- (1) The State Board shall within three months from the date of commencement of these rules and thereafter on the 1st day of April every year, specify the cost of transport, maintenance and treatment per day for every species of animal that is commonly seized in the State.
- (2) The magistrate shall use the rates specified by the State Board as the minimum specified rates for transport, maintenance and treatment of the seized animals under sub-section (4) of section 35 of the Act.
- (3) In case the animal under consideration is not on the rate sheet specified by the State Board, the magistrate shall fix the cost of transport, treatment and maintenance of the animal based on the input provided by the jurisdictional veterinary officer.



Rule 5: Execution of bond

- (1) The magistrate when handing over the custody of animal to an infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala shall determine an amount which is sufficient to cover all reasonable cost incurred and anticipated to be incurred for transport, maintenance and treatment of the animal based on the input provided by the jurisdictional veterinary officer and shall direct the accused and the owner to execute a bond of the determined value with sureties within three days and if the accused and owner do not execute the bond, the animal shall be forfeited to infirmary, injrapole, SPCA, Animal Welfare Organisation or Gaushala.
- (2) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala having the custody of the animal may draw on from the bond on a fortnightly basis the actual reasonable cost incurred in caring for the animal from the date it received custody till the date of final disposal of the animal.
- (3) The magistrate shall call for the accused and the owner to execute additional bond with sureties once eighty per cent. of the initial bond amount has been exhausted as cost for caring for the animal.
- (4) Where a vehicle has been involved in an offence, the magistrate shall direct that the vehicle be held as a security.
- (5) In case of offence relating to transport of animals, the vehicle owner, consignor, consignee, transporter, agents and any other parties involved shall be jointly and severally liable for the cost of transport, treatment and care of animals.



- (5) In case of offence relating to transport of animals, the vehicle owner, consignor, consignee, transporter, agents and any other parties involved shall be jointly and severally liable for the cost of transport, treatment and care of animals.
- (6) In cases where a body corporate owns the animal, the Chief Executive Officer, President or highest-ranking employee of the body corporate, the body corporate and the accused shall be jointly and severally liable for the cost of transport, treatment and care of the animal.
- (7) In cases where the Government owns the animal, the Head of the Department and the accused shall be jointly and severally liable for the cost of transport, treatment and care of the animal.
- (8) If the owner and the accused do not have the means to furnish the bond, the magistrate shall direct the local authority to undertake the costs involved and recover the same as arrears of land revenue.



Rule 6: Abandoned animal

- (1) In case where the investigating officer files a report that prima facie offence under the Act has been made out but he is unable to determine the accused or the owner of the animal, then the magistrate shall direct the local authority to undertake the costs involved and it shall be deemed that the owner has relinquished the ownership of the animal.
- (2) The relinquishment of ownership shall have no effect on any criminal charges against the unknown offender or the owner.

Rule 7: Voluntary relinquishment

Nothing in these rules shall be construed to prevent the voluntary and permanent relinquishment of any animal by the owner who is the accused, to infirmary, pinjarapole, SPCA, Animal Welfare Organisation or Gaushala in lieu of executing a bond but the voluntary and permanent relinquishment shall have no effect on any criminal charges against the accused or owner.

Rule 8: Status of animal upon disposal of litigation

- (1) If the accused is convicted, or pleads guilty, the magistrate shall deprive him of the ownership of animal and forfeit the seized animal to the infirmary, pinjarapole, SPCA, Animal Welfare Organisation or Gaushala already having custody for proper adoption or other disposition. II (i) 23 (2) If the accused is found not guilty of all charges, the seized animal shall be returned to the accused or owner of the animal and the unused portion of any bond amount executed shall be returned to the person who executed the bond.



Rule 9 Process of adoption or other disposition

- (1) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala having custody of the animal during the litigation or post litigation may euthanize the animal in its custody as per section 13 of the Act.
- (2) Where the animal has been forfeited to the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala after conviction, abandonment or voluntary relinquishment, as the case may be, the animal shall be put up for adoption.
- (3) A person who has been charged under the Act or any cattle preservation law made by the State Government shall be prohibited from adopting animals from the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala.
- (4) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala prior to giving the animal for adoption shall,— (a) in case of cattle, take an undertaking in form of an affidavit that the animals are adopted for agriculture purposes and not for slaughter, and verify that the person adopting the animal is an agriculturist by seeing the relevant revenue document; (b) in case of draught and pack animals, take an undertaking in the form of an affidavit that the animals are adopted for draught and pack purposes and not for slaughter; (c) in case of dogs and cats, ensure that the animal is spayed or neutered before adoption; (d) keep a record of name and address of the person adopting the animal and procure an identity proof and address proof of the person adopting the animal; (e) obtain from the person adopting the animal a declaration in the form of an affidavit that he shall not alienate the animal up to six months from the date of adoption and shall abide by the rules for transport framed under the Act or any other law for the time being in force and shall get regular veterinary checkup done for the animal.



- (5) The person adopting the animal shall– (a) not sell the animal; (b) not abandon the animal; (c) follow the State cattle protection and preservation law; (d) not sacrifice the animal for any religious purpose; (e) not sell the cattle to a person outside the State without permission as per the State cattle protection and preservation law.
- (6) Where a cattle or a draught and pack animal has been adopted, before its removal from the premises of the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, the proof of adoption shall be issued in five copies, out of which first copy shall be handed over to person adopting the animal, second copy to infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, third copy to tehsil office of the residence of person adopting the animal, fourth copy to the Chief Veterinary Officer, Office of District of person adopting the animal and last copy shall be sent to the court to be filed in the case file.
- (7) The adoption of animal shall not create an irrevocable right to the person adopting the animal, and the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, may from time to time inspect the animal and in case it finds that the person who has adopted the animal is not providing sufficient care or it has reasons to believe that an offence under the Act or any cattle preservation law is anticipated, then the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, shall take possession of the animal.
- (8) The person adopting the animal shall only be the lawful guardian of the animal and shall not have any rights bestowed generally to an owner of the animal, but shall have the duty to take all responsible measures to ensure the well being of such animal and to prevent infliction upon such animal of unnecessary pain or suffering.

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;
- (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.

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 & 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 & 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 & 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 &

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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, Alok 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.

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For Arunachal Pr. Mr. Rituraj, Adv.

For Gujarat Ms. Hemantika Wahi, Adv.
Ms.Pinky Behra, Adv.
Ms.K.Enatoli Sema, Adv.
Mr.Somnath, Adv.

Mr. Shreekant N.Terdal, 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.

5/28/13

courtnic.nic.in/supremecourt/temp/44020003682008p.bt

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