Veterinary Jurisprudence and Post-mortem

V.P.S. Dabas
O.P. Saxena
Ranum Dabas,

International Book Distributing Co.

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Y.P.S. Dabas
Professor and Head
Department of Veterinary and A.H. Extension,
College of Veterinary and Animal Sciences
G.B. Pant University of Agri. & Tech.
Pant Nagar-263 145, U.S. Nagar (Uttarakhand)

O.P. Saxena
Former Professor,
Department of Veterinary Clinics,
College of Veterinary and Animal Sciences
G.B. Pant University of Agri. & Tech.
Pant Nagar-263 145, U.S. Nagar (Uttarakhand)

Ranum Dabas, B.V.Sc. and A.H.
Department of Veterinary Microbiology
College of Veterinary and Animal Sciences
G.B. Pant University of Agri. & Tech.
Pant Nagar-263 145, U.S. Nagar (Uttarakhand)

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Part 1

Legal Duties of Veterinarian

VETERINARY jurisprudence, forensic veterinary medicine and legal veterinary medicine are synonymous terms used for that branch of veterinary medicine which deals with the application of the principles and knowledge of veterinary medicine for the purposes of law, both civil and criminal. The veterinary jurisprudence includes all those aspects which affect the civil or social rights of the livestock owners and injuries to the animals and brings the veterinary practitioner into contact with the law.

The veterinarian, during his professional career, will have frequent occasions to give evidence as a veterinary expert in a court of law to prove the innocence or guilt of a person or to authenticate or disprove a criminal charge against an individual. He must not forget that as a veterinary expret, his responsibility is great, for very often his reliable opinion on which depends the liberty or the punishment of an accused. Therefore a veterinarian has to cultivate the habit of making a careful note of all the facts noticed by him and to learn to draw conclusions correctly and logically after considering all aspects of the case.

It is very important that a veterinarian should have a fair knowledge of all the branches of Veterinary Science taught to a veterinary student during the course of his studies, as he is often required to take the help of these subjects to throw light on various problems of vetero-legal interest in a

court of law. He must be well acquainted with Government orders, statutes and Acts regarding his privileges and obligations in veterinary practice.

It has often been remarked by judges that veterinarians are not very careful in writing vetero-legal reports and so cut a sorry figure as expert witnesses, but experience of vetero-legal work in India leads one to believe that this carelessness complained of by the judges is not because of wilful negligence on the part of veterinarian witnesses, but because of lack of sufficient information supplied by the police and of practical knowledge of legal procedure in practice in criminal courts owing to want of opportunities offered to veterinary students to be present in courts when vetero-legal cases are tried. In veterinary colleges while emphasis is given to the theoretical teaching of this subject the application of various rules and provisions of different Acts is neglected. Veterinary jurisprudence is a practical subject and class lectures should be illustrated with practical examples as far as possible and the students should get sufficient opportunities to examine cases of injuries and conduct and witness vetero-legal post-mortem examinations and prepare post-mortem reports.

Criminal courts and their powers

It is very important for a practising veterinarian to be well acquainted with the duties entrusted to him by the law and his legal obligations under the statutes. He must be familiar with the legal procedure in courts.

He may be required to appear in the court as an ordinary witness or complainant. In such case his duty is to state correctly what he had observed without exaggeration or suppression of any fact. In the capacity of witness to facts he is not to express any opinion on the facts; rather he should leave it to the court to form an opinion or to draw a conclusion. Generally he is required to appear as an expert witness because of his special knowledge of the subject. This forms an important public service that a veterinarian may be called upon to perform.

There are three kinds of courts for the trial of offenders in India: High

Courts, Courts of Sessions and Courts presided over by Magistrates. There are three categories of Magistrates: First, Second and Third Class. There is another class of Presidency Magistrates, who are appointed for Presidency towns. The first class Magistrates commit their cases to the Courts of Sessions. Magistrate of the First Class, when appointed to hold charge of a district is called District Magistrate. A Magistrate of the First or Second Class, when placed in charge of a sub-division is known as a Sub-Divisional Magistrate.

The High Court is the highest tribunal within a State. These courts may try any offence and pass any sentence authorised by law.

In addition to these there is a Supreme Court in Delhi which is the highest judicial tribunal in the country having powers of superintendence over all courts in India. The law declared by the Supreme Court is binding on all courts within the territory of India.

The Courts of Sessions are invested with jurisdiction over all kinds of offences, but they can only try cases which are committed to them by a Magistrate. They may pass any sentence authorised by law, but a sentence of death passed by a Court of Sessions must be confirmed by the High Court before it can be carried out. An Assistant Sessions Judge may pass any sentence authorised by law, except a sentence of death or of imprisonment for life, or imprisonment for a term exceeding seven years.

The sentences authorised by law are: (i) death, (ii) imprisonment for life, (iii) imprisonment including solitary confinement, (iv) fine, and (v) detention in reformatories.

Of these, a Magistrate of the First Class may pass a sentence of imprisonment not exceeding two years. He is also empowered to direct that a certain portion of the sentence shall be served out in solitary confinement, within the limits laid down by the Indian Penal Code. The term of imprisonment which a Second Class Magistrate may award is six months, and a Magistrate of the Third Class cannot pass a sentence of

imprisonment exceeding one month. The first classes Magistrates are authorised to pass a sentence of fine not exceeding one thousand rupees, a Magistrate of the Second Class not exceeding two hundred rupees, and a Magistrate of the Third Class not exceeding rupees fifty. As regards solitary confinement a Magistrate of the Third Class is not, but a Magistrate of the Second Class is, authorised to order that a portion of the sentence of imprisonment should be of the description known as solitary confinement. Twice the period of imprisonment which a Magistrate is authorised to award may be inflicted by him when passing a sentence for two or more offences at one trial. Of course, the court of any Magistrate may pass any lawful sentence combining any of the sentences which it is authorised by law to pass. It may be noted that it is only a Magistrate who can take cognizance of an offence.

Subpoena

A subpoena, commonly called summons, is a right compelling the attendance of a witness in a court of law under a penalty. When it is served on a witness to give evidence and produce documents before a court, he must do so punctually. Non-compliance in a civil case may render him liable to an action for damages, and in a criminal case, to fine or imprisonment, unless some reasonable excuse is forthcoming.

Oath

On being called into the witness-box, the witness has to take an oath before he gives his evidence. In taking the oath a Christian has to kiss the Bible, but this is not right from the hygienic point of view and is better to insist on taking it in the Scotch form, raising his right hand above his head and saying in a firm and loud tone, "I swear by Almighty God, as I shall answer to God at the Great Day of Judgment, that I will tell the truth, the whole truth and nothing but the truth". A non-Christian in taking the oath has to repeat, while standing, "the evidence which I shall give to the court shall be the truth, the whole truth, and nothing but the truth. So help me

God". If a witness wishes to give his evidence on solemn affirmation he has to say, "I solemnly affirm that the evidence which I shall give to the court shall be the truth, the whole truth, and nothing but the truth. So help me God".

Process of prosecution

If the owner of an animal wishes seek redress for his grievances in a court of law for his animal having been criminally injured, he has to lodge a report at the nearest police station mentioning the names of the culprit as well as of the witnesses. In the case of a Government animal, the veterinary surgeon in charge of the area, wherein the animal has been injured, is supposed to lodge a report with the police. The injured or dead animal should be examined by the veterinary surgeon either in the hospital, or on the spot, to give his report to the police. His report would normally provide material evidence in the court for prosecution and should, therefore, be carefully drafted.

Legal importance of examination of the carcass

The object of the examination is to ascertain the cause and the manner of death in all deaths from criminal violence, or in sudden deaths from unknown causes. Without proper examination it is not possible to ascertain cause of death in all cases of criminal violence, and sudden deaths due to unknown causes, even when apparently the animal appears to have died from natural causes. It is not uncommon to find that cases of apparently natural deaths or of death due to contagious disease have actually died of poisoning or violence, which caused rupture of internal organs without any external lesions. If it is the question of an injury, or death following an injury, it is necessary not only to describe in detail the injury, but also to indicate the approximate time of its occurrence, nature of the weapon used, and manner of causing injury. Every possible cause should be investigated before venturing an opinion as to the cause of death. Not only should the post-mortem lesions, both external and internal, be carefully examined, but all

circumstantial evidence given and the surroundings, such as the field, or the land, etc., where the animal was found dead should be described. The history, as given by the owner, should be noted briefly and signed by the owner, or left thumb impression (right thumb impression, if a woman) taken if he or she is illiterate.

In our climatic conditions, it is necessary to perform the post-mortem as early as possible to avoid decomposition of the carcass and its mutilation by carrion animals such as dogs, vultures, hyaenas, etc., because safeguarding these carcasses under village conditions is not always easy.

Needless to say that the post-mortem report should be carefully drafted in a logical order without any exaggeration, so that a true picture of the case can be stated on oath in the witness-box. The proforma for recording a post-mortem report must be filled in triplicate at the time of the post-mortem examination, signed, timed and dated. It would be useful to maintain a vetero-legal register at various institutions to provide guidance to newcomers.

Where only bones are available, it is necessary to record the detailed description of the important bones, which would provide sufficient information to identify the species, the sex and age if possible of the animal. This is specially important in the case of cattle and buffaloes on account of ban on slaughter of cows of all ages and of bullocks below 15 years of age. Any malformation should be specially noted. The odour and feel of bones should be noted carefully for assessing the time of death, as recent bones have a peculiar odour and a greasy feel.

The evidence is then recorded in the following manner: (1) Examination-in-Chief, (2) Cross-examination, (3) Re-examination, (4) Questions put by the Judge, Juror or Assessor.

(1) *Examination-in-Chief*

This is the first examination of a witness by the party which calls him. In Government prosecution cases the prosecuting inspector, as a rule, first

examines the witness to elicit the principal facts concerning the case. If the witness is summoned by a private party, he is first examined by the pleader of that party. In this part of the examination leading questions, i.e. questions which suggest their answers, are not allowed except in those cases in which the judge is satisfied that a witness is hostile, and is trying to conceal the true facts. "Did you see X striking Y with a stick on a certain afternoon" is a leading question, as that suggests the answer "yes". It cannot, therefore, be put to the witness. The proper forms of the question in a case of an assault are: "When did this incident occur? Where were you at that time? What did you notice?" and so on. In that case the witness will narrate the whole incident of X striking Y as he saw it.

(2) *Cross-examination*

This may be regarded as the most reliable procedure of testing the value of an evidence and is adopted by counsel for the accused who tries to elicit facts, or demonstrate the possibility of theories, not necessarily inconsistent with the evidence the witness has given, but helpful to his own case. In this examination leading questions are permissible, and the witness should be very cautious in answering them. He should not attempt to answer the questions, unless he clearly and completely understands them, as the cross-examiner often tries every possible means to weaken his evidence, thereby showing to the court that the evidence in question is conflicting and is thereby unreliable and worth nothing.

The witness may also be asked such questions which tend to test his veracity, to discover his knowledge, experience and qualifications and even to injure his character. It must, however, be remembered that the court can always forbid any question which appears to it to insult or annoy, or which, though proper in itself, appears to the court needlessly offensive in form (vide Section 152, Indian Evidence Act).

In some instances, cross-examination acts as a double-edged sword, which cuts both ways, i.e. it may damage the defence as much as, and sometimes

more than, the prosecution, specially if counsel is not familiar with Veterinary Science, and the witness happens to be well up in his subject, and at the same time honest and straightforward.

There is no time-limit for cross-examination. It may last for hours or even days, although the presiding officer can always disallow irrelevant questions and cut short the cross-examination.

(3) *Re-examination*

The prosecuting inspector or counsel, who conducts the examination-in-chief, has the right to re-examine the witness to explain any discrepancies that may have occurred during cross-examination; but the witness should not introduce any new subject without the consent of the judge or opposing counsel, lest he should become liable to cross-examination on the new point thus introduced.

(4) *Question put by the Judge, Juror or Assessor*

The Judge, Juror or Assessor may question the witness at any stage to clear up doubtful points :

Veterinary Evidence

Veterinary evidence given before a court of law is of two types, viz. (1) documentary, and (2) oral or parol.

1. Documentary Evidence

This includes:

(a) Veterinary certificates.

(b) Vetero-legal reports.

(a) *Veterinary certificates*

These are the simplest forms of documentary evidence, and generally refer to ill-health, unsoundness of animal, death etc. These certificates should not be made lightly or carelessly, but with a due sense of

responsibility for the opinion expressed in them. They are not accepted in a court of law unless they are issued by a duly qualified veterinary practitioner.

A veterinary practitioner should remember that, on the occurrence of the death of an animal which he has been attending during its last illness, he is legally bound to give a certificate stating, "to the best of his knowledge and belief", the cause of death, as evidenced by post-mortem findings for which he is not allowed to charge a fee. The granting of such a certificate is not to be delayed. However, he must decline to give a certificate, if he is not sure of the cause of death, or if he has the least suspicion of foul play. In such a case, the proper course for him is to report at once to the police authorities, before the body is removed for disposal or burial.

(b) ***Vetero-legal reports***

These are the documents prepared by the veterinarian in compliance with a demand by an authorised police officer or a Magistrate, and are referred to chiefly in criminal cases relating to assault, killing, poisoning, accidental injury etc. These reports consist of two parts, viz. the facts observed on examination, and the opinion or the inference drawn from the facts.

In order that they may be admitted as exhibits in evidence, these reports should be written up by the Veterinary Officer at the time the examination was made, or immediately afterwards. They form the chief documents in judicial inquiries and are likely to pass from the lower to the higher courts, as well as be placed in the hands of pleaders; hence utmost care should be taken in preparing them. No exaggerated terms, superlatives, or epithets expressing one's feelings should be used.

After noting the facts, the opinion should be expressed briefly and to the point. The Veterinary Officer must remember that he should always base his opinion on the facts observed by himself. He should not be biased by the statements of others. In drawing conclusions in vetero-legal reports he should not depend upon information derived from any other source.

However, if this opinion tallies with the information supplied, he should say so in his report.

An injury case should be kept under observation, and the fact notified to the police, if it is not possible to form an opinion immediately after examining it; a hasty opinion should not be formed, even if pressed by the police.

(2) Oral Evidence

Oral evidence must in all cases whatever be direct, that is to say, if it refers to a fact which could be seen, heard or perceived by any other sense, or in any other manner, it must be the evidence of a witness who says he saw, heard, or perceived it by that sense or in that manner; if it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds. If oral evidence refers to the existence or condition of any material/article other than a document, the court may, if it thinks fit, require the production of such material/article for its inspection. Oral evidence is more important than documentary evidence, since a person has to prove on oath or affirmation documentary evidence supplied by him to the court, that it is true and correct and is in his own handwriting.

The following are the exceptions:

1. Dying declaration.
2. Expert opinions expressed in a treatise.
3. Deposition of a veterinary witness taken in a lower court.
4. Chemical Examiner's report.
5. Evidence given by a witness in a previous judicial proceeding.

Kinds of Witnesses

Witnesses are of four kinds: common, expert, skilled and hostile.

A common witness is one who testifies to the facts observed by himself.

An expert witness is one who, on account of his professional training, is

capable of deducing opinions and inferences from the facts observed by himself or noticed by others. Thus, it is apparent that a veterinary witness is both common and expert. He is a common witness when he gives evidence as regards the variety, size and position of injuries, and is an expert witness when he mentions the nature of these injuries as to whether they were caused during life or after death, whether they were accidental or natural and so on.

Rules for Giving Evidence

The veterinary practitioner, when summoned to court as an expert witness, must remember that he is there to tell the truth, the whole truth and nothing but the truth, and should, therefore, give his evidence irrespective as to whether it was likely to lead to conviction or acquittal of the accused. His evidence should be relevant, reliable and clear.

He should speak slowly, distinctly and audibly to enable the judge and counsel to hear him and to take notes of his evidence.

He should use plain and simple language, avoiding all technicalities, as the bench and the bar are not expected to be familiar with veterinary terms. It is no use showing his erudition by using these terms; however, if he cannot help using any veterinary terms he should try to explain it in ordinary language as far as possible.

He should avoid long discussions, especially theoretical arguments. His answers should be brief and precise, and in the form of "yes" or "no". However, by doing so, if he finds that what he means to say is not understood he can explain his answer after obtaining permission from the judge.

If he does not know or remember any particular point, he should not hesitate to say so and must not hazard a guess in a doubtful case, also he should never assume the function of the judge or jury by giving an opinion on the merits of the case.

He should remember that the lawyer has practically unlimited licence and latitude in putting questions to the witness in cross-examination, and consequently he should never lose his temper, but should appear cool and dignified, even if questions of an irritable nature be put to him. However, he should have no complaint against lawyers. They have great regard for him and have shown the greatest amount of courtesy to him at the time of his deposition in court.

The veterinary witness may refresh his memory from his own report already forwarded to the court, but should not do so from his private notes, unless they agree word for word with the original, made at the time of, or immediately after, the occurrence of the event, and were written by him or certified to be correct if written by his assistant; besides, he should be prepared to have them put in as exhibits if desired by the judge or counsel.

He should not quote the opinion of other veterinarians or quote from text-books regarding the case. He is supposed to express an opinion from his own knowledge and experience.

When counsel quotes a passage from a text-book and asks the witness whether he agrees with it, he should, before replying, take the book, note the date of its publication, read the paragraph and context, and then state whether he agrees or not; for, counsel usually reads only that portion which is favourable to his case, and the meaning may be completely altered when it is read in reference to context. In spite of this precaution he should stick to his opinion if it is still his opinion, and if he finds that it differs from the one expressed in the book. To avoid being surprised by such quotations, however, it is advisable to study all the available literature on the subject before giving evidence in court.

Volunteering of a Statement

It is said that a witness is not supposed to volunteer a statement in court, unless called upon to do so. This may be true in the case of a lay witness, but it cannot be so in the case of a veterinary witness. Even though a

veterinary witness is called by one side to give evidence in court, he must not forget his duty towards the opposite party-of honesty and fair dealing. He must also remember that the judge regards him not as a veterinary advocate put forward by one side to establish the case but as an officer of justice helping the court elicit the truth. It is, therefore, the duty of a veterinary witness to state fairly all the veterinary facts bearing on the case without any reservation. Hence it is proper for him to volunteer statements and suggest questions to court, especially when he finds that there is danger of justice being miscarried owing to the court having failed to elicit any important point.

Professional Secrets

Under Section 126 of the Indian Evidence Act, a lawyer can claim privilege and will not at any time be permitted to disclose in court any communication made to him in the course and for the purpose of his employment as such by his client except with his express consent, but a veterinary witness cannot claim such privilege as regards professional secrets obtained by him or communicated to him by the owner of the animal under his care in the course of examination and treatment. Nevertheless, he should, on no account, volunteer these secrets, but should divulge them under protest to show his sense of moral duty, when pressed by the court to do so. Non-compliance with the order of the court may render him liable for contempt of court proceedings.

Negligence

Liabilities under the law of courts are :

Civil action - for damage.

Consumer Protection Act - Private Veterinarian's liability under the Act for rendering deficient service due to negligence. Government Veterinarians are exempted from this Act as no considerable amount is charged for rendering services.

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Part 2

Post-mortem Examination (Autopsy)

The Object

THE object of the post-mortem examination of a body is to establish its identity when not known, and to ascertain the time and cause of death, natural or unnatural.

Police Inquest

All over India, except Mumbai and Kolkata; an officer, usually of the rank of a sub-inspector of police in charge of a police station, on receiving information of the accident or unnatural death of any animal, informs immediately the nearest Magistrate about it, and proceeds to the place where the body of the animal is lying and there, in the presence of two or more respectable persons of the neighbourhood (panches), makes an investigation and draws up a report of the apparent cause of death as judged from the appearance and surroundings of the animal's body, describing such injuries or marks of injuries as may be found on the body of animal, and stating in what manner or by what weapon or instrument (if any) such marks appear to have been inflicted. The inquest report (panchnama) is then signed by the investigating police officer and by the persons present (panches). In a case of suspected foul play or in the

event of doubt regarding the cause of death, the investigating officer or other police officer, who prepared the inquest report, forwards the body of animal for post-mortem examination (autopsy) to the Veterinary Surgeon of the District or other qualified Veterinary Officer authorised to make such examinations, furnishing him with the description roll and as full particulars as possible to enable him to find out the probable cause of death, if the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless. In order to shirk responsibility, the investigating officer is apt to send all the bodies of animals, irrespective of the cause and manner of death to the veterinary officer for post-mortem examination. The veterinary officer, immediately after conducting the post-mortem examination, has to give a statement as to cause of death of the animal, to the constable accompanying the animal body, for communication to the investigating officer, and later send the full report to the Superintendent of Police, who forwards it to the Sub-Divisional Magistrate or Magistrate concerned.

Rules

A vetero-legal post-mortem examination should never be carried out unless there is a written order from the Superintendent of Police, the District Magistrate or the Coroner. Before commencing the examination, the Veterinary Officer should carefully read the police report about the appearance and situation of the body of an animal when it was first discovered, and the cause of death as far as could have been ascertained. This precaution is necessary, especially in the case of a decomposed body, so as to enable him to examine particularly the organ or the part of the body most likely to show the evidence of death.

The examination should be conducted in daylight, and not in artificial light, as far as possible.

Preservation of Viscera and other Articles in cases of suspected poisoning and rules for transporting them to the Chemical Examiner and Forensic Science Laboratory

In fatal cases of suspected poisoning the following viscera should ordinarily be preserved for chemical analysis in clean, wide-mouthed, colourless glass bottles, fitted with glass stoppers, which are issued to the Chief Medical Officer/Veterinary Officer from the Chemical Examiner's office. These bottles are of about one litre capacity and have serial numbers etched on the surface of both the bottles and the stoppers:

1. The stomach and its contents. Any suspicious substance found inside the stomach should be preserved in a separate phial.
2. A portion of the liver, not less than 500 gm, or the whole liver.
3. The spleen, if very large, only a portion thereof.
4. One kidney.
5. The upper part of the small intestine with its contents.

According to the rules of the U.P. Government for despatching viscera and other articles to the Chemical Examiner for analysis, the stomach and its contents are to be preserved in one bottle, and pieces of the liver, spleen, kidney, and of the upper part of the small intestine, in another bottle, but it is advisable to preserve the stomach and its contents together with a piece of the upper part of the small intestine in one bottle, and pieces of the liver, spleen and kidney in another bottle. The viscera are to be preserved in rectified spirit, except in cases of suspected poisoning, by alcohol, phosphorus, paraldehyde, acetic acid or carbolic acid and other chemicals of the phenol group, when a saturated solution of common salt is to be employed. The pieces of viscera should be slashed or cut into small pieces to ensure penetration of the preservative. It should be noted that the quantity of rectified spirit or saturated solution of common salt together should not fill the bottle completely, but only up to two-thirds its height, in order to reduce the risk of the bottle bursting up in case any gas

is released due to decomposition. The stoppers of the bottles should be treated with motor grease, vaseline or any other suitable grease, to prevent them from sticking, and should be securely tied in position by tape or string, the ends of which should be sealed in such a manner that the bottles cannot be opened without breaking the seal. A label bearing the identification mark of the animal and the viscera should be pasted on each bottle. A sample of the preservative used – either the rectified spirit or the saturated solution of common salt – should be sent unless the preservative is supplied by the Chemical Examiner's office.

Before despatch to the Chemical Examiner, each bottle should be put in a cardboard case issued by the Chemical Examiner's office. The number stencilled on the cardboard case should be the same as that on the bottle. The cardboard case should be securely tied with pieces of tape attached to its sides and sealed so that it is not be possible to open the cardboard case without breaking the seals. The cardboard case should then be placed in a wooden box, called a standard pattern box, which is also supplied by the Chemical Examiner. The box has a pent-roof shape, is furnished with a door at the side and is lined inside with cushions which press against the bottle firmly on all sides so that no further packing material is necessary. A bigger wooden box divided into two compartments is also supplied to pack both the bottles. The door of the box has a lock whose key remains permanently with the Veterinary Officer/Chief Medical Officer. A duplicate key is kept in the Chemical Examiner's office. A serial number is marked on each box and also on the key. This number should be quoted in the letter to the Chemical Examiner and a piece of tape should be pasted across the key-hole. The address label should be pasted on the door of the box in such a position as to cover the key-hole. On this label the number and date of the letter advising despatch to the Chemical Examiner should always be stated to prevent mistake in identification. Viscera and articles belonging to separate cases should never be packed in the same box. The box should be forwarded to the Chemical Examiner by railway parcel, and the railway receipt together with the forwarding

letter should be sent to the Chemical Examiner in a registered cover. The forwarding letter should contain the number, date, numbers of the bottles used, and the case number for which analysis of the viscera is required by the District Magistrate. All the articles should be packed and sealed in the presence of the Veterinary Officer and the special vetero-legal seal being used for this purpose. Along with the letter a copy of the post-mortem report should also be forwarded, and in all poisoning cases a full history of the animal is essential.

In addition to the above-mentioned viscera, the following articles are to be preserved in certain cases of poisoning.

(1) Urine and faeces, when available

Urine should be preserved in a clean glass bottle with an equal quantity of rectified spirit or with a few grains of thymol if rectified spirit is contraindicated. Faeces should also be preserved separately in a clean glass bottle in rectified spirit.

(2) Heart and portion of the brain

These should be preserved in separate glass bottles in rectified spirit, if poisoning by nux vomica or strychnine is suspected.

(3) Lung tissues and blood from the heart cavity

These should be preserved separately in clean glass bottles without adding any preservative in cases of suspected poisoning by carbon monoxide, coal gas, hydrocyanic acid, alcohol or chloroform, and should be forwarded for chemical examination as soon as possible. The cerebrospinal fluid should also be preserved in a suspected case of poisoning by alcohol.

(4) A portion of the skin and subcutaneous tissue in cases where poison is suspected to have been administered by subcutaneous injection.

(5) Portions of the long bones

These should be preserved in suspected cases of subacute or chronic

poisoning by arsenic and antimony, especially when a body is exhumed after a long burial or when a body has undergone extensive putrefactive changes.

(6) A quantity of hair

This should be preserved in suspected cases of subacute or chronic poisoning by minerals, as most minerals are eliminated through the hair.

(7) Genitalia

The uterus and its appendages together with the upper part of the vagina in fatal cases of suspected criminal abortion, if considered necessary by the Veterinary Officer. Sticks or other foreign bodies found in the genital tract should be preserved in a separate glass bottle after removal and drying when practicable.

Unless the viscera and other articles are forwarded to the Chemical Examiner they are to be preserved for a period of six months, and are then to be destroyed after obtaining the District Magistrate's consent.

Death and its Vetero-legal Aspects

Definition

Death is classified as somatic or systemic and molecular. Somatic and systemic death is that state of the body in which there is complete loss of sensibility and ability to move and complete cessation of the functions of the brain, heart and lungs, the so-called "tripod of life", which maintain life and health. Molecular death means the death of the tissues and cells individually, which takes place some time after the stoppage of the vital functions, and is accompanied by cooling of the body, the temperature of which is reduced to an equilibrium with the external world.

Manner of Death

All kinds of deaths, whether natural or accidental, are due to three primary reasons, viz.:

1. Coma;
2. Syncope; and
3. Asphyxia.

1. Coma

Coma means insensibility, resulting in death, from different causes which in some way involve the central portion of the brain stem.

Causes

1. Compression of the brain resulting from injuries or diseases of the brain or its membranes, such as concussion, effusion of blood on, or in, the brain due to subarachnoid haemorrhage, fracture of the skull, inflammation, abscess or new growth in the brain, embolism or thrombosis.
2. Poisons having a specific action on the brain and nervous system, such as opium, barbiturate, alcohol, carbolic acid, etc.
3. Poisons that act on the brain after they are generated in the body in certain diseases of the liver and kidneys, e.g. acetonaemia, uraemia, etc.

Symptoms

First of all, there is a condition of stupor from which the animal may be roused temporarily for a few seconds or more. In this condition the reflexes are usually present, or are exaggerated, and the animal may be able to swallow fluids. This is followed by complete unconsciousness from which the animal cannot be roused. In some cases sudden insensibility supervenes without an initial stage of stupor. During the comatose condition the reflexes are lost, the sphincters are relaxed and the pupils are dilated or contracted and insensible to light. The skin is generally cold and the temperature is subnormal or normal. The pulse is usually full and bounding, but slow. The breathing is slow, and irregular. Mucus collecting in the air passages causes the sound which is known as the death-rattle.

Post-mortem appearance

Injuries on the skull or on the brain may be present with consequent effusion of the blood into the cranial cavity. The brain and its membranes are found congested. Haemorrhages within the cranium due to disease are found in the membranes or in the brain substance, but when due to injury, clots are commonly found between the skull and the membranes, or on the surface of the brain. The right side of the heart is usually full and the left empty. The lungs and the venous systems are gorged with blood, but not so much as in death from asphyxia.

2. Syncope

In this, death occurs due to stoppage of the heart's action, the causes of which may be:

1. Anaemia, due to sudden and excessive haemorrhage from wounds of the large blood vessels, or internal organs, such as the lungs, spleen, etc. or from bursting of an aneurysm or a varicose vein.
2. Shock, resulting from sudden fright, blows on the heart or on the epigastrium, drinking a large quantity of cold water when in a heated condition, extensive injuries to the spine or other parts of the body, the sudden evacuation of natural or pathological fluids from the body or sudden pressure or severe exposure to cold.
3. Asthenia due to deficient power of the heart muscle as in fatty degeneration of the heart, aorta regurgitation and poisoning by certain poisons.
4. Exhausting diseases.

Symptoms

There is pallor of the mucous membranes, dimness of vision, dilated pupils, great restlessness, air hunger, gasping respiration, nausea, and possibly vomiting. Reflex vasodilation causes marked fall in blood pressure. The pulse is slow, weak and fluttering in anaemia, and rapid in asthenia. Slight

delirium, insensibility and convulsions precede death. In collapse, the animal retains consciousness, though the condition is attended with failure of the heart's action.

Post-mortem appearance

The heart is found to be contracted and the chambers empty when death occurs from anaemia, but both the chambers contain blood in the case of death resulting from asthenia. The lungs, brain and abdominal organs are usually found pale.

3. Asphyxia

Death from asphyxia is said to take place when the respiratory function stops due to lack of oxygen, before the heart ceases to act.

Causes

1. Mechanical obstruction of the air passages by foreign bodies, exudations, tumours, anaphylactic bronchospasm, suffocation or drowning by blocking of their lumen from within; and spasm of the glottis because of mechanical irritation and irritant gases, forcible closure of mouth and nose by any means.
2. Absence of sufficient oxygen as at high altitudes or presence of inert gases, such as carbon monoxide, in the atmosphere.
3. Stoppage of movements of the chest resulting from exhaustion of the respiratory muscles due to cold or debility; paralysis of the respiratory muscles due to disease or injury of the medulla or phrenic or pneumogastric nerves, mechanical pressure on the chest or abdomen, and tonic spasm due to tetanus or poisoning by strychnine.
4. Collapse of the lungs from penetrating wounds of the thorax or diseases such as pleurisy with effusion, empyema, or pneumothorax.
5. Non-entrance of blood into the lungs, as in embolism plugging the pulmonary artery.

Symptoms

These are divided into three stages:

(1) Dyspnoea.

(2) Convulsions, and

(3) Exhaustion.

In the first stage the animal bears an anxious look. Its lips are livid, and the eyes are prominent. The accumulation of carbon dioxide in the blood stimulates the respiratory centre in the medulla, and the respiration becomes deep, hurried and laboured, the extraordinary muscles of respiration being called into play. The blood pressure rises and the pulse becomes rapid.

In the second stage the expiratory muscles of respiration become more active with spasmodic movements, which are followed by convulsions of nearly all the muscles of the body. Owing to venous and capillary stagnation the mucous membranes are deeply congested and cyanosed. Tongue is seen protruding. Consciousness is lost and the sphincters are relaxed.

In the third stage the respiratory centre is paralysed. Muscles become flaccid, there is complete insensibility, the reflexes are lost, and the pupils are widely dilated. The blood pressure falls. In respirations, prolonged sighings occur, at longer and longer intervals, until they cease altogether, and death ensues. The pulse is scarcely perceptible, but the heart may continue to beat for some minutes after respiration has ceased.

Post-mortem appearance

External

The mucous membranes pale in slow asphyxia, but distorted, congested and blue in cases of sudden asphyxia. The tongue is protruded in most cases, with frothy and bloody mucus coming from the mouth and nostrils. Rigor mortis usually commences slowly, but may be rapid in some cases.

Internal

The mucous membrane of the trachea and larynx is cinnabar red and contains froth. The lungs are dark and purple in colour and gorged with dark venous blood; on being cut they exude frothy, dark fluid blood. The air cells are distended or even ruptured due to emphysema. The right cavity of the heart is full of dark-coloured imperfectly clotted blood, and so are the pulmonary artery and the vena cava. The left cavity, the aorta and the pulmonary veins are empty. In many cases, both sides of the heart are found to be full, if examined soon after death but after rigor mortis has set in, the heart is found contracted and empty, or the tension in the abdomen presses on the inferior vena cava and drives blood up into the heart. Similarly, the lungs are found heavier with blood collected in the dependent parts, if examined some time after death, or the tension in the abdomen or contraction of the heart muscle will drive more blood into the lungs, irrespective of the cause of death.

The brain is congested but not so much as in death from coma. The abdominal organs are found congested. Numerous small petechial haemorrhages or ecchymoses are seen under the serous membranes of various organs due to rupture of the capillaries caused by increased pressure in them. These are usually round, dark and well-defined, varying in size from a pin's head to a small lentil. They are found under the visceral pleurae, pericardium, thymus, meninges of the brain and cord, conjunctiva, epiglottis and even under the skin of the face and neck. They are sometimes seen in deaths occurring from scurvy, purpura or coronary thrombosis.

CLASSIFICATION OF DEATH

A classification of vetero-legal deaths is based upon the concept that the cessation of the vital functions depends upon tissue anoxia, which is brought about in the following four ways:

1. Defective oxygenation of the blood in the lungs or anoxic anoxia is produced by (a) obstruction to the passage of air into the respiratory tract as in suffocation, smothering and overlaying; (b) obstruction in

the passage of air down the respiratory tract as in drowning, choking from impaction of a foreign body, strangulation; (c) external compression of the chest and abdominal walls, e.g. on being buried under earth or debris; (d) primary cessation of respiratory movements causing respiratory failure, e.g. from narcotic poisoning and electrical shock; (e) breathing in a vitiated atmosphere in which there is an excess of carbon dioxide or inert gases.

2. Reduced oxygen-carrying capacity of the blood – anaemic anoxia occurring in acute poisoning by carbon monoxide, chlorates, nitrites and coal-tar derivatives.
3. Depression of the oxidative processes in the tissues – histotoxic anoxia seen in acute cyanide poisoning.
4. Inefficient circulation of the blood through the tissues – stagnant anoxia occurring in deaths from traumatic shock, heatstroke, and acute and corrosive poisoning.

All these types of anoxia produce circulatory failure, which may lead to death.

The post-mortem findings in all forms of death of vetero-legal nature can be divided into two types, namely basic pathological haemorrhages and special pathological changes depending upon the particular type of death, e.g. local injuries to the neck in throttling and strangulation. The tissue anoxia, howsoever induced, leads to circulatory failure; hence the fundamental pathological changes are uniform in all forms of death although they vary in degree. The relative absence of visceral congestion in deaths occurring from sudden primary cardiac failure supports the view that the degree of visceral congestion is less in rapid deaths as compared with deaths occurring slowly.

Sudden death

Sudden or unexpected death may occur from unnatural causes, such as violence or poison, as well as from natural causes. Unnatural deaths have always to be investigated by the police, but very often natural deaths form

the basis of vetero-legal investigations if they have occurred suddenly in apparently healthy animals and under suspicious circumstances. The possibility of death as a result of disease and injury together has also to be kept in mind. In such cases a veterinary practitioner should not certify the cause of death without conducting a post-mortem examination, even if there is strong evidence of disease.

Causes

Natural causes producing sudden death are:

Diseases of the Cardio-vasular System

Diseases of the heart such as acute myocarditis as a result of infections like enteric fever, diphtheria, pericarditis etc., fatty degeneration of the myocardium, rupture of a myocardial infarct or aneurysm.

Left ventricular failure associated with aortic valvular disease, hyperthyroidism etc.

Right ventricular failure associated with chronic emphysema and other lung diseases.

Diseases of the pericardium.

Congenital abnormal conditions of the heart in calves.

Signs of Death

The signs of death are:

1. Entire and permanent cessation of circulation and respiration:
2. Changes in the eye;
3. Changes in the skin;
4. Cooling of the body;
5. Cadaveric lividity, hypostatis, suggilation or post-mortem staining;
6. Putrefaction or decomposition;
7. Cadaveric changes in the muscles;

8. Adipocere; and
9. Mummification.

1. Entire and permanent cessation of Circulation and Respiration

Ordinarily these signs are considered sufficient to determine that death has actually taken place, but these alone should not be relied on as absolute signs, as hibernating animals are known to resuscitate to life after having remained for some time in a condition in which the action of the heart and lungs was in abeyance and the muscles stiff and motionless. This state of suspended animation lasting from a few seconds to half an hour or more may be found in cases of hysteria, sunstroke, concussion, drowning, frozen coma, electric shock, tetanus, convulsions, surgical shock and anaesthesia and the subject can be revived by cardiac massage or electric stimulator accompanied by artificial respiration.

A careful examination of the heart and lungs with a stethoscope lasting for five minutes, and repeated at short intervals, if necessary, will enable an opinion to be formed as to whether the circulatory and respiratory functions have ceased or not, bearing in mind that occasionally the heart sounds are not audible, though the heart is functioning perhaps with an abnormal rhythm.

Tests to determine the stoppage of respiration are:

(a) The surface of a cold, bright looking-glass held in front of the open mouth and nostrils becomes dim, due to the condensation of warm moist air exhaled from the lungs, if respiration is still going on, but not otherwise. This test is useful in cold weather.

(b) There will be no movement of a feather or cotton fibre held in front of the mouth and nostrils if respiration has stopped, but this is not a reliable test as the slightest draught of air or nervousness on the part of an observer will move the feather or cotton fibre.

2. Changes in the Eye

Soon after death the eye loses its lustre. The corneal reflex is lost, the

cornea becomes opaque and looks like dimmed glass. Such a condition may be present before death in uraemia and narcotic poisoning. The pupils also change their form and become oval, triangular or polygonal, when pressure is applied by the fingers on two or more sides of the eye balls of a really dead animal, but they retain their round form in a living animal or in one which is apparently dead. Owing to rapid reduction of intra-ocular tension, the eyes look sunken.

3. *Cooling of the Body*

After death the body starts losing its heat by conduction, convection and radiation and gradually attains the same temperature as that of its surrounding medium. But it must be borne in mind that this loss of heat cannot be considered as a certain sign of death until the body has lost 15 to 20 degrees of the normal heat, viz. 80^0F for a rectal temperature.

The rate of cooling of the body may be influenced by such causes as age, condition of the body, manner of death, and surroundings of the body.

Fat and large well-nourished bodies retain heat much longer than lean and weak bodies.

Cooling of the body is more rapid in deaths occurring from severe haemorrhage or chronic and wasting diseases than in deaths occurring suddenly from accident, acute disease or apoplexy; whereas the body stays warm for a long time when death has resulted from asphyxia as in lightning, suffocation or poisoning by carbon dioxide.

4. Cadaveric Changes in the Muscles

After death the muscular tissues of the body pass through three stages:

1. Primary relaxation or flaccidity,
2. Cadaveric rigidity or rigor mortis,
3. Secondary relaxation

1. Primary relaxation or flaccidity

Soon after death the whole muscular system begins to relax except in those cases where the muscles have been in a contracted condition before death, hence we notice that the lower jaw of a dead body falls, the eyelids lose their tension, the extremities become soft and flabby, and the joints flexible. But the muscles are contractile and react to external stimuli, mechanical or electrical, owing to their retaining molecular life after somatic death. This stage lasts for three to six hours but the average is two or three hours.

2. Cadaveric rigidity or rigor mortis

This stage, which is also known as death stiffening, comes on immediately after the muscles have lost the power of contractility, and affects all the muscles of the body both voluntary and involuntary.

A satisfactory theory has not yet been advanced to explain the chemical changes which occur in the muscle tissues during the process of rigor mortis, but some scientists have shown recently that adenosine triphosphate (ATP) plays a fundamental role not only in the normal contraction and relaxation of living muscle, but also in determining the physical condition of the muscle proteins. According to this view, the muscle protein which was formerly known as myosin consists, of two proteins, viz. myosin and actin. Their combined form is called actomyosin, and possesses the property of contractility and relaxation in the presence of adenosine triphosphate which is normally closely bound to the muscle proteins and potassium chloride (KCl).

Conditions simulating rigor mortis

The conditions which simulate rigor mortis are: (a) heat stiffening, (b) cold stiffening and (c) cadaveric spasm or instantaneous rigor.

(a) Heat stiffening

The phenomenon known as heat stiffening is seen in the hardening and

stiffening of the muscles in a body exposed to a temperature exceeding 75°C. This is due to the coagulation of albumin besides myosin, which coagulates ordinarily at a lower temperature of 50° C.

Heat stiffening is commonly observed in the body of animals that have met their death from burning or from sudden immersion in a boiling fluid, or in a body which has been burnt soon after death while the muscles were still warm.

(b) Cold stiffening

The stiffening of the muscles occur in a body due to solidification of its fat when it is exposed to freezing temperature. If the body is moved to a warm atmosphere, the stiffening rapidly disappears and normal rigor mortis develops, but it lasts only for a short time.

(c) *Cadaveric spasm or instantaneous rigor*

This is a phenomenon in which muscles that have been in a state of contraction during life become stiff and rigid immediately after death without passing through an initial stage of relaxation; hence the condition of the body at the time of death is maintained for several hours afterwards and it is generally restricted to a single group of muscles.

5. Putrefaction or Decomposition

This is an absolutely certain sign of death. It is a slow process which is brought about by the action of ferments, produced by living saprophytic micro-organisms, which resolve the complex organized tissues of the body into simpler inorganic compounds. These micro-organisms are both aerobic and gas-forming anaerobic, and in the living animal they are found in large numbers in the alimentary canal, but within a short time after death, are found scattered in all the tissues and organs and even in the blood. As a result of their action the carcass invariably putrefies unless special care is taken to prevent the spread of micro-organisms or the tissues are rendered unfit for their use.

External Phenomena

It is said that putrefaction follows the disappearance of rigor mortis, but this is not always the case, since, in northern India, especially during the hot months of April to October, it commences from the lower extremities before rigor mortis has completely passed off. In India, being a vast country, the climatic conditions vary so much in different parts that it is impossible to give the exact time when putrefactive processes commence in a dead body.

Emission of foul-smelling gases

The body begins to emit a nauseating and obnoxious smell owing to gradual formation of gases of decomposition, some of which are hydrogen sulphate, marsh gas, carbon dioxide, ammonia and hydrogen phosphate.

For eighteen to thirty-six hours after death, the gases collect in the tissues, cavities and hollow viscera under considerable pressure with the result that the body becomes bloated and distorted, the eyes are forced out of their sockets, the tongue is protruded between the teeth, and the lips become swollen and everted. A frothy fluid or mucus is forced out from the mouth and nostrils. The abdomen becomes greatly distended; hence on opening the cavity the gas escapes with a loud explosive noise.

Time of Death

It is very important from a vetero-legal point of view that a veterinary jurist should always be able to give an opinion as to the time which has elapsed since death, when a body is brought to him for post-mortem examination. The points to be noted in ascertaining the time are warmth or cooling of the body, the absence or presence of cadaveric hypostasis, rigor mortis and the progress of decomposition. All these points have been discussed at full length, but it must be remembered that the conditions producing these changes vary so much in each individual case that only an approximate time of death can be given.

Suffocation

Definition

The term suffocation is applied to that form of death which results from the exclusion of air from the lungs by means other than compression of the neck.

Causes

The causes of suffocation are:

1. Smothering or closure of the mouth and nostrils;
2. Choking or obstruction of the air passages from within;
3. Inhalation of irrespirable gases.

1. Smothering or Closure of the Mouth and Nostrils

Calves are often accidentally smothered by being overlaid by their dams. A common method of killing the calves is to close the mouth and nostrils by means of the hand, or mud.

2. Choking or Obstruction of the Air-passages from within

Mostly accidental, this may be due to: the presence of foreign bodies such as a piece of carrot, potato, corn, coin, cork, rag, roundworm, mud, cotton, leaves in the air passage.

It is not necessary that the foreign body should be of such a size as to block the air passages completely. Even a small object blocking the lumen partially may cause death by spasm.

3. Inhalation of Irrespirable Gases

Inhalation of gases, such as carbon dioxide, an anaesthetic used by mistake, carbon monoxide, hydrogen sulphide or smoke from a burning house, will produce suffocation.

Mode of Death

Usually death is due to asphyxia, but it may be due to shock, when the

heart stops by reflex action through the vagus nerves.

Fatal Period

Death occurs on an average from ten to fifteen minutes after complete withdrawal of air from the lungs, although cases have occurred in which death was almost instantaneous when the windpipe was blocked by a foreign body. Recovery may occur if treated within five minutes.

Post-mortem Appearance

These appearances are external and internal.

External

This means death may be due to the cause leading to suffocation or asphyxia.

Cause leading to Suffocation

On account of the forcible application of the hand over the mouth and nostrils, bruises and abrasions may be found on the lips and edge of the mouth, and alongside the nostrils. The inner surface of the lips may be found lacerated due to pressure on the teeth. The nose septum may be fractured from pressure of the hand, but these signs are very rare. There may be bruises and abrasions on the cheeks and malar regions, or on the lower jaw, if there has been a struggle. Rarely, fracture or dislocation of cervical vertebrae may occur, if the neck has been forcibly wrenched in an attempt at smothering with the hand. No local signs of violence will be found, if a soft cloth has been used to block the mouth and nostrils.

Due to Asphyxia

The eyes are open, the eyeballs are prominent and the conjunctivae are congested. The lips are livid and the tongue is protruded. Bloody froth comes out of the mouth and nostrils.

Internal

Mud or any other foreign matter may be found in the mouth, throat, larynx

or trachea, when suffocation has been caused by the impaction of a foreign substance in the air passages. It may also be found in the pharynx or oesophagus. The mucous membrane of the trachea is usually bright red, covered with bloody froth and congested. The lungs are congested and emphysematous. Punctiform subpleural ecchymoses (Tardieu's spots) are usually present at the root, base and lower margins of the lungs, but they are not characteristic of death by suffocation, as they may be present in asphyxial deaths from other causes. They are also found on the thymus, pericardium, and along the roots of the coronary vessels. The lungs may be found quite normal, if death has occurred rapidly. The right side of the heart is often full of dark fluid blood, and the left empty. The blood does not readily coagulate; hence wounds caused after death may bleed. The brain is generally congested, and so are the abdominal organs, especially the liver, spleen and kidneys.

Drowning

Drowning is a form of death in which the atmospheric air is prevented from entering the lungs by submersion of the body in water or in other fluid medium. It is not necessary that there should be complete submersion. Death is sure to occur, even if the face alone is submerged so that air is prevented from entering the respiratory orifices.

Stages of Drowning

When an animal falls into water, it sinks to a depth proportional to the momentum gained during the fall, but immediately rises to the surface owing to its struggling movements though the specific gravity of the body is slightly higher than that of water. The animal draws water into the stomach and lungs. The water in the lungs excites coughing and during violent expiratory efforts due to cough, a certain amount of air is expelled from the lungs, and its place is taken up by water which is drawn into the lungs. The weight of the body increases and the animal sinks. It rises again to the surface due to involuntary movements, and draws more water into the

lungs in an effort to keep above water and consequently goes to the bottom. This alternate rising and sinking goes on more than three times, until all the air has been expelled from the lungs and its place has been taken up by water. The animal then becomes insensible and sinks to the bottom to die.

Mode of Death

1. Asphyxia

This is a common cause in the majority of the cases, as the water getting into the lungs gets churned up with air and mucus, and produces a fine froth which blocks the air vesicles.

Death may occasionally occur from asphyxia caused by laryngeal spasm set up by a small amount of water entering the larynx. In such a case water does not enter the lungs and signs of drowning will be absent.

2. Shock

This is brought about by fright or terror, or it may be caused by a sudden and unexpected fall in the water. If the water is very cold, it may induce a laryngeal shock resulting in cardiac arrest due to vagal inhibition through the sensory laryngeal nerve endings. Shock may also be induced through the sensory nerve endings of the cutaneous nerves.

3. Concussion

This may occur by falling into water on the head or buttocks from a height and striking against some hard solid substance or even against the water itself.

4. Apoplexy

Cerebral vessels, especially if they happen to be diseased, may be ruptured by a sudden rush of blood to the brain due to cold, excitement, or the first violent struggle to keep above the surface of the water.

5. Exhaustion

This results from continued efforts to keep above the surface of the water.

Death from Starvation

Starvation or inanition results from the deprivation of a regular and constant supply of food, which is necessary to keep up the nutrition of the body. Starvation is regarded as acute when the necessary food has been suddenly and completely withheld, and chronic when there is a gradual deficient supply of food. In India, death due to starvation on account of famine is well known.

Symptoms

In the protracted absence of food the acute feeling of hunger lasts for the first thirty to forty-eight hours, accompanied by intense thirst. After four or five days of starvation general emaciation and absorption of the subcutaneous fat begins to occur. The eyes appear sunken and glistening, the pupils are widely dilated. The lips and tongue are dry and cracked, and breath is foul and offensive. The voice becomes weak and faint. The skin is dry, rough, wrinkled and baggy, emitting a peculiar disagreeable odour. The pulse is usually weak and slow but accelerates on the slightest exertion. The temperature is usually subnormal. The abdomen is sunken and there is loss or muscular power. First there is constipation but later towards death diarrhoea or dysentery generally supervenes. The urine is scanty, turbid and highly concentrated and shows evidence of acidosis. The loss of weight is most marked and constant. Loss of forty per cent of the body weight ordinarily ends in death.

Occasionally delirium and convulsions or coma precede death. It should be remembered that in cases where there is a gradual deprivation of food, death may occur after a prolonged period from one or more diseases, because of diminished resistance as a result of hypoproteinaemia.

Fatal Period

Death occurs in twelve to fifteen days if deprived of both water and food. If food alone is withdrawn life may be prolonged for a long period, say from six to eight weeks or even more.

Post-mortem Appearances

External

The body is greatly emaciated, the eyes are dry, red and open, the eyeballs being sunken. The tongue is dry and coated. The skin is dry, shrivelled and hidebound. Bedsores are often present when the animal is not able to stand and lies down. The muscles are pale, soft and wasted, and fat is almost completely absent in the subcutaneous and intracellular tissues, as well as in the omentum, mesentery, and internal organs, although some fat may be present in cases where death has occurred rapidly from the sudden withdrawal of food and water. It should be remembered that the entire absence of fat throughout the body is never seen in wasting diseases, such as tuberculosis and Johne's disease.

Internal

The brain is usually normal, although it is sometimes pale and soft. The meningeal vessels are congested, and there is frequently some serous effusion in the ventricles. The heart is small in size, and the muscle is pale and flabby. The chambers are generally empty. The lungs are pale and collapsed, and exude very little blood when cut. At times the lungs may be oedematous and may show hypostatic congestion at the bases. The stomach is reduced, contracted and empty. It may contain undigested food, if it had been given to the animal shortly before death in order to avert a suspicion of wilful starvation. The mucous membrane of the stomach and upper part of the small intestine is more or less stained with bile. The intestines are empty and contracted, but the lower portion of the large intestine may sometimes contain hard faecal matter, and may often present more or less evidence of inflammation. These hollow viscera show an extensive thinning and translucency of their walls, indicating thereby that no food has passed through the stomach for a considerable time. Sometimes ulcerations are found in their walls; these are very likely due to irritation resulting from the injudicious ingestion of substances to appease hunger. The liver, spleen, kidneys and pancreas are small and shrunken.

The gall bladder is usually distended and contains dark, inspissated bile. The urinary bladder is empty.

Vetero-Legal Questions

Whether death was caused by starvation

One must always bear in mind that there are certain pathological conditions, viz. malignant disease, progressive muscular atrophy, tuberculosis, pernicious anaemia and chronic diarrhoea, which lead to progressive wasting and emaciation of the body. It is, therefore, very necessary to examine carefully all the internal organs and to search for the existence of any of these diseases while conducting a post-mortem examination, before giving the opinion that death occurred from starvation. The pathological changes should be carefully noted and the possibilities of death due to wasting diseases must be excluded.

Injuries: Burns and Scalds from Heat, Lightning and Electricity

Burns are injuries produced by the contact of the surface of the body with flame, radiant heat or some heated solid substance like metal or glass. Injuries caused by friction, lightning, electricity, X-rays and corrosive chemical substances are all classified as burns for vetero-legal purposes.

Scalds are moist heat injuries produced by the contact of the body with steaming liquid at or near its boiling point, or in its gaseous form.

Scalds are usually not so severe as burns. They mostly cause hyperaemia and vesiculation, as the liquid producing them runs off the surface of the body and rapidly cools down on account of evaporation, but when produced by oils or other sticky substances, which boil at a much higher temperature than water, they resemble burns very much in severity. Scalds produced by molten metals cause great destruction of the tissues, as they strongly adhere to the parts struck.

Burns resulting from X-rays are generally due to prolonged exposure and vary from mere redness of the skin to dermatitis with shedding of the hair and epidermis and pigmentation of the surrounding skin. Severe exposure may produce vesicles or pustules, which often form sloughing ulcers after they have burst, and take a long time to heal. Burns caused by radium are very similar to X-ray burns. Prolonged exposure to sun can also cause burns. The photochemical action of ultraviolet rays, may produce erythema, or acute eczematous dermatitis of the exposed part of the body.

Burns produced by corrosive chemical substances, such as strong acids and caustic alkalies, are usually uniform in character and the resulting eschars are soft and moist, and readily slough away. In these burns the red line of demarcation is absent, the hair are not scorched, nor are vesicles formed.

The characteristic stains found on the skin assist in determining the nature of the corrosive used.

Burns do not, as a rule, result in death, but the injuries may be serious resulting in loss of sight or permanent disfigurement.

Classification of Burns

Burns are classified mainly into six categories according to the degree of severity:

First Degree

This consists of erythema or simple redness of the skin caused by the momentary contact with flame or hot solids, or liquids much below the boiling point. It can also be produced by mild irritants. The redness and swelling of the skin, marked by superficial inflammation, usually disappear in a few hours, but may last for several days, when the upper layer of the skin peels off. At any rate, they disappear after death due to lack of blood supply to the dependent parts. There being no destruction of tissue, no scar results from this kind of burn.

Second Degree

This involves acute inflammation and formation of vesicles produced by prolonged contact with flame, liquids at boiling point or solids much above the boiling point of water. Vesicles can be produced by the action of strong irritants or vesicants, such as cantharides. If burns are caused by flame or a heated solid substance, the skin is blackened, and the hair singed at the seat of lesion. No scar results as only the superficial layers of the epithelium are destroyed.

Third Degree

This refers to the destruction of the cuticle and part of the true skin, which appears horny and dark, because of charring and shrivelling. The nerve endings are exposed in this form of burn, and hence it is the most painful. This leaves a scar, but there is no contraction, as the scar, which forms after healing, contains all the elements of the true skin and consequently the integrity of the part is retained.

Fourth Degree

This means the destruction of the whole skin. The sloughs which form are yellowish-brown and parchment-like, and separate out from the sixth to the seventh day, leaving an ulcerated surface, which heals slowly forming a scar of dense fibrous tissue with consequent contraction. On account of the complete destruction of the nerve endings this kind of burn is not very painful.

Fifth Degree

This includes the penetration of the deep fascia and implication of the muscles, and results in great scarring and deformity.

Sixth Degree

This involves charring of the whole limb, and ends in inflammation of the subjacent tissues and organs, if death is not the immediate result.

Effects of Burns

Burns and scalds vary in severity depending on the following conditions:

1. Degree of Heat

The effects are much more severe if the heat applied is very great.

2. Duration of Exposure

The symptoms are also more severe if the application of heat is continued for a long time.

3. Extent of Surface

The involvement of one-third to one-half of the superficial surface of the body is likely to end fatally.

4. Site

Extensive burns of the thoracic and abdominal regions, even though superficial, are more dangerous than those of the extremities. Burns of the genital organs and the lower part of the abdomen are often fatal.

Causes of Death

1. Shock

Severe pain due to extensive burns causes shock to the nervous system and results in a feeble pulse, pale and cold skin and collapse leading to death, instantaneously or within twenty-four to forty-eight hours.

Shock may also occur from fright before the individual is affected by burns, if animal's heart is weak or diseased.

If death does not occur from shock, it may occur subsequently from toxaemia due to the absorption of toxic products from the injured tissues in the burned area. In this condition the temperature rises even to 106°F, the pulse rate increases and restlessness supervenes and passes into unconsciousness and death due to prolonged state of shock.

2. Suffocation

Animals removed from houses destroyed by fire are often found dead from suffocation due to the inhalation of smoke, carbon dioxide and carbon monoxide, the products of combustion. In such a case burns found on the body are usually after death.

3. Accidents or Injuries

Death may result from an accident occurring in an attempt to escape from a burning house or from injuries caused by walls and timber falling on the body.

4. Inflammation of serous membranes and internal organs, such as meningitis, peritonitis, oedema, glottidis, pleurisy, bronchopneumonia, pneumonia, enteritis and perforating ulcer of the duodenum.
5. Hypoproteinaemia and anaemia.
6. Exhaustion from suppurative discharges lasting for weeks or months.
7. Lardaceous disease of the internal organs resulting from suppurative exhaustion.
8. Erysipelas, septicaemia, pyaemia, gangrene and tetanus.

Fatal Period

As already mentioned, death may occur within twenty-four to forty eight hours, but most fatalities occur in the first week. In suppurative cases death may occur after five or six weeks, or even longer.

Post-mortem Appearance

External

The carcass should be removed very carefully and examined for the presence of kerosene, petrol or any other combustible or inflammable substance.

The external appearance of burns varies according to the nature of the substance used to produce them. Thus, the skin is whitened when a burn has been caused by radiant heat.

Burns produced by flame may or may not produce vesication, but singeing of the hair and eye brows and blackening of the skin are always observed.

A red hot solid body or a molten metal, in momentary contact with the body, may produce only a blister and reddening corresponding in size and shape to the hot material, but will cause roasting and charring of the body parts, when it is in contact for a long time.

Burns caused by kerosene are usually very severe, and are identified by their characteristic odour and sooty blackening of the parts of the body.

When a body has been exposed to great heat, it gets cooked and becomes rigid with flexing of the limbs. This stiffening is due to the coagulation of its albuminous constituents. If the heat applied is very great, cracks and fissures resembling incised wounds often occur in the skin and tissues, but no blood clot, nor infiltration of blood is found in the cellular spaces, and the blood vessels are seen stretching across the fissures as they are not usually burnt. Sometimes the charred skin, being hard and brittle, cracks easily, when an attempt is made to remove the body from a place destroyed by fire.

Scalds caused by boiling water or steam produce reddening and vesication but do not affect the hair, and do not blacken or char the skin. Superheated steam soddens the skin which loses its elasticity and becomes dirty white.

Internal

The brain and its meninges are generally congested. There is extravasation of blood, usually as a brick-red or reddish-brown deposit upon the upper surface of the duramater. The brain is sometimes shrunken, though its form is retained. If death has occurred from suffocation, the larynx, trachea and bronchial tubes may contain sooty particles, and their mucus membrane may be congested and covered with frothy mucus, the absence of soot indicates that the animal was not alive at the time of fire.

The pleurae are congested or inflamed and there may be serous effusion

into their cavities. The lungs are usually congested; they may be shrunken and rarely anaemic. The chambers of the heart are usually full of blood. The blood is cherry red in colour, if death has occurred from suffocation due to inhalation of carbon monoxide produced by incomplete combustion. The mucous membrane of the stomach and intestines is frequently red. There may be inflammation and ulceration of Peyer's patches and solitary glands of the intestines. Ulceration may occasionally be found in the duodenum, when the animal dies some time after receiving burns. The ulcer probably results from the elimination by the liver of some irritating substance produced in the burnt tissues which is capable of causing thrombosis of the small vessels. The spleen is enlarged and softened. The liver may show cloudy swelling and necrosis of the cells. Kidneys may show signs of nephritis and on section the straight tubules may be filled with debris of the blood corpuscles giving the appearances of reddish-brown markings. Adrenals may be enlarged and congested.

Distinction between ante-mortem and post-mortem burns:

The three main points of difference between ante-mortem and post-mortem burns relate to:

1. Line of redness,
2. Vesication, and
3. Reparative processes.

1. Line of Redness

In the case of a burn caused during life a line of redness involving the whole true skin is formed round about the injured part. It is a permanent line, persisting even after death, but the redness or erythema, which is found beyond this line of redness due to distension of the capillaries, is transient, and disappears under pressure during life and fades after death. The line of redness, being a vital function, separates living from dead tissues, and is always present in burns caused during life, though it takes some time to appear.

2. Vesication

Vesication caused by a burn during life contains a serous fluid consisting of albumin and chlorides and has a red, inflamed base with raised papillae. The skin surrounding it is of a bright red or coppery colour. This is known as true vesication in contrast to the false vesication which is produced after death. False vesication contains only air, but may sometimes contain a very small quantity of serum comprising a trace of albumin, but not chlorides. Its base is hard, dry and yellow, instead of being red and inflamed.

3. Reparative Processes

Reparative processes, such as signs of inflammation, formation of granulation tissue, pus and sloughs, all indicate that the burns were caused during life. Burns caused after death have a dull white appearance and the openings of the skin glands are grey in colour. The internal organs are roasted, and emit a peculiar offensive odour.

Time of Burn

In the case of a burn the question arises as to when it was caused. Redness appears immediately after a burn. Vesication occurs within two to three hours. Pus forms in two to three days but not before thirty-six hours. Superficial sloughs separate out usually from the fourth to the sixth day, and deep ones within a fortnight. After this period granulation tissue begins to cover the surface of the burn. Finally a cicatrix and deformity is seen after several weeks or even months, depending upon the amount of suppuration, sloughing and death and extent of the burn.

Lightning

During thunderstorms animals are sometimes struck by lightning or discharge of atmospheric electricity in the open field or in their sheds, especially if standing near open doors and windows through which the discharge enters. Lightning is attracted by tall objects, hence it is dangerous to keep animals near tall trees during thunderstorms.

Symptoms

When an animal is struck by lightning, which is like a giant spark, it immediately falls unconscious due to syncope or concussion, and dies at once from its paralysing effect on the nervous system, or subsequently from the effect of burns and lacerations after some days or even weeks.

The lesions produced by a lightning stroke are varied and may consist of ecchymoses, contusions, lacerations, wounds of almost any type, simple, compound or comminuted fractures of bones and burns caused by superheated air varying in depth and extent. In addition to singeing of the hair, blisters, fissures and even charring caused by burns, reddish-brown arborescent markings are often seen on the surface of the skin. These markings in superficial burns, which produce mere erythema of the skin, indicate the paths taken by the branching nature of the discharge.

Death is instantaneous as a result of the electrical discharge passing to earth. Injuries are also caused by the blast caused by forceful displacement of air around the lightning flash followed by compression due to forceful return of air.

Glass and metallic articles carried by the animal are fused, and steel articles are magnetised; these may leave their impressions on the skin.

Treatment

Administer oxygen by inhalation at high tension. Administer heart stimulants after normal breathing has been established.

Post-mortem Appearance

External

Rigor mortis may occur soon after death and pass off quickly. The lesions mentioned above are usually present upon the surface of the body, but may be absent in rare cases.

Internal

The internal signs are not very characteristic. There may be extensive haemorrhage in the brain which is occasionally lacerated. The pericardium shows petechial haemorrhages, and the cavities of the heart are either empty or full. The blood is usually fluid, but may be found clotted. Petechial haemorrhages are often present on the surface of the lungs which are found congested. The blood vessels may be found ruptured, and the internal organs torn.

The following points should be taken into consideration before giving an opinion that death was caused by lightning:

1. Occurence of a thunderstorm in the locality.
2. Evidence of the effects of lightning in the vicinity, e.g. damage to houses or trees, death of men and animals.
3. Fusion or magnetization of metallic substances.
4. Absence of wounds and other injuries.

Electricity

Cases of injury or death from electric shocks may occur where electricity is used for lighting or other purposes. The wire of the electrical main may break, and the two ends may fall on an animal thus causing a short circuit.

Effects of Electricity

The chief effect of an electric current is the shock produced by it which varies with:

1. The nature of the current; and
2. The resistance of the body.

1. Nature of the Current

Currents generated at high voltage are dangerous to life. Alternating currents are considered more dangerous than direct currents, probably because

they are usually generated at high tensions; but direct currents at high tension are equally dangerous under similar circumstances. Alternating currents of low frequency are dangerous even at low voltage, but the danger diminishes with the increase of frequency, even when generated at high voltages.

Besides high voltage, close contact of long duration increase the danger from an electric current.

In direct currents the shock is produced at the moment of the opening and closing of the circuit.

Many fatal accidents have occurred from currents of more than 1,000 volts, but death has resulted even from currents of lower voltage. In such cases the victims were mostly standing in water or on damp ground, and were thus well-earthed.

2. Resistance of the Body

The effect of an electric shock varies with the amount of resistance offered to the flow of the current, Amperage is more important than voltage. The animal body is a bad conductor of electricity, though the resistance of different tissues varies. The skin offers very great resistance, hard and oily skins being more resistant than moist, soft and perspiring skins. Resistance diminishes with the continuance of the current. It also diminishes in cardiac disease, kidney diseases, and surprised shock.

Symptoms

Burns are usually found at the points of an entrance and exit of an electrical current, as at these points the skin offers resistance and the electrical energy is changed into varying degrees of intense heat. Sparking leads to charring of tissues, suffused eyes, dilated pupils, cold, clammy skin, stertorous breathing and insensibility. Signs of cerebral irritation may sometimes be present. In severe cases insensibility occurs immediately, followed by a few gasps and death.

Causes of Death

Death from electric shock may occur instantaneously owing to sudden stoppage of the action of the heart or from inhibition of the respiratory centre in the brain stem.

Death from fibrillation of the cardiac ventricles is believed to be more common after contact with low voltage circuits, and at high voltages, respiratory failure due to central inhibition of the nervous system. Sometimes death may follow later due to complications of electrical injury like burns and infection.

Treatment

The current should be switched off at once, or the animal removed from the vicinity of the live wires, but the person trying to remove it should guard himself by wearing rubber gloves, wrapping his hands in several folds of dry cloth, standing on hay, or using a long stick to remove the wires. Immediate artificial respiration should be the first measure in the treatment of dogs and cats as many cases recover if it is started soon after the accident. The artificial respiration should be continued for at least five hours except in those cases where the injuries are so severe that the animal cannot possibly be alive. Oxygen should be given in all cases and cardiac and respiratory stimulants may be injected. Lumbar puncture may be helpful in comatose condition of the victim.

Post-mortem Appearance

External

The eyes are congested and the pupil is dilated. Local lesions are found at the points of entrance and exit of the electric current. The micropathological changes at the site of an electrical lesion are compression of the horny layer into a homogeneous plaque, and an ironing out of the underlying papillary process. Occasionally fissures and hollows appear between the corneum and germinativum, and the surest sign that an electric current has passed is the coalescence into a star-shaped or rod-like structure of the

basal cells in each group of the rete malpighii.

Internal

The internal organs are congested and the lungs are often found oedematous. The meninges show minute haemorrhages and spots on the pleurae, pericardium and endocardium. Along the path of the current ecchymoses may be seen.

Deaths from electric currents are mostly accidental.

Mechanical Injuries

Mechanical injuries are divided into bruises or contusions, abrasions and wounds from vetero-legal point of view.

Bruises or Contusions

Bruises or contusions are injuries which are caused by a blow from a blunt weapon, such as club (lathi), whip, iron bar, stone, ball, fist, boots, etc. or by a fall, or by crushing or compression. These are accompanied by a painful swelling and crushing or tearing of the subcutaneous tissues without dissolution of continuity of the skin. Swelling is due to rupture of the small subcutaneous blood vessels producing in the cellular tissues extravasation of blood, which is known as ecchymosis or effusion of blood. Haematomas are formed when large blood vessels are injured.

Ecchymoses makes its appearance at the seat of injury in one to three hours after the injury. It may appear even in less time, if the injured skin is thin, as in the eyelids and scrotum. When ecchymosis has occurred in the deeper tissues or under tense fasciae, it appears on the surface after an interval of one or two days, or even more, at some distance from the seat of injury, following the line of least resistance and in obedience to the law of gravity. Sometimes, ecchymoses may not appear until after death if a contusion has been caused within a few hours or a day or two before death. This is because of rapid haemolysis of stagnant blood as a part of post-mortem changes.

The extent of ecchymosis depends, in ordinary circumstances, upon the nature and severity of the force used, the vascularity of the part struck, looseness of the underlying cellular tissues and the condition of the assaulted victim. Thus, ecchymoses will be extensive in lax and vascular tissues, such as the eyelids, scrotum and vulva and very little in tough and less vascular tissues. Again, it may not appear in the abdomen even if a cartwheel were to pass over the body and cause death from the rupture of an internal organ. In cases of fatal internal injuries there may not be any sign of ecchymosis on the body, even when an animal is beaten with an iron-tipped lathi (blunt weapon), if it is covered with a thick rug, blanket or quilt. No evidence of ecchymosis is also found if the weapon used is an yielding one, such as a sandbag.

Result of Bruise

Bruises are, as a rule, simple injuries. They are seldom fatal unless accompanied by the rupture of an internal organ, or by extensive crushing of the tissues and large extravasation of blood, producing sloughing and gangrene of the parts. However, several bruises may cause death from shock.

Age of Bruise

The age of a bruise may be ascertained from the colour changes which its ecchymosis undergoes during absorption. These colour changes are due to the disintegration of the red blood cells and staining of the haemoglobin thus set free by the action of tissue enzymes. The changes commence at the periphery and extend inwards to the centre. The colour is red at first but during the next three days appears blue, bluish-black, brown or livid red, and becomes greenish on the fifth to the sixth day, and yellow from the seventh to the twelfth day. This yellow colour slowly fades till or the fourteenth or fifteenth day when the skin regains its normal appearance. Moreover, its disappearance is more rapid in healthy animals than in sickly and aged animals whose circulation is feeble. It also depends on the nature of the violence used. These changes are well-marked and better observed in skinned animals.

Difference between ante-mortem and post-mortem bruises

A certain amount of swelling and colour changes are found in a bruise caused during life. There is usually coagulation of the effused blood in the subcutaneous tissues and infiltration of blood into the muscle fibres. These signs are absent in a bruise caused after death. In a doubtful case it is advisable to make a microscopic examination of the affected tissue for evidence of infiltration of blood. A bruise is likely to be disfigured by putrefaction, and it is difficult to differentiate between a bruise caused during life and that caused immediately after death.

Abrasions

Abrasions are injuries involving loss of the superficial epithelial layer of the skin, and are produced by a blow or a fall on a rough surface, scratching with the fingernails, thorns, teeth-bites, or by friction and pressure of strings or ropes tied round the neck or other part of the body. Abrasions vary in size and shape and bleed very slightly. These blunt impact injuries are of little significance from a veterinary point of view.

Abrasions resulting from friction against a rough surface during a fall are mostly found on body parts, which are in the contact of the ground or floor and are usually associated with contusions or lacerated wounds and sometimes with very serious injuries. Abrasions may also be covered with mud, straw, etc. and their shape and pattern may indicate the type of object used to inflict injuries.

Difference between ante-mortem and post-mortem abrasions

Abrasions caused during life appear as bleeding surfaces or scratches, and are soon covered with reddish-brown crusts or scabs owing to coagulation of the blood or serum. They generally heal in about ten to fourteen days without leaving permanent scars, but in cases where abrasions involve the whole thickness of the skin and destroy the epithelial cells capable of forming a new skin, they take a longer time to heal, and leave obvious scars, unless the surgeon has performed an operation for

grafting.

Owing to the drying and hardening of the underlying skin, abrasions produced after death are dark-brown and parchment-like in appearance, and look like abrasions caused during life, but they are distinguished by complete absence of bleeding.

Wounds

A wound is defined as a forcible breach in the continuity of the soft tissues of the body including the skin, mucous membrane and cornea. Wounds from the vetero-legal aspect may be classified as:

1. Incised wounds;
2. Punctured wounds;
3. Lacerated wounds; and
4. Firearm wounds.

1. Incised Wounds

An incised wound is produced by a sharp cutting object such as a knife, razor, sword, gandasa (chopper), axe, hatchet, scythe, khukri or any object which has a sharp, cutting edge and is mostly intentionally inflicted.

Character of Incised Wound

An incised wound is always broader than the edge of the weapon causing it owing to the retraction of the divided tissues. It is somewhat spindle-shaped and gaping, its superficial extent being greater than its depth.

This gaping is greater in deep wounds when the muscle fibres have been cut transversely or obliquely. Its edges are smooth, even, clean-cut, well-defined and usually everted. The edges may be inverted if a thin layer of muscular fibre is closely united to the skin, as in the scrotum. They may be irregular in cases where the skin is loose or the cutting edge of the weapon is blunt, as the skin will be puckered in front of the weapon before it is divided. Length of the incised wound has no relation to the length of the cutting edge of the weapon.

The edges of a wound made by a heavy cutting weapon, such as an axe, hatchet or shovel, may not be as smooth as those of a wound caused by a light cutting weapon such as a knife, razor, etc. and may show signs of contusion. Such a wound is, as a rule, associated with extensive injuries to deep underlying structures or organs.

A curved weapon, such as a scythe or sickle, first produces a stab or puncture and then an incised wound; and sometimes the intervening skin may be left intact.

While describing an incised wound it is always necessary to note its direction. At commencement the wound is deep, and it gradually becomes shallower and tails off towards the end, but no direction is noticeable if the weapon has not been drawn while inflicting the wound.

Haemorrhage in the case of incised wounds is usually much more than in other wounds, as a clean-cut blood vessel bleeds considerably more, and bleeding may be so severe as to cause death, especially if a main artery has been cut.

2. Punctured Wounds

These are popularly called stabs and are termed penetrating wounds when passing through the tissues they enter a cavity of the body, such as the thorax or abdomen. Such wounds are produced by a piercing or stabbing object, such as a pin, needle, knife, scissors, bayonet, spear, dagger, pickaxe, arrow, etc. The point of the object may be sharp or blunt.

A punctured wound caused by a sharp-pointed and cutting object has clean-cut edges which are almost parallel but slightly curved towards each other and have sharp angles at the two extremities. This is commonly the case if the object has two cutting edges. An object having one cutting and one blunt edge will show a certain amount of bruising and raggedness at one end of the wound. The wound is generally wedge-shaped, if it is produced by an object with a thick, broad back and only one cutting edge.

A sharp-pointed and cylindrical or conical object produces a wound having a circular or slit-like opening. A blunt-pointed object requires considerable force to puncture the skin and penetrate the soft tissues. It causes a punctured wound with lacerated edges.

The aperture of a punctured wound in the skin is usually a little smaller in length than the breadth of the weapon used, owing to the elasticity of the skin, although it is sometimes larger as the weapon enlarges the wound, if it is withdrawn with lateral movement.

The depth of a punctured wound is much larger than its length or width, and may be equal to or less than the length of the blade of the object causing it. In some cases the depth may even be greater than the length of the blade owing to the fact that the force of the blow may depress the tissues of the part struck, allowing the point to reach the deeper tissues such as in the abdomen.

External haemorrhage is not necessarily any criterion of danger to life. There may be very little external haemorrhage and yet profuse haemorrhage may take place internally owing to some vital organ having been penetrated.

In the case of a punctured wound perforating a part of the body there are two wounds, one, the wound of entry and the other, the wound of exit.

The wound of entry is usually larger with inverted edges and the wound of exit is smaller and has everted edges. The edges of the entrance wound may be found everted, when the weapon used is rough and rusty.

In some cases two or more punctures may be found in the soft parts with only one external orifice. This shows that the object had been partially withdrawn after it pierced the tissues, and thrust again in a new direction.

Sometimes it is argued that a punctured wound may have been caused by a fall on a sharp-pointed piece of an earthenware pot or broken glass. In that case the edges of the wound are irregular and more or less bruised, and fragments of such article may be found embedded in the soft tissues.

3. Lacerated Wounds

These are tears or splits produced by blows with blunt objects and missiles, by violent falls on sharp and hard projecting surfaces, by machinery and railway accidents, by the wheels of a vehicle, by the claws, teeth or horns of animals and by projecting nails. These wounds do not generally correspond in shape or size to the object producing them. Their edges are torn, jagged, irregular and swollen or contused. The tissues are torn and the skin around the seat of injury is ecchymosed and the underlying bones are likely to be fractured, while the internal organs may be injured. Foreign bodies such as earth, grease, machine oil, cinder, hair, fibres from clothing, etc. are frequently found in the wounds which are, therefore, predisposed to infection.

When produced by a blunt weapon such as a club (lathi), crowbar, stone, brick, etc., a lacerated wound is usually accompanied by a considerable amount of bruising of the surrounding and underlying tissues, and has inverted and irregular edges. When a heavy weight like a wheel of heavy cart or a truck passes over any of the extremities it tears the skin and crushes the muscles and soft parts beneath it, releasing considerable blood and fat in them. Crush syndrome or fat embolism may occasionally follow. The direction of shelving of the margins of a lacerated wound indicates the direction of the blow applied to cause the wound.

Haemorrhage in lacerated wounds is, as a rule, not extensive owing to the fact that the arteries are not cut evenly but are torn across irregularly so as to facilitate clotting of the blood. In lacerated wounds of the head, the temporal arteries often spurt as freely and forcefully as when cut cleanly. These arteries being firmly bound are unable to contract, and may, therefore, continue to spurt and bleed for a long time.

4. Firearm Wounds

It is very important to have a basic knowledge of common firearms. All firearms consist of a metal barrel or tube of varying length, which is closed at one end, called the breech end, and open at the other end, called the

muzzle end. All projectiles are loaded at the breech end and they are forcibly driven forward along the barrel by the detonation of an explosive charge in the chamber at the closed end of the barrel. The projectile reaches its maximum velocity as it comes out of the open end of the barrel and this is called the muzzle velocity. Pulling a trigger releases a hammer or pin which, by striking the percussion cap at the base of the cartridge, fires the propellant charge and causes detonation. A service gun needs about 5 pounds of pressure on the trigger to release the hammer, while a revolver needs only a few ounces of pressure on discharge. The breech pressure in a rifle is about twenty tons while in a pistol it is about six tons. There are also weapons, where the firing mechanism is automatic and in some even the loading of cartridges is done automatically from containers called magazines.

1. Shotguns

Shotguns which fire a number of shots together, with barrels varying in size from 22 to 30 bore are smooth inside and are commonly used to kill birds and small animals. They may have one or two barrels with different bores or diameters – up to 1/2 inch is called small bore and the larger may be 8 to 20 bores i.e. in an 8 bore shot gun 8 round spheres of 1/8 pound each of lead will exactly fit the barrel and so on.

An average shotgun cartridge varies in size from 2 to 3 inches and consists of a short brass cylinder with a rimmed base, with the detonator in its centre. Next to the detonator is the propellant charge, a felt wad, cardboard disc and the shot and again a disc of cardboard. There are different sized cartridges for shotguns of different bore. The penetrating power of these cartridges can be increased to a certain extent by narrowing the diameter of the barrel; this narrowing is called choking. In this way the range of the shots is decreased and their force increased. Ordinarily shotguns are effective within a range of thirty to forty yards.

2. Rifled Firearms

These are firearms which fire a single bullet and have one barrel only.

(a) Those that are fired from the shoulder are known as rifles. They have long barrels with bore varying from 0.22 to 0.303, a firing range of up to 1000 yards and can cause serious or fatal injury to a man or an animal.

(b) Those that are fired from the hand are called pistols. They are light, short barrelled and of different types e.g. a revolver carries six cartridges in a cylindrical revolving chamber and can be fired six times while a self-loading automatic pistol, is reloaded as a result of recoil from a magazine attached to it. Their bores vary from 0.22 inch.

The cartridges of these firearms consist of a metal cylinder with a flat base, which may have a projecting rim, if for a non-automatic weapon, otherwise not. Here also the detonator cap fits in a circular hole in the centre. The distal end of the cylinder fits loosely on the bullet made of lead, copper or aluminium with the propellant charge put in between. As the bullet comes out of the muzzle with a rotating motion with great velocity and force and accompanied by flame from burning gunpowder, soot consisting of unburnt particles or powder and carbon and explosion gases are formed in the barrel. The irregularities in and the spiral grooved pattern of rifling of the barrel, which varies in number, depth, width and direction in weapons of different manufacturers, get marked on the projectile along with any scratches known as secondary marks, that may be present in the barrel. Hence it is possible to identify the bullet and the gun from which it was fired.

Firearm experts take different measurements of the bullet and the barrel and photograph the marks of rifling and irregularities and by comparing them with a test bullet of a same bore from the same gun discover points of resemblance and say whether a particular bullet was fired from a particular firearm or not. Each gun, even though of the same make, produces a different marking on the bullet fired from it. Hence, a suspected bullet should be carefully handled to avoid making any marks or scratches on it and should be packed in cotton wool. Fingerprints can also be discovered

on firearms and they are useful in the detection of crime. Injuries produced by projectiles discharged from firearms present the characteristics of lacerated wounds but their appearance varies according to the nature of the projectile, velocity at which it was travelling at the moment of impact, the distance of the firearm from the body at the moment of discharge and the angle at which projectile struck the body.

Firearms generally produce two wounds or apertures, viz., one of entrance and the other of exit of the projectile. When a wound of entrance is present, but not the wound of exit, it means that a bullet is lodged in the body, except in those cases where the bullet has been coughed up after entering the respiratory passages or lost in the stool after entering the intestinal tract and also when a hard bullet coming in contact with a bone is so deflected as to pass out through the same orifice by which it entered. If a bullet is lodged in the body it must be taken out if death has occurred, and forwarded to the Superintendent of Police in a sealed envelope containing its description in the Veterinary Officer's handwriting as it forms evidence of the greatest value. While searching for a bullet it must be borne in mind that it may take a very erratic and circuitous course while passing through the body.

In a case where death has not occurred, the bullet should be located by means of X-ray, if possible.

The wound of entrance is usually smaller than the projectile because of the elasticity of the skin, and is round when the projectile strikes the body at right angles and oval when it strikes obliquely. The flame and the forceful expansion of the gases of explosion in the skin and subcutaneous tissues usually cause a large entry wound, the edges of which are ragged and everted. Wadding or debris may be found lodged in the wound with the skin surrounding it being scorched and tattooed with particles of unconsumed gunpowder. The entry wound of a revolver fired very near or in contact with the skin is stellate or cruciform in shape instead of being circular. When it is fired from beyond a distance of 12 inches, there are no

gunpowder marks around the wound. If the revolver is fired close to the skin but held at an angle, the smudging and tattooing is limited only to one side of the bullet hole. The wound of exit is often larger than the wound of entrance, and its edges are irregular and everted, but free from scorching and tattooing. The edges of both the wounds of entrance and exit may be everted in fat animals due to protrusion of fat into the wounds, and in decomposed bodies because of the expansible action of the gases of putrefaction. The edges of the wound of exit may be very ragged and torn, if the projectile was discharged at close quarters, had passed through the bone or was deformed by striking elsewhere first (wound by recoil). These characters of the wound are due to the wobble of the projectile, its deformed condition, laceration of the skin by fragments of bone expelled from the body along with the projectile or by the splintered pieces of the projectile itself.

Nature of Projectile

Large bullets cause greater damage to the internal organs than small ones. Round bullets produce larger wounds than conical ones. They cause extensive laceration of the tissues and comminuted fracture of the bones if they strike the body at a different angle and sometimes their course is arrested by coming in contact with chains or other hard articles.

Conical bullets produce much less laceration than round ones, and the wounds caused by them are punctured in appearance. Conical bullets rarely split in the tissues, though round ones often do.

Modern, steel-jacketed bullets used in army weapons have the shape of an elongated cone and owing to their great velocity usually pass straight and directly through the body without any deflection or deviation, and without causing much damage. The wounds of entry and exit are almost circular and similar in appearance, without any bruising or laceration of the surrounding parts. Such wounds heal very rapidly. Even wounds caused by such bullets in the brain, lungs, or intestines often run a perfectly normal course, and heal without any difficulty.

Expanding, grooved, dumdum bullets are very destructive and produce extensive wounds with ragged margins.

Fragments of shell are also destructive and cause extensive wounds. Irregular missiles, such as pieces of stone, iron, kankar, beads of brass or nickel anklets or wristlets, seeds etc. used in muzzle-loading guns produce several irregular, lacerated wounds, and the exit wounds are larger than the entrance wounds. It is possible for a single pellet or shot to cause death.

Wadding or gunpowder may cause frightful laceration and may produce death by penetrating the internal organs of the body, even if a blank cartridge is discharged close to the body.

Velocity of Projectile

A bullet travelling at high velocity produces a clean, circular, punched-out aperture or slit, as in a stabbing wound, and usually perforates the body. It is not deflected from its path by striking a bone, but may cause its comminution or splintering. On the other hand, a bullet of low velocity causes contusion and laceration of the margins of the wound of entrance. It is easily deflected and deformed by striking some hard object, and often lodges in the body. The track made by a bullet widens as it goes deeper. This is the reverse of a punctured wound. If a bullet grazes a bone, it may produce a gutter, with or without fracturing it, and may or may not give the direction or deflection of the bullet.

Distance of Firearm

If a firearm is discharged very close to the body or in actual contact with it, subcutaneous tissues over an area of two or three inches round the wound of entrance are lacerated and the surrounding skin is usually scorched and blackened by smoke and tattooed with unburnt grains of gunpowder. If the gunpowder is smokeless there will be no blackening of the skin, but there may be a greyish or white deposit on the skin around

the wound. No blackening or scorching is found, if the firearm is discharged from a distance of more than four feet. Moreover, these signs may be absent even when the weapon is pressed tightly against the body, as the gases of the explosion and the flame, smoke and particles of gunpowder will all follow the track of the bullet in the body.

The effects produced by small shot fired from a shotgun vary according to the distance of the weapon from the body, and the choking device. A charge of small shot fired very close to, or within a few inches of, the body enters in one mass like a single bullet, making a large irregular wound with scorched and contused edges, and is followed by the discharge gases which greatly lacerate and rupture the deeper tissues. Particles of unburnt powder expelled from the weapon behind the missile are driven to some distance through the wound, and some of them are found embedded in the wound and the surrounding skin which is also singed and blackened by the flame and smoke of combustion. The exit wound of a close range shot shows greater damage to tissues than the entrance wound, the margins are everted, but there is no evidence of blackening or singeing. At a distance of one to three feet small shot make a single aperture with irregular and lacerated edges corresponding in size to the bore of the muzzle of the gun, as the shots enter as one mass, but are scattered after entering the wound and cause great damage to the internal tissues. The skin surrounding the wound is blackened, scorched and tattooed with unconsumed grains of gunpowder. On the other hand, at a distance of six feet the central aperture is surrounded in an area of about two inches in diameter by separate openings made by a few pellets of the shot which spread out before reaching the mark. The skin surrounding the aperture is not blackened or scorched, but is tattooed to some extent. At a distance of twelve feet the charge of shot spreads widely and enters the body as individual pellets producing separate openings in an area of five to eight inches in diameter, but without causing blackening, scorching or tattooing of the surrounding skin. This scattering of shot depends upon the size of the gun, the charge of the

gunpowder and the distance of the gun from the body. As the distance increases, the damage caused by a single pellet diminishes, until at about 30 feet, it is only capable of penetrating the skin of an animal.

Time of Firing

Sometimes a veterinarian is asked to find out when a particular weapon was fired. If he is not a sportsman and not conversant with different weapons, he should never hazard an opinion. But he should remember for the purpose of rough calculation that after recent discharge a black deposit of potassium sulphide mixed with carbon is found in the barrel of the firearm, if black gunpowder was used. Up to five or six hours this deposit forms a strongly alkaline solution when dissolved in distilled water and emits an offensive odour of sulphuretted hydrogen. If the solution is filtered, and the filtrate is treated with a solution of lead acetate, a black precipitate of lead sulphide is formed. After exposure to air and moisture for a few days the potassium sulphide becomes converted into thiosulphate, thiocyanate and finally potassium sulphate, that gives a neutral solution with distilled water that gives a white precipitate with lead acetate. Later, oxides of iron (iron rust) with traces of iron sulphate are formed in the barrel.

Smokeless nitro-powders leave a dark grey deposit in the barrel of a recently discharged firearm. It does not change with the lapse of time, gives a neutral solution with distilled water, and contains nitrites and nitrates, but not sulphides. If chromate or bichromate powder is used, the residue in the barrel is usually of a greenish tint.

It should be borne in mind that the composition of the deposit will vary considerably if the firearm was dirty at the time of its discharge, and a veterinarian has no means to know its condition prior to discharge. Again, a deposit would not be found if the weapon had been thoroughly cleansed after discharge.

Vetero-legal aspects of wounds: Examination of the injured animal

The Veterinary Officer may be supplied by the Police Superintendent or the Magistrate the following form which he is required to fill in after examining the injured animal.

Nature of injury whether cut, wound, bruise, burn, fracture or dislocation	Size of each injury in inches, that is length, breadth and depth	On what part of the body inflicted	Simple, grievous or dangerous
1	2	3	4

By what weapon	Whether the weapon was dangerous or not	Remarks
5	6	7

The Veterinary Officer should be very careful in filling in this form. First of all he should write at the left hand top corner of the form identification of the animal and the name and number of the police constable accompanying it and should note the mark or marks of identification to enable him to recognize the injured animal. He should then note the exact time of the examination, viz. hour, date, month and year, and proceed with the examination proper as below:

Nature of Injury

While describing the injuries in columns 1, 2 and 3 of the form, the Veterinary Officer should carefully note their nature and number, the character of

their edges, their size as regards length, breadth and depth, the line of direction and their situation. Presence of any extraneous material in the wound should be carefully noted. If necessary, he should use a magnifying lens. All the injuries should be measured with a tape-measure, and the exact measurements in inches must be given; they should never be guessed. While mentioning the exact situations a reference to some bony prominences or anatomical contours should be made, as for example, so many inches above or below the front or back of the left or right knee, elbow, hock etc. In describing these points technical terms must be avoided, as far as possible.

Wounds of the chest or abdomen ought not to be probed, lest they be converted into penetrating wounds; but in doubtful cases, they may be enlarged with proper precautions to find out the condition of the underlying bone or organ.

Simple, Grievous or Dangerous Injury

In column No. 4 it must be mentioned whether the injury is simple, grievous or dangerous to life.

A simple or slight injury is one which is neither extensive nor serious, and which heals rapidly without leaving any permanent deformity or disfiguration.

Grievous injuries as described in Section 320, I.P.C., are as follows:

1. Emasculation.
2. Permanent privation of the sight of either eye.
3. Permanent privation of the hearing of either ear.
4. Privation of any membrane or joint.
5. Destruction or permanent impairing of the powers of any membrane or joint.
6. Permanent disfiguration of the head or face.
7. Fracture or dislocation of a bone or tooth.

8. Any hurt which endangers life or which causes the sufferer to be, during a period of twenty days, in severe bodily pain, or unable to follow ordinary pursuits.

Kind of Weapon

In the fifth column the kind of weapon by which the injury was inflicted should be mentioned. This can be inferred by examining the injury, for example, the edges, margins, ends and shape in the case of a wound. However, sometimes it is difficult to give an opinion as to whether a particular injury, especially a contusion or a lacerated wound, was caused by a blunt weapon or a fall. In that case it is better to give a guarded opinion, mentioning the possibility or probability, as the case may be. While forming an opinion the Veterinary Officer should not depend upon the statement of the owner which is often false. Again, as a precautionary measure, it is better to mention the fact, if he found that the injuries were such as could not have been caused in the manner suggested by the police or the owner. This is important to avoid unnecessary cross-examination at the time of giving evidence in court.

Age of Injury

In the remarks column the age of injury should be noted. It is frequently found that Veterinary Officers do not mention in their report the time when an injury was inflicted, but it is not correct to do so.

1. The age of a bruise may be ascertained from the colour changes which its ecchymosis undergoes. These changes start from eighteen to twenty-four hours after its infliction. On histological examination at necropsy the polymorphonuclear leucocytes in a haematoma begin to disintegrate after 3 to 5 hours, mostly they are fragmented within 21 hours and by 30 hours the basophilic nuclear fragments have either undergone autolysis or have been engulfed by the phagocytic monocytes.
2. The age of a wound may be ascertained by observing the following

stages of its healing process:

The divided surfaces of an aseptic incised wound which are in apposition are covered with lymph in thirty-six to forty hours. The edges join together in seventy-two hours and the wound heals by first intention by the seventh to eighth day, when a red, tender, linear scar is visible. Such a wound on a vascular part e.g. the face, heals rapidly in four to six days.

A wound, which is not thoroughly aseptic and is gaping owing to loss of tissue, heals by the formation of granulation tissue. Its edges are bound together by blood and lymph during the first twelve hours. About the same time the margins are red and slightly swollen with leucocytic infiltration.

The vascular endothelium shows distinct proliferative changes, and vascular buds are given off from the minute vessels at the periphery during twenty-four hours.

A complete network of new capillary vessels is formed in thirty-six to forty hours.

Spindle-shaped cells, which run at right angles to the vessels in the deeper parts of the wound, are visible in forty-eight to fifty-six hours.

Definite fibrils are seen running parallel to the long fibroblasts in three to six days.

The cellular structure and vessels are obliterated gradually, and are replaced by a dense fibrous scar tissue in three to four weeks.

Pus may appear in a septic wound in about thirty-six to forty-eight hours.

3. In bone fracture the reparative process indicates its approximate time. Signs of inflammation and exudation of blood in the soft parts and around the fractured ends are noticed from the first to the third day. Inflammation slowly subsides and granulation tissue, known as the soft provisional callus, is formed from the fourth to the fifteenth

day. This callus binds together the fractured ends of the bone. The formation of the amount of callus depends on the mobility or immobility of the fractured ends. It is less if the ends are immobile and impacted. The callus begins to ossify from the fifteenth day to the fifth week, and six to eight weeks is the average period taken by the callus to be absorbed completely, so that the fractured ends are entirely united with the formation of bone.

The repair of fractures of the skull is usually attended with very slight amount of callus formation, probably owing to the absolute rest of the fragments. The edges of a fissured fracture are usually glued together within a week, or become gradually smooth within three to four weeks, and are united by the formation of bone within two to three months or more. Bone formation does not occur in comminuted fractures, the line of fracture remaining permanently visible. Gaps left in the skull due to much loss of bone from injury or operation get filled with fibrous tissues. Infection interferes with the process of repair and causes necrosis of the bone.

4. In the case of dislocation of a joint, the time can be judged from the colour changes of the bruise which usually accompanies it, when caused by violence.
5. When a tooth has been hit and has dropped out, bleeding from its socket may continue for a few hours and stop in about twenty-four hours. The cavity of the socket usually fills up in seven to ten days, and the alveolar process becomes quite smooth after fourteen days.

Causes of Death from Wounds

To substantiate a charge that the death was due to wounds alone, it is very necessary to exclude the possibilities of the existence of any disease of which the animal might have died before the wounds occurred that the injury might be a coincidence. For this reason it is of utmost importance that a thorough post-mortem examination should be conducted and the post-mortem findings must clearly indicate that death was due to the wounds.

The causes of death from wounds may be immediate or direct and remote or indirect.

Immediate or Direct Causes

These are:

1. Haemorrhage;
2. Injury to a vital organ;
3. Shock

1. Haemorrhage

It may be external or internal. External haemorrhage may produce marked fall in blood pressure and consequent shock, causing death either rapidly, if a large blood vessel, such as the carotid or femoral artery, has been wounded, or slowly, if a number of small vessels have been injured. The amount of haemorrhage required to cause syncope varies according to circumstances. Sudden loss of blood is more dangerous than the same quantity lost slowly. The loss of one-third of the blood in the body is almost enough to cause death, and the total quantity of blood in the body of an adult is on an average about five per cent of the body weight.

Internal haemorrhage may occur in penetrating and gunshot wounds. It need not be profuse for a fatal result; for a small quantity of haemorrhage in the brain or pericardium may prove rapidly fatal by disturbing the functions of the brain or heart owing to mechanical pressure on them. Blood flowing into the windpipe may cause death mechanically by asphyxia. Rupture of internal organs like spleen, liver, lungs and heart usually causes fatal internal haemorrhage, only the symptoms are often noticed after a few hours.

2. Injury to a Vital Organ

Severe injury to a vital organ, such as crushing of the brain, heart, lungs, etc., is, as a rule, rapidly fatal.

When death occurs from a slight injury inflicted on a previously diseased organ, such as the rupture of an enlarged spleen, perforation of a chronic intestinal ulcer, or bursting of an aneurysm, etc., the assailant inflicting such an injury cannot be charged with killer but he is convicted of simple or grievous hurt, if proved that his intention was not to kill his victim, that he could not possibly have known the existence of that disease and that the same injury could not have proved fatal when inflicted on an ordinary healthy animal.

3. Shock

Wounds may cause depression of vital functions as a result of shock due to trauma. Death may occur from shock without any visible injury due to paralysis of the heart by a hit in the cardiac region. Death from shock occurs easily in animals that are severely ill and weak, old and young. Delayed shock occurs in crush injuries mostly due to loss of tone and increased permeability of the capillaries.

Shock usually appears immediately after receiving the injuries, but it may supervene after some time, if an animal at the time of receiving injuries was in a state of great excitement. Shock may be produced from exhaustion resulting from several injuries combined, though each one of them separately may be very slight.

Remote or Indirect Causes

It is necessary to know the remote causes of death due to injury.

The remote causes of death operating secondarily from an injury are:

1. Inflammation of the internal organs, such as meningitis, cerebritis, pleurisy, pneumonia, peritonitis, etc.
2. Septic infection of a wound causing septicaemia, pyaemia or exhaustion from prolonged suppuration.
3. Gangrene or necrosis resulting from severe crushing of parts and tearing of the blood vessels or crush syndrome.

4. Thrombosis in veins and embolism.
5. Infective diseases, such as erysipelas and tetanus, which may develop through the entrance of the causal organism through a wound.

6. Fat Embolism

It is clinically suspected when some time after an injury dyspnoea, restlessness, pericardial pain, cerebral disturbances, coma and hyperpyrexia develop. It is usually seen after fracture of long bones, rarely after injury to subcutaneous fat. Injury to fatty tissue may force liquefied fat into blood vessels or oil may get into circulation when it is injected into the uterus for purposes of abortion or investigation.

7. Air Embolism

In injuries to the jugular, cephalic and femoral veins, air may be sucked in because of the negative pressure during inspiration and intravenous injection may cause death.

8. Neglect of Injured Animal

Death may occur from complications arising from a simple injury owing to negligence in the proper care and treatment of the injured animal.

9. Result of Surgical Operation

If death follows a surgical operation performed for the treatment of an injury caused by the offender, he shall be responsible for the result, if it is proved that the death was inevitable even without the operation and that the operation was thought necessary and was performed by a competent surgeon with reasonable care and skill. It should be noted that the liability of the offender is in no way lessened even though life might have been preserved by resorting to proper remedies and skilful treatment.

Which, of the several injuries, caused death?

In the case of multiple injuries inflicted on an animal by more than one person, either at the same time or at different times, it becomes very

essential to identify the injury which proved fatal. This can be ascertained by examining the wounds individually and noting which of them involved injury to some vital organ or large blood vessels, or led to secondary results causing death. For instance, there may be several wounds on the head, thorax and abdomen but only one may cause fracture of the skull or injury to a vital organ leading to death. It must, however, be noted that, even if the animal died at the hands of one of them, all the accused are responsible for having caused the death of that animal.

Difference between Wounds Inflicted during Life and After Death

The following are the main cardinal points by which a wound inflicted during life can be recognized:

1. Haemorrhage.
2. Retraction of the edges of the wound.
3. Signs of inflammation and reparative processes.

1. Haemorrhage

There is more or less copious haemorrhage in all wounds, external or into a body cavity, except sometimes in lacerated wounds, when it may be very little, if the animal dies immediately from a severe fatal injury and shock. The effused blood is forced into the tissue interspaces in the vicinity of the wounds, and is found infiltrated into the cellular and muscular tissues. There is consequent staining of the edges of the wounds and the neighbouring tissues, which cannot be removed by washing, but the staining caused by the blood effused from post-mortem wounds is easily removed by washings. The possibility must be kept in mind that either due to marked post-mortem hypostasis or quick bacterial decomposition after death, pressure in the blood vessels may be increased and considerable blood forced into the peripheral tissues, showing marked engorgement and extravasation of tissues.

Inhaled blood will be found in the lungs and bronchi, if the area of

haemorrhage communicates with the bronchial tree.

There will be clots of effused blood in the wounds and tissues, and in the neighbourhood of the body. Clotting of the blood normally occurs in about four to ten minutes.

There will also be signs of spouting of arterial blood on the body, or in its vicinity.

In a contusion ecchymosis, absorption, changes in the colour and a swelling of the neighbouring tissue will be present. On dissection coagulated blood will be found in the subcutaneous tissues.

2. Retraction of Edges of the Wound

Owing to the vital reaction of the skin and muscular fibres the edges of a wound inflicted during life retract and cause the wound to gape. On the other hand, in the case of a wound inflicted long after death, when the body has cooled, the edges do not gape, but are closely approximated to each other as the skin and other tissues have lost their contractility.

3. Signs of Inflammation and Reparative Processes

These are the signs of vital reaction and depend upon the period that an animal has survived after the infliction of a wound. For instance, tumefaction of the edges and leucocytic infiltration will show that the wound was inflicted within a few hours before death, while the presence of pus, granulation tissue or scab will definitely prove that the wound was inflicted some days before death.

The absence of the above signs will show that the wound was inflicted after death. However, it must be borne in mind that haemorrhage and retraction of the edges may take place in a wound caused within one to two hours after death during the molecular life of the tissues, when the body is still warm. In such a case haemorrhage is slight, unless a large vein is cut and there is no arterial spouting or formation of a firm clot, which rarely occurs ten minutes after death. In a doubtful case it is desirable to

preserve a portion of the wound for microscopic examination.

Distinction between Ante-mortem and Post-mortem Fractures

Fractures caused during life show signs of effusion of blood, laceration of muscles, pouring out of lymph, and formation of callus, but these signs are absent in fractures produced after death. A haematoma resulting from fracture gets absorbed in about 16 days and provisional callus is formed around and about the fractured ends. After a month and half to three months the intermediate callus is firmly formed. Deformity and shortening of a limb often has a vetero-legal bearing. An X-ray picture helps to establish the presence of a fracture and also gives some idea of its duration from the callus found at the site of fracture. However, it is difficult to distinguish whether a fracture was caused immediately after death when the body was still warm though the effusion of blood about the torn muscles and fractured ends may be very little. Besides, it should be remembered that after death, it is not possible to fracture a bone with ordinary force as it loses its tonicity and elasticity.

Post-mortem Findings in Bovine in some Common Conditions

Ruminal Tympany

Ruminal tympany refers to over-distension of the rumen and reticulum with gases. It occurs secondarily in a number of conditions in which the eructation of the gases is impeded but its major importance is as a primary disease in cattle under certain dietary regimens.

Animals that have died about an hour earlier show protrusion and congestion of the tongue, marked congestion and haemorrhage of lymph nodes of the head and neck, epicardium and upper respiratory tract, friable kidneys and mucosal hyperaemia in the small intestine. The lungs are compressed, the cervical oesophagus shows congestion and haemorrhage, but the thoracic portion of the oesophagus is pale and blanched. The

rumen is distended but the contents are much less frothy than before death. The liver is pale due to expulsion of blood from the organ. Animals that have been dead for some hours show subcutaneous emphysema, almost complete absence of froth in the rumen, and exfoliation of the cornfied epithelium of the rumen with marked congestion of submucosal tissue.

Death due to accident: Excessive haemorrhage

Traumatic injury to large blood vessels is a common cause of severe haemorrhage. There may be evidence of trauma. Extreme pallor of all tissues and thin watery appearance of the blood may be accompanied by large extravasations of blood if the haemorrhage has been internal. Where the haemorrhage has been chronic, anaemia and oedema are characteristic necropsy findings.

Pneumonia

Pneumonia is inflammation of the pulmonary parenchyma usually accompanied by inflammation of the bronchioles, and often by pleurisy. Gross post-mortem lesions are usually observed in the anterior and dependent parts of the lobes, and even in fatal cases where much of the lung is destroyed, the dorsal parts of the lobes may be unaffected. Broncho-pneumonia is characterised by the presence of serofibrinous or purulent exudate in the bronchioles, and lobular congestion. In the more severe fibrinous forms of pneumonia there is gelatinous exudation in the inter-lobular septae and an acute pleurisy, with shreds of fibrin present between the lobes. In interstitial pneumonia the bronchioles are clean and the affected lung is sunken, dark red in colour and has a granular appearance under the pleura and on the cut surface.

Snake Bite

Common necropsy finding is local swelling at the site of the bite due to exudation of serous fluid which is often deeply bloodstained. Fang marks are usually visible on the under surface of the body when skin is reflected. Extreme passive congestion of all organs and local gas gangrene or tetanus

occasionally supervenes.

Insecticide Poisoning

Chlorinated hydrocarbons: This group includes DDT, BHC, lindane, aldrin, dieldrin etc. Lesions at necropsy include petechial haemorrhages and ecchymoses on and in the heart and in many other places. Pulmonary congestion and oedema may be diffuse or localized. There are no lesions in the central nervous system but in chronic cases the usual changes of acute toxic hepatitis and acute toxic tubular nephrosis may be present. Focal necrosis may be seen in the skeletal muscles. Enteritis is noticeable only if poison has been eaten.

Organophosphorus Compounds

Post-mortem lesions are minor, haemorrhages appear in various locations, especially the heart, lungs and gastro-intestinal tract. Pulmonary congestion with oedema is a prominent, but not necessarily constant, lesion.

In all the insecticide poisonings no specific gross or histological lesions are found at necropsy, so tissue specimens should be collected for toxicological analysis.

Anthrax

Anthrax is a peracute disease characterized by septicaemia and sudden death. At necropsy there is striking absence of rigor mortis. The carcass undergoes rapid gaseous decomposition and quickly assumes the characteristic 'sawhorse' attitude. All natural orifices usually exude dark, tarry blood which does not clot, and putrefaction and bloating are rapid. If there is good reason to suspect the existence of anthrax the carcass should not be opened. However, if a necropsy is carried out, the failure of the blood to clot, the presence of ecchymotic haemorrhages throughout the body tissues and of blood-stained serous fluid in the body cavities, severe enteritis and gross enlargement of the spleen with softening and liquefaction of its structure are almost certain indications of anthrax.

Black Quarter

Cattle that have died of black quarter are often found in a characteristic position, lying on their side with the affected hind limb singularly stuck out stiffly. Bloating and putrefaction occur quickly and blood-stained froth exudes from the nostrils and anus. Clotting of the blood occurs rapidly. Incision of the affected muscle mass reveals the presence of dark, discoloured, swollen tissue with a rancid odour, a metallic sheen on the cut surface and an excess of thin, sanguineous fluid containing bubbles of gas. All body cavities contain excess fluid which contains variable amounts of fibrin and is usually blood-stained. The solid organs show some degree of degeneration, and post-mortem decomposition with the production of gas in the liver occurs rapidly.

Haemorrhagic Septicaemia

At necropsy the gross findings are usually limited to generalized petechial haemorrhages, particularly under the serosae, and oedema of the lungs and lymph nodes. Subcutaneous infiltrations of gelatinous fluid may be present and in a few animals, there are lesions of early pneumonia and haemorrhagic gastro-enteritis. Isolation of the causative bacteria is best attempted from heart blood and spleen.

Tuberculosis

Tuberculous granulomas may be found in any of the lymph nodes, but particularly in bronchial and mediastinal nodes, and in many organs. In the lungs, miliary abscesses may extend to cause a suppurative bronchopneumonia. The pus has a characteristic cream to orange colour and varies in consistency from thick cream to thick crumbly cheese. Small nodules may appear on the pleura and peritoneum. These also contain tuberculosis pus but are not accompanied by effusion.

Foot-and-Mouth Disease

The lesions of foot-and-mouth disease are relatively mild except for those in the mouth and on the feet and udder. These lesions may be extensive if

secondary bacterial infection has occurred. In some cases the vesicles may extend to the pharynx, oesophagus, forestomach and intestines. The trachea and bronchi may also be involved. In the malignant form of the disease there is extensive myocarditis. On section, the heart muscle appears streaked with patches of yellow tissue interspersed with apparently normal myocardium.

Poisoning

In cases of poisoning, it should be carefully noted whether they have occurred naturally by grazing poisonous plants or by accidental intake of poison or with malicious intention. Cases of malicious poisoning are common in livestock and dogs in the villages due to enmity between families or individuals. Suspicion of poisoning usually arises when there is illness of a large number of animals at a time and showing the same type of symptoms and post-mortem lesions, but these conditions may also be confused with some infectious diseases, so a knowledge of symptoms produced by poisons particularly occurring in that locality is very important. For this, geographical distribution of poisonous plants, poisoning by industrial residues in that area and use of insecticides/pesticides on the agricultural crop, spray/dipping of cattle for ectoparasites should be known. For accurate diagnosis and treatment, a record of history, clinical signs, necropsy findings and knowledge of common poisoning occurring locally will be quite helpful.

(a) *Collection of materials for analysis*

In the case of suspected malicious poisoning, it is important to arrive at a correct diagnosis, which is possible only after proper chemical analysis. Specimen(s) from suspected poisoning cases should be sent to a forensic laboratory for chemical analysis as per standard procedure. For toxicological analysis a sufficient quantity of a sample of the suspected material and specimens of digestive tract contents (stomach contents) and sample of liver should be collected and preserved, in order to identify the ingested poison.

Sealing and careful packing of specimens in glass or plastic containers is necessary in vetero-legal cases to avoid contamination and leakage of specimens. Although no preservative is added, if the forensic laboratory is situated at a long distance, then packing of specimens in dry ice or ethyl alcohol (1 ml/g of tissue) is necessary.

(b) *Principles of treatment*

Two main principles applied for the treatment of all cases of poisoning are:

(1) Removal of the residual poison from the digestive tract or body surface;

(2) Use of chemical and physiological antidotes to the poison that has been absorbed.

Supporting treatments such as fluid therapy in dehydration due to diarrhoea, sedatives in excitement, stimulants in case of CNS depression come later.

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Part 3

Estimation of Age of Animals

The estimation of the age of an animal may be required many times – at the time of giving a health certificate, soundness examination and in vetero-legal cases.

The age may be estimated with reasonable accuracy from the appearance of teeth, by counting the rings in the horn of cattle, from external appearance of the animal and by examining its bones.

The age can be determined to some extent by noting the time of appearance and the degree of wear of the temporary and permanent teeth. Temporary teeth are readily distinguished from permanent teeth by their smaller size and white colour. To ascertain the age of any animal, one must know the deciduous and permanent dental formulas, the table of eruption and the difference in the appearance between deciduous and permanent teeth.

Dental Formulas

	Deciduous	Permanent
Horse	$2(Di\frac{3}{3}\,Dc\frac{0}{0}\,Dp\frac{3}{3}) = 24$	$2(I\frac{3}{3}\,C\frac{1}{1}\,P\frac{3-4}{3}\,M\frac{3}{3}) = 40-42$

Ox, Sheep. Goat	$2(Di\frac{0}{3}\ Dc\frac{0}{1}\ Dp\frac{3}{3}) = 20$	$2(I\frac{0}{3}\ C\frac{0}{1}\ P\frac{3}{3}\ M\frac{3}{3}) = 32$
Swine	$2(Di\frac{3}{3}\ Dc\frac{1}{1}\ Dp\frac{3}{3}) \square 28$	$2(I\frac{3}{3}\ C\frac{1}{1}\ P\frac{4}{4}\ M\frac{3}{3}) \square 44$
Dog	$2(Di\frac{3}{3}\ Dc\frac{1}{1}\ Dp\frac{3}{3}) = 28$	$2(I\frac{3}{3}\ C\frac{1}{1}\ P\frac{4}{4}\ M\frac{2}{3}) = 42$
Cat	$2(Di\frac{3}{3}\ Dc\frac{1}{1}\ Dp\frac{3}{2}) = 26$	$2(I\frac{3}{3}\ C\frac{1}{1}\ P\frac{3}{2}\ M\frac{1}{1}) = 30$

Deciduous incisor teeth of swine, ruminants and carnivores are distinctly smaller than the permanent incisors. In the horse, the deciduous incisor teeth approach the permanent teeth in size. However, deciduous teeth have a distinct neck and lack the prominent medial groove of the labial surface of the permanent incisor dentition.

Teeth of Equine (Horse, Mule, Ass etc.)

Eruption of the deciduous teeth

Di 1	Birth to 1 week
Di 2	4 to 6 weeks
Di 3	6 to 9 months
Dp 1	Birth to 2 weeks
Dp 2	Birth to 2 weeks
Dp 3	Birth to 2 weeks

Eruption of the permanent teeth

I 1	2 1/2 years
I 2	3 1/2 years
I 3	4 1/2 years
C	3 1/2 to 5 years
P 1	5 to 6 months
P 2	2 1/2 years
P 3	3 years
P 4	4 years
M 1	9 to 12 months
M 2	2 years
M 3	3 1/2 to 4 years

Incisor teeth : Six in number in the upper and lower jaws, these are found in the front of the mouth in each jaw. Temporary incisors differ from the permanent ones in that each of the former possesses a definite neck. The temporary incisor is smoother, whiter and smaller. When both temporary and permanent teeth are present in the mouth it is not usually difficult to differentiate between them. Temporary incisors have several ridges and shallow grooves. Permanent upper incisors often have two well-defined grooves on the labial surface, while the lower permanent incisors have one distinct groove only.

Canines are two in number in each jaw, one on the right and one on the left. They are present only in male animals and are comparatively simple, showing no folding of enamel.

Molars are six or seven in each of the two jaws, according to whether wolf teeth are, or are not, present. The first three permanent molars are called premolars. Each tooth has a complicated folding of the enamel which bears some resemblance to the capital letter "B".

The age of horses from five years upwards is not easy to judge accurately. But, for the purpose of such judgement, it may be noted that:

1) The incisors meet at a right angle at six years of age.
2) They commence to incline in a forward direction progressively until at 20 years of age and they meet at an acute angle.
3) They are almost horizontally placed at 20 to 30 years of age.

Due to the wearing away of the crowns of the incisor teeth, a central mark appears in the table as indicated below:

at 8 years	in the central incisors,
at 9 years	in the lateral incisors,
at 10-12 years	in all the incisors.

Each permanent incisor carries on its table a dark depressed ring known as the infundibulum. At eight years of age the infundibulum disappears from all the incisors.

Galvayne's groove is a well-marked longitudinal groove in the labial surface of upper 1-3. which:

at 10 years	makes its appearance;
at 15 years	reaches half-way down;
at 20 years	reaches bottom of the tooth;
at 25 years	disappears from the upper half of the tooth;
at 30 years	disappears completely.

The more useful signs for estimating the age of a horse are as follows:

5 years:	I 1 and I 2 level, labial border of I 3 in wear.
6 years:	Cup gone from I 1.
7 years:	All lower incisors level. Cup gone from I 2. Hook in upper I 3. Cementum has worn off,

	changing the colour from yellow to bluish-white.
8 years:	Dental star appears in I 1. Cup gone from I 3.
9 years:	I 1 round.
10 years:	I 2 round. The distal end of Galvayne's groove emerges from the gum on upper I 3.
13 years:	The central enamel spot is small and round in the lower incisors. Dental stars are in the middle of the table surfaces.
15 years:	Dental stars round, dark and distinct, Galvayne's groove halfway down.
16 years:	I 1 and 1 2 triangular.
17 years:	I 3 triangular. Enamel spots gone from lower incisors.

Teeth of Cattle

Incisors are absent from the upper jaws of cattle, their place being taken by the dental pad. The incisors in the lower jaw are slightly moveable in a forward direction.

Incisors are chisel-shaped and do not have flat tables and an infundibulum as in horses. They are described as centrals, medials, laterals, and corners. Canines are absent.

The premolars and molars are also more or less chisel-shaped and progressively increase in size from the first to the last. They have well-formed grinding surfaces.

Eruption of the deciduous teeth

Di 1	Before birth
Di 2	Before birth

Di 3	Birth to 1 week
Di 4	Birth to 2 weeks
Dp 1	Birth to 3 weeks
Dp 2	Birth to 3 weeks
Dp 3	Birth to 3 weeks

Eruption of the permanent teeth

I 1	1 1/2 to 2 years
I 2	2 to 2 1/2 years
I 3	3 years
I 4	3 1/2 to 4 years
P 1	2 to 2 1/2 years
P 2	1 1/2 to 2 1/2 years
P 3	2 1/2 to 3 years
M 1	5 to 6 months
M 2	1 to 1 1/2 years
M 3	2 to 2 1/2 years

As in the horse, the signs of wear are much less reliable than eruption for the estimation of age.

5 years: All incisors are in wear. The occlusal surface of I 1 is beginning to become level, that is, the ridges on the lingual surface of the tooth are wearing out and the corresponding border of the occlusal surface is becoming a smooth curve instead of a zigzag line.

6 years : I 1 is level and the neck has emerged from the gum.

7 years : I 2 is level and the neck is visible.

8 years : I 3 is level and the neck is visible. I 4 may be level.

9 years : I 4 is level and the neck is visible.

Teeth of Sheep and Goat

Eruption of the deciduous teeth

Di 1	Birth to one week
Di 2	1 to 2 weeks
Di 3	2 to 3 weeks
Di 4	3 to 4 weeks
Dp 1	Birth to 4 weeks
Dp 2	Birth to 4 weeks
Dp 3	Birth to 4 weeks

Eruption of the permanent teeth

I 1	1 to 1 1/2 years
I 2	1 1/2 to 2 years
I 3	2 1/2 to 3 years
I 4	3 to 4 years
P 1	1 1/2 to 2 years
P 2	1 1/2 to 2 years
P 3	1 1/2 to 2 years
M 1	3 to 5 months
M 2	9 to 12 months
M 3	1 1/2 to 2 years

Teeth of Swine

Eruption of the deciduous teeth

Di 1	2 to 4 weeks
Di 2	6 to 12 weeks
Di 3	Before birth
Dc	Before birth
Dp 1	5 to 7 weeks
Dp 2	5 to 7 weeks
Dp 3	1 to 4 weeks

Eruption of the permanent teeth

I 1	1 year
I 2	16 to 20 months
I 3	8 to 10 months
C	6 to 10 months
P 1	5 months
P 2	12 to 15 months
P 3	12 to 15 months
P 4	12 to 15 months
M 1	4 to 6 months
M 2	8 to 12 months
M 3	18 to 20 months

Eruption of the pig's teeth is peculiar in many ways. The incisors do not erupt according to their position in the jaw. The corners erupt first, then the centrals and finally the laterals.

Teeth of Dog

Eruption of the deciduous teeth

Di 1	4 to 5 weeks

Di 2	4 to 5 weeks
Di 3	5 to 6 weeks
Dc	3 to 4 weeks
Dp 1	4 to 6 weeks
Dp 2	4 to 6 weeks
Dp 3	6 to 8 weeks

Eruption of the permanent teeth

I 1	2 to 5 months
I 2	2 to 5 months
I 3	4 to 5 months
C	5 to 6 months
P 1	4 to 5 months
P 2	5 to 6 months
P 3	5 to 6 months
P 4	4 to 5 months
M 1	5 to 6 months
M 2	6 to 7 months
M 3	6 to 7 months

The data given below have been found reliable for determining the age in about 90% of large dogs. Small dogs and dogs with undershot or overshot jaws give misleading results:

$1^{1/2}$ years : Cusps worn off lower I 1.

$2^{1/2}$ years : Cusps worn off lower I 2.

$3^{1/2}$ years : Cusps worn off upper I 1.

4 $^{1/2}$ years	:	Cusps worn off upper I 2.
5 years	:	Cusps of lower I 3 slightly worn. Occlusal surface of lower I 1 and I 2 rectangular. Slight wear of canines.
6 years	:	Cusps worn off lower I 3. Canines worn blunt. Lower canine shows impression of upper I 3.
7 years	:	Lower I 1 worn down to root so that occlusal surface is elliptical with the long axis sagittal.
8 years	:	Occlusal surface of lower I 1 is inclined forward.
10 years	:	Lower I 2 and upper I 1 have elliptical occlusal surfaces.
12 years	:	Incisors begin to fall out.

Teeth of Cat

Eruption of the deciduous teeth

Di 1	2 to 3 weeks
Di 2	3 to 4 weeks
Di 3	3 to 4 weeks
Dc	3 to 4 weeks
Dp 1	above 2 months
Dp 2	4 to 5 weeks
Dp 3	4 to 6 weeks

Eruption of the permanent teeth

I 1	3 1/2 to 4 months
I 2	3 1/2 to 4 months
I 3	4 to 4 1/2 months
C	5 months
P 1	more than 4 1/2 to 5 months
P 2	5 to 6 months
P 3	5 to 6 months
M 1	4 to 5 months

Ossification of Bones

Approximate age of animals can be estimated from the centres of ossification and the progress of that ossification in the unification of the bones. These signs are helpful for determining age until ossification is complete. Growth changes in the skeleton provide a basis for the estimation of age only within a range, since there is variation in relation to growth and age. In ascertaining the age of young animals a radiograph of joints of limbs is necessary and an opinion should be given according to the following tables:

Table 1. Age of epiphyseal fusion in cattle

Epiphyseal centre	Age (in months)
Scapula	7-10
Supraglenoid tubercle	
Humerus	
Proximal	42-48
Distal	15-20
Radius	
Proximal	12-18
Distal	42-48
Ulna	
Distal	42-48
Metacarpus	
Distal	24-30
Proximal phalanx	
Proximal	18-24
Middle phalanx	
Proximal	15-18
Os coxae	
Ilium	7-10
Ischium	7-10
Pubis	7-10
Tuber ischii	60
Femur	
Proximal	42
Distal	42-48
Tibia	
Proximal	42-48
Distal	24-30
Metatarsus	
Distal	24-30
Proximal phalanx	
Proximal	18-24
Middle phalanx	
Proximal	15-18

Table 2. Age of epiphyseal fusion in sheep

Epiphyseal centre	Age (to nearest month)
Scapula	
Tubercle	5
Humerus	
Proximal	17
Tuberosity	28
Distal	4
Lateral epicondyle	4
Medial epicondyle	6
Radius	
Proximal	4
Distal	21
Ulna	
Proximal	21
Distal	26
Metacarpus	16
First phalanx	10
Second phalanx	8
Femur	
Proximal	17-18
Greater trochanter	17-19
Lesser trochanter	13
Distal	18-20
Tibia	
Proximal	25
Tubercle	30
Distal	15
Fibular tarsal	15
Metatarsus	15
First phalanx	9
Second phalanx	6

Table 3. Age of epiphyseal fusion in thoroughbred horses

Epiphyseal line	Age (in months)
Humerus	
Medial epicondyle	9-12
Distal	12-18
Radius	
Proximal	12-18
Distal	24-30
Metacarpal	
Distal	9-12
First phalanx	6-9
Second phalanx	6-9
Femur	
Distal	24-30
Tibia	
Proximal	24-30
Distal	18-24
Metatarsal	
Proximal	9-12
First phalanx	6-9
Second phalanx	6-9

Counting the rings in the horn

The rings in horns of cows and buffaloes are sometimes used to determine their age, but they do not tell age accurately, although they may provide a good record of past breeding efficiency. In cows the horn becomes thick at the time of calving.

From the time of first calving onward (3 to $3^{1/2}$ years for Indian cattle and 4 to $4^{1/2}$ year for buffaloes), if the cows and buffaloes are regular in calving (once in a year) the method of determination of age by ring counting is quite good. In cows the first ring appears at the age of 3 years and then one ring every year. So the age of the cow will be 2 + number of rings. When the spaces between rings are uneven and show wide differences then it is assumed that the animal is an irregular breeder.

External appearance

It is difficult to judge the age of a cow accurately by this method. Reduced brightness of eye, curved back and pendulous udder are the signs of old age, but a straight back and tight udder are seen in young cows.

Examination of hoof

The hoof of a young animal is smooth and small while in an old animal it becomes long and rough. This too is not a reliable method for determination of age.

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Part 4

Acts and Statutes

(i) ACTS FOR PREVENTION OF ANIMAL DISEASES

The Glanders and Farcy Act, 1899: The Glanders and Farcy Act of 1899 was the first Central Act dealing with animal diseases. This Act was primarily meant for control and prevention of two dreaded diseases of horses, namely farcy and glanders, control of which was very important at that time from defence as well as law and order point of view, as a large contingent of horses was maintained by the Army and the Police.

Short title

Section 1. This Act may be called the Glanders and Farcy Act, 1899.

Definition of "disease"

Section 2(1). In this Act, unless there is anything repugnant in the subject or context, "diseased" means affected with glanders or farcy or any other dangerous epidemic disease among horses which the State Government may, by notification in the official gazette, specify in this behalf.

(2). The provisions of this Act relating to horses shall apply also to camels, asses and mules.

Application of Act to local areas by local Government

Section 3(1). The local Government may, by notification in the official gazette, apply this Act to any local area, to be specified in such notification, within the State.

(2). In any such notification the local Government may further direct that the Act or any provision so applied shall apply in respect of:

a. all or any of the diseases mentioned or specified in a notification under Section 2, sub-section (1);

b. all animals or any class of animals mentioned in Section 2, sub-section (2).

Local Government to appoint Inspectors

Section 4(1). When this local Act has been so applied to local area, the Government may, by notification in the official gazette, appoint such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of the local area or such portions thereof as it may prescribe, the powers conferred and the duties imposed by this Act on such officers.

(2). Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Power of entry and search

Section 5. Within the local limits for which he is appointed, any such Inspector as aforesaid may, subject to such rules as the State Government may make in this behalf, enter and search any field, building or other place for the purpose of ascertaining whether there is any horse which is diseased.

Power of seizure

Section 6. Within such limits as aforesaid, the Inspector may seize any horse which he has reason to believe to be

diseased.

Horse to be examined by Veterinarian

Section 7(1). On any such seizure as aforesaid, the Inspector shall cause the horse seized to be examined as soon as possible by such veterinary practitioner as the State Government may appoint in this behalf:

Provided that, when the Inspector is also a veterinary practitioner so appointed, he may make the examination himself.

(2). For the purposes of the examination, the veterinary practitioner may submit the horse to any test or tests which the State Government may prescribe.

Horse to be destroyed, if found diseased; otherwise restored

Section 8(1). If the veterinary practitioner certifies in writing that the horse is diseased, the Inspector shall cause the same to be immediately destroyed:

Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any rules which the State Government may make in this behalf, be either destroyed or otherwise treated or dealt with as the veterinary practitioner may deem necessary.

(2). If after completing the examination, the veterinary practitioner does not certify that the horse is diseased, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

The place where diseased horse kept has to be disinfected

Section 9(1). When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of the building, shed, place or lines, or to the person in-charge thereof, directing him to have the same disinfected and the

internal fittings thereof or such other things found therein or near thereto as the State Government rule prescribe, destroyed.

(2). On the failure or neglect of such owner or other person as aforesaid to comply with the notice within a reasonable time, the Inspector shall cause the building, shed, place or lines to be disinfected, and the fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from the owner or other person as if it were a fine.

Owner or person in charge of diseased horse to give notice

Section 10. The owner or any person in charge of a diseased horse shall give immediate information of the horse being diseased to the Inspector or to such authority as the State Government may appoint in this behalf.

Prohibition against removal without licence of horse which has been with diseased horse

Section 11. No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such horse except in good faith for the purpose of preventing infection, or under a licence to be granted by the Inspector and subject to the conditions of the licence.

Vexatious entries, searches and seizures

Section 12(1). Whoever, being an Inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place, or seizes or detains any horse on the pretence that it is diseased, 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). No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Penalty

Section 13. Whoever refuses or neglects to comply with any notice issued by the Inspector under Section 9, or removes any horse in contravention of Section 11, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Powers to make rules

Section 14(1). The State Government may make rules to carry out the purposes and objects of this Act.

(2). In particular and without prejudice to the generality of the foregoing powers, such rules as aforesaid may:

a. regulate entries, searches and seizures by Inspectors under this Act,

b. regulate the use of tests and the isolation of horses subjected thereto, and provide for recovering the expense of detaining, isolation and testing horses from the owners or persons in charge thereof as if it were a fine,

c. regulate the destruction or treatment, as the case may be, of horses certified under Section 8 to be diseased, and the disposal of the carcasses of diseased horses,

d. regulate the disinfecting of buildings and places in which diseased horses have been and prescribe what things found therein or near thereto shall be destroyed, and

e. regulate the grant of licences under Section 11 and the conditions on which those licences shall be granted.

Appointment of same person to be both Inspector and Veterinarian

Section 15. Any veterinary practitioner may be appointed by the local Government to be both Inspector and veterinary practitioner for all or any of the purposes of this Act or of any rule thereunder.

Protection to persons acting under Act

Section 16. 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, under this Act.

The Dourine Act, 1910: This Act was the next in series, with its jurisdiction extending all over India, except Part 'B' States. This Act provides for the prevention and control of dourine by empowering the Inspectors/Veterinary Practitioners appointed under this Act, to castrate an entire horse or an ass or to destroy a mare suffering from dourine, for searching infected premises, their disinfection, etc.; for determining compensation to the owner according to the procedure laid down in this Act to the extent of Rs. 250 and for prohibiting the use of an affected animal for breeding; and for imposing fines in case of default.

Most of the States have framed comprehensive laws for the prevention and control of certain important infectious diseases including glanders, farcy and dourine and have repealed older Acts.

These Acts empower the State Government to appoint Veterinary Officers/ Veterinary Practitioners/Veterinary Inspectors for the purpose of achieving the aims and objects of these Acts. They are vested with powers for enforcing compulsory inoculation of animals, regulating the movement of animals, controlling the holding of cattle markets and fairs and traffic in infected animals and ordering isolation of infected animals for their examination and treatment. They can declare private or public places as infected, or a certain area as an infected area, order removal of animals and other things from infected areas or places without licence; order return

of animals to the infected areas; ensure cleaning and disinfection of infected premises and vehicles. They have also the authority to hold post-mortems, to segregate infected animals, to inspect any land, building or place or vessel or vehicle, to direct burial or disposal of carcasses of infected animals, etc. These Acts make it obligatory for the owners of infected animals to report contagious or infectious diseases to the Veterinary Practitioner/ Inspector/Officer in whose jurisdiction the disease has occurred. Different penalties have been prescribed in these Acts, for infringement of orders regarding bringing infected animals to the market, for placing the carcasses of infected animals in rivers, disinterring carcasses of diseased animals, selling or transferring of infected animals, and vexatious entry or seizure by Inspector.

These Acts are similar in all essentials, except for some minor variations here and there or in the list of notifiable diseases. In the case of Rajasthan, anaerobiasis in cattle and sheep is also a scheduled disease, in addition the following diseases are notifiable diseases in most of the other States:

1. Rinderpest
2. Foot-and-mouth disease
3. Haemorrhagic septicaemia
4. Blackquarter
5. Anthrax
6. Tuberculosis
7. Johne's disease
8. Rabies
9. Glanders and Farcy
10. Epizootic lymphangitis
11. Dourine
12. Surra

In Uttar Pradesh, control of contagious diseases has been taken by the State Government under the powers vested in them under the Glanders and Farcy Act. The recent use of such powers was in connection with control of South African Horse Sickness and Swine Fever, which previously did not occur in India. For this purpose all Veterinary Assistant Surgeons, Veterinary Officers, District Livestock Officers, Deputy Directors of Animal Husbandry (and some other officers of Animal Husbandry Department) as well as all District Magistrates and all Superintendents of Police and Commissioned Officers of the Indian Army Veterinary Corps were declared as Veterinary Inspectors and all the District Livestock Officers and Deputy Directors of Animal Husbandry, including the Deputy Director Incharge of the Biological Products Section, Deputy Director Incharge of the Key Village Scheme, the Veterinary Investigation Officer, the Bacteriologist and the Serologist and all the Commissioned Officers of the Indian Veterinary Corps, were declared as Veterinary Practitioners under this Act. The owners of horses, mules and donkeys were alerted to keep their stables clean and free from mosquitoes and flies by use of DDT, smoke or fly repellants and to make them insect and fly-proof as far as possible. They were asked to segregate the sick or in-contact animals. The horse owners were expected to report any cases of suspected South African Horse Sickness to the nearest Veterinary Inspector or Practitioner. General instructions were issued for not holding livestock shows and fairs in those districts, where any case of South African Horse Sickness was detected, and the owners were advised to restrict movement of horses, mules and donkeys from place to place, village to village and from one district to another. The power to destroy affected animals was given to the Inspectors with instructions to burn or bury the carcasses six feet deep in lime.

Similar instructions were issued in the case of Swine Fever for segregation of healthy animals and destruction of affected animals.

(ii) IMPORT OF LIVESTOCK

The Livestock Importation Act, 1898

Import of animals is regulated according to the Livestock Importation Act, 1898 as amended by the Livestock Importation Act, 1953. Model Livestock Importation Rules, 1961, have been framed under this Act by the Central Government, in consultation with the Union Ministry of Law, and circulated to the States for adoption under Section 4 of this Act.

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

a. The expression "infectious or contagious disorders" includes tick-pest, anthrax, glanders, farcy, scabies and any other disease or disorder, which may be specified by the Central Government by notification in the official gazette; and

b. "Livestock" includes horses, swine, camels and any other animal, which may be specified by the Central Government by notification in the official gazette; and

c. "Import" means the bringing or taking by sea, land or air, into the territories to which this Act extends.

Section 3(1) of this Act empowers the Central Government to restrict the area and to prohibit the import of livestock from foreign countries, in such manner or to such extent as it may deem fit, into the territories to which this Act extends or any specified places therein of any livestock, which may be liable to be affected by fodder, dung, stable litter, clothing, harness or fittings appertaining to livestock or that may have been in contact therewith.

The regulations regarding import of livestock under the Livestock Importation Act, 1898 are amended from time to time and published in the gazette by the Central Government.

Only the State Governments are empowered under Section 4 to make

rules for the detention, inspection, disinfection or destruction of imported livestock, and of fodder, dung, stable litter, clothing, harness or fittings appertaining to imported livestock or that may have been in contact therewith and for regulating the powers and duties of the officers whom it may appoint in this behalf.

These rules are enforced in close collaboration with the customs authorities at every port, who have the same powers in respect of any livestock or thing with regard to the importation of which, the notification has been issued under Section 19 of the Sea Customs Act, 1878.

It is necessary to obtain import licence for import of livestock in accordance with the provisions of the Import Trade Control Public Notice No. 1-ITC (PN) 61, dated January 2, 1961, except for pet animals, which according to Provision 4 of the above notification reproduced below, can be brought into the country as a part of accompanied luggage without payment of customs duty. Pet animals are notionally considered as part of the personal luggage of passengers subject to certain restrictions.

Provision 4: The clearance of one dog, pet animals and birds in a limited number may be allowed without Import Trade Control restrictions on furnishing the following health certificates to the customs authorities:

(i) A health certificate from a Veterinary Officer authorised to issue a valid certificate by the Government in the country of export to the effect that the dog imported is free from Aujesky's disease, Distemper, Rabies, Leishmaniasis and Leptospirosis, and in the case of cats from Rabies and Distemper.

(ii) In the case of import of dogs and cats originating from countries where rabies infection is known to exist, a health certificate containing a record of vaccination, the vaccine used, and the name of the production laboratory and to the effect that the dog/cat was vaccinated against rabies more than one month, but within twelve months, prior

to actual embarkation with Nervous Tissue Vaccine, or within 36 months prior to actual embarkation with Chicken Embryo Vaccine, both vaccines having previously passed satisfactory potency tests.

(iii) In the case of parrots, a certificate to the effect, that the parrots were subjected to a complement fixation test for psittacosis with negative results within 30 days prior to actual embarkation.

Import of horses

Brood mares and stallions, not to be used for racing, are exempt from customs duty vide G.O.I-Ministry of Finance (Revenue Deptt.) Notification No. 159-Customs, dated 4th December, 1954, which reads as under:

"Under Government of India, Ministry of Finance (Revenue Division) Notification No. 159-Customs, dated 4th December, 1954, brood mares and stallions imported into India for the purpose of breeding only and not for the purpose of racing are exempt from the payment of customs duty leviable thereon, provided that the importers seeking the above duty-free concession on import of stallions and mares should produce a certificate from the Director of Animal Husbandry of the State concerned, to the effect that the stallions and mares on which exemption is sought are being imported solely for breeding and not for racing."

Model Rules, 1961

The diseases or disorders which were declared to be contagious or infectious for purposes of this Act notified by the Department of Education, Health & Law of the Govt. of India, vide No. F.32-12 (13)/44-A, dated 12th August, 1944 and the Ministry of Agriculture No. 12-75(1)/49-L, dated June 26, 1950 are given in Schedule II of the Model Rules, 1961, described below:

1. These rules may be called the Livestock (Import) Quarantine Rules.

In these rules, unless the context otherwise requires,

a. 'carcass' means the carcass of livestock and includes part of a carcass and the flesh, bones, skin, hoofs, offal or any other part of any dead livestock separately or otherwise any portion thereof;

b. 'diseased' means suffering from any infectious or contagious disorder;

c. 'import' means to bring by sea into the State from any place outside India;

d. 'importer' means a person in whose name the bill of lading is made;

e. 'exporter' means the person who is the owner of livestock in the country of export;

f. 'quarantine' means detention and segregation of livestock newly arrived (landed from on board a ship) for observation and testing in order to keep such livestock separate from other livestock for the prescribed period;

g. 'Schedule' means a schedule annexed to these rules;

h. 'valid certificate' means a certificate which is in respect of (1) livestock (other than poultry) imported from any country included in column (2) of Schedule I granted by the authority specified in column (3) thereof to the effect that such livestock was examined within thirty days prior to the embarkation and found to be free from all signs and symptoms of diseases specified in Schedule II and that in respect of diseases specified in Schedule III such livestock was subjected to the tests specified therein with negative results within thirty days prior to actual embarkation.

2. Poultry, including day-old chicks, imported from any country specified in column (2) of Schedule I, granted immediately prior to embarkation containing a statement signed by the authority prescribed in column (3) thereof to the effect that:

(i) the flocks from which the consignment of poultry is drawn have been free from the diseases listed at E 2 to E 14 in Schedule II for a period of at least one year prior to embarkation;

(ii) in respect of Avian Leucosis Complex mentioned at E 1 in Schedule II, the flocks, from which the consignment of poultry is drawn, have been free from the said disease for a period of at least one year or the poultry have been drawn from the farm/ farms which has/have been regularly inspected by a Government officer over a period of not less than twelve months and that these inspections have not disclosed the presence of Avian Leucosis Complex nor has any case of this disease been reported and that any day-old chick contained in this consignment has not been in contact with any adult birds;

(iii) in respect of diseases listed in Schedule III, the adult poultry birds, which are either themselves being exported or from which day-old chicks or immature chicken are included in the consignment, were subjected to the tests specified therein with negative results immediately prior to embarkation;

(iv) 'declaration' means a written statement given by the exporter or his authorised agent; and

(v) 'Veterinary officer' means any officer authorised by the State Government through a general or special order to perform all or any of the duties prescribed in the rules.

3. No livestock shall be imported except along with a valid certificate.

4. In addition to the valid certificate, in the case of day-old chicks, there shall be a declaration made by the exporter that the chicks were:

(i) hatched in an incubator in which no eggs from infected birds had been hatched and the incubator was properly fumigated and disinfected prior to hatching; and

(ii) packed direct from the incubator into new boxes for export and that there was no contact with any birds other than day-old chicks.

5. The imported birds shall be kept under observation for a period of at least twenty-one days and the imported baby chicks for a period of at least fifty-six days on the importer's premises. It shall be incumbent on the part of the importer to notify to the Animal Husbandry Department any losses due to deaths among the imported birds during the above-mentioned period and also make available any such dead birds for examination. It shall be the duty of the Animal Husbandry Department to see that all the imported birds under observation are regularly inspected so as to ensure that such birds are free from diseases.

6. The master or officer in charge of a vessel, the commander of an aircraft, guard of a railway train, owner of the livestock when brought on foot or the owner of the vehicle in which livestock is being imported shall:

(i) on entering the port hoist the 'N' flag under the ensign for the information of the veterinary officer, and shall keep it flying until the signal is suitably acknowledged;

(ii) inform the pilot that livestock is on board;

(iii) allow the veterinary officer all facilities for inspecting the livestock on board and at the places they have been quartered;

(iv) furnish the veterinary officer with such detailed information as he may require as to:

a. the number and kind of livestock originally taken on board;

b. the place or places at which the livestock was taken on board;

c. the names and addresses of the persons to whom the

livestock is consigned;

d. the occurrence of any sickness/death among the livestock during voyage, flight or carriage and their suspected causes;

(v) not permit the landing of any livestock, any fodder, dung, stable litter, clothing, harness or fitting which has been in contact with or appertains to such livestock until the veterinary officer has made his inspection and then only in accordance with such directions as the veterinary officer may, under the rules, be authorised to give.

7. On receiving intimation that livestock is on board any vessel/aircraft/ vehicle/train or brought on foot entering port/landing at the aerodrome/arriving at a check post, the veterinary officer shall, without delay, go on board the vessel/aircraft/vehicle/train and inspect the livestock and the places therein where the livestock has been quartered.

8. The veterinary officer may order the detention in quarantine of any imported livestock provided that :

a. livestock accompanied by a valid certificate shall not be liable to detention in quarantine unless an outbreak of an infectious or contagious disorder or any death has occurred among the livestock on board the vessel/aircraft/vehicle/train during voyage/ flight/passage to India;

b. any livestock which at the time of importation is the property of the Government or has been imported in accordance with the instructions given by a Government department on whose authority livestock is imported and has been certified to be free from disease by a veterinary officer authorised for this purpose by that department shall not be liable to detention in quarantine.

If any question arises as to whether a certificate under which livestock has been imported is valid or not, the decision of the veterinary officer, subject

to the provisions of Rule 23, shall be final.

9. The duration of quarantine may, at the discretion of the veterinary officer, extend to a period not exceeding ninety days and the livestock may be detained in quarantine at such places and in such manner as the veterinary officer may direct.
10. All livestock ordered under Rule 8 to be detained in quarantine shall be removed from the vessel/aircraft/vehicle/ train by the importer or his authorised agent at such time and in such manner as the veterinary officer may direct and taken to the place of quarantine by the importer or his authorised agent.
11. All livestock detained in quarantine shall be under the control of the veterinary officer.
12. All expenses in connection with the landing from the vessel/aircraft/ vehicle/train and removal to quarantine of the livestock including the payment of customs dues, port dues and all expenses incurred in feeding the livestock in quarantine shall be borne by the importer.
13. a. Unvaccinated dogs and cats originating from countries where rabies exists shall be vaccinated on arrival and quarantined for a period of thirty to forty-five days and during this period the entire cost of maintenance, feeding and other expenses shall be borne by the importer.
    b. Unvaccinated dogs and cats originating from countries free of rabies and not exposed to rabies infection en route shall be vaccinated on arrival and kept under restraint by the importer for one month.

The cost of vaccination in both the cases shall be borne by the importer.

14. In case any eggs are laid during transit and remain unhatched they shall be disposed of in such manner as may be prescribed by the veterinary officer.
15. Any imported livestock which the veterinary officer finds to be

diseased shall (for reasons to be recorded in writing) be directed to be destroyed and the carcass buried or cremated and no compensation shall be payable to the importer.

16. All fodder, dung, stable litter, clothing, harness or fitting that may have been in contact with or appertain to diseased livestock shall be disposed of in such manner as the veterinary officer may direct. The clothing, harness or fitting not returned to the importer after disinfection may be directed to be sold by the veterinary officer and the proceeds thereof shall be refunded to the importer or his authorised agent after deducting any charges due from him.

17. (1). The veterinary officer may by notice require the Master or Officer in charge of the vessel/commander of the aircraft/ owner of the vehicle/guard of the train on which livestock has been imported to have the vessel/aircraft/vehicle/train disinfected within such time and in such manner as he may specify therein.

    (2). The veterinary officer may examine the vessel/aircraft/vehicle/ train to satisfy himself that such disinfection has been properly carried out, and the Master or Officer in charge of the vessel/ Commander of the aircraft/owner of the vehicle/guard of the train shall afford him all reasonable facilities for making such examination and shall comply with such further instructions as the veterinary officer may, in making such examination, think fit to give to ensure the full and proper disinfection of the vessel/ aircraft/vehicle/train.

18. In respect of every head of livestock detained in quarantine the importer or his authorised agent shall deposit, within five days of landing of such livestock, a sum of money as prescribed by the Government.

If special diet, veterinary aid or test, as prescribed by the veterinary officer, is found necessary, the actual cost incurred shall be paid by the importer.

If permission to feed the livestock is given to the importer or his authorised agent, the quarantine fee shall be charged.

19. The livestock detained in quarantine shall not be released except with the permission of the veterinary officer, which shall not be granted until the livestock is certified to be free from disease and all charges incurred in connection with its detention have been paid.

20. a. In default of payment of charges due on account of any livestock such livestock shall be sold by public auction and the charges shall be deducted from the amount realised and the balance paid to the importer or his authorised agent. In case the amount realised falls short of the amount due, then the balance may be recovered from the importer in such manner as may be prescribed by the State Government.

    b. If any livestock is not removed by the importer within seven days of the issue of notice to that effect signed by the veterinary officer, such livestock shall, be sold by public auction and the proceeds shall, after deducting the charges incurred in connection with the detention and auction of such livestock, be deposited in the Government treasury.

21. The importer, or his authorised agent, on payment of a fee, shall be entitled, on demand, to a certificate to the effect that the livestock has been subjected to the required tests and has been found free from the diseases specified in Schedule III.

22. A person guilty of a breach of any of the rules, shall be punishable with fine, which may extend to one thousand rupees in respect of each such breach.

23. An appeal from an order passed by the veterinary officer, under any of these rules other than Rule 15, shall lie with the Director of Animal Husbandry within a period of fifteen days from the date of such order.

24. Any order passed by the Director of Animal Husbandry under Rule 23 may be reviewed by the State Government.

Import of livestock products

The livestock importation act, 1898 (9 of 1898) has been amended vide the Livestock Importation (Amendment) Ordinance, 2001 which was promulgated on 5th July, 2001. Prior to amendment, the said act was applicable only for livestock whereas livestock products were not regulated under the Act. The amendment to the act has been made to regulate the import of livestock products in such a manner that these imports do not adversely affect the human and animal health population of the country. In exercise of the powers of the Central Government under the amended Livestock Importation Act, 1898, the Department of Animal Husbandry and Dairying has issued a notification dated 7th July, 2001 to regulate the import of livestock products, namely (i) meat and meat products of all kinds including fresh, chilled and frozen meat, tissue or organs of poultry, pig, sheep, goat; (ii) egg and egg powder; (iii) milk and milk products; (iv) bovine, ovine and caprine embryos, ova or semen; and (v) pet food products of animal origin. A procedure has also been laid down to regulate such imports.

The notification is given below:

COPY OF NOTIFICATION **DATED 7th JULY, 2001**

In exercise of the powers conferred by Section 3A of the Livestock Importation Act, 1898 (9 of 1898), the central government hereby restricts, with effect from the date of publication of this notification in the Official Gazette, the import into India of all livestock products, including-

i) meat and meat products of all kinds including fresh, chilled and frozen meat, tissue or organs or poultry, pig, sheep and goat;

ii) egg and egg powder;

iii) milk and milk products;

iv) bovine, ovine and caprine embryos, ova or semen; and

v) pet food products of animal origin.

2. The import of these products shall be allowed only against a sanitary import permit to be issued by this Department as per the procedure laid down in the Schedule annexed to this notification-

SCHEDULE

Procedure for import of livestock products into India

All livestock products shall be imported into India subject to the following conditions, namely-

(1) No livestock products shall be imported into India without a valid sanitary import permit issued under clause (3)

(2) All applications for a permit to import consignments by land, air or sea shall be made in either Form A or Form B, whichever is relevant, and sent in triplicate to the Joint Secretary, Trade Division, Department of Animal Husbandry and Dairying, Ministry of Agriculture, Government of India.

(3) (i) The sanitary import permit shall be issued for import of livestock products if, after a detailed import risk analysis, the concerned authorities are satisfied that the import of the consignment will not adversely affect the health of the animal and human population of this country.

(ii) The import risk analysis shall be conducted by the concerned officers of the Department on the basis of internationally recognized scientific principles of risk analysis and the analysis shall be conducted with reference to the specific product and the disease situation prevailing in the exporting country vis-a-vis the disease situation in India.

(iii) The issue of permits shall be refused if the results of the import risk analysis show that there is a risk of specific product bringing in one or more specific diseases, which are not prevalent in the country and which could adversely affect the health and safety of the human and animal population of this country.

(iv) The import permit shall lay down the specific conditions that will have to be fulfilled in respect of the consignment, including pre-shipment certifications and quarantine checks.

(v) The permit shall also specify the post-import requirements with regards to quarantine checks.

(vi) The import permit issued under this clause shall be valid for a period of six months, but can be extended by the concerned authority for a further period of six months, on request from the importer and for reasons to be recorded in writing.

(4) All livestock products shall be imported into India through seaports or airports located at Delhi, Mumbai, Kolkata and Chennai, where the animal Quarantine and Certification Services Stations are located.

(5) (i) On arrival at the entry point, the livestock products shall be inspected by the Officer-in-charge of the Animal Quarantine and Certification Services Station or any other Veterinary Officer duly authorized by the Department of Animal Husbandry and Dairying, wherever required, in accordance with the specific conditions laid down in the sanitary import permit and with general guidelines, issued by the Department from time to time.

(ii) After inspection and testing, wherever required, the concerned quarantine or veterinary authority shall accord quarantine clearance for the entry of the livestock products into India or, if required in public interest, order its destruction or its return to the country of origin.

(iii) Where ever disinfection or any other treatment is considered necessary in respect of livestock product, the importer shall on his own or at his cost through an agency approved by the Department of Animal Husbandry and Dairying, arrange for disinfection or other treatment of the consignment, under the supervision of a duly authorized Quarantine or Veterinary Officer.

(6) It shall be the responsibility of the importer-

(a) to bring the livestock products to the concerned Animal Quarantine & Certification Services Station, or to the place of inspection, disinfection or treatment or testing as directed by the Quarantine or Veterinary Officer duly authorized on this behalf.

(b) to open, repack and load into or unload from the Animal Quarantine Station and seal the consignment; and

(c) to remove them after inspection and treatment or testing, according to the directions of the Quarantine or Veterinary Officer duly authorized on this behalf.

(7) The Central Government may, in public interest, relax any other conditions specified under this schedule relating to the permit in relation to the import of any livestock product.

Another notification in regards to the Livestock Importation Act (1898) was issued recently in wake of the fowl influenza epidemic in major countries, in exercise of the powers conferred by the sub-section (1) of Section 3 and Section 3A of the Act.

MINISTRY OF AGRICULTURE

(Department of Animal Husbandry, Dairying and Fisheries)

NOTIFICATION

New Delhi, the 6th August, 2005

S. O. 1104 (E)-In exercise of the powers conferred by sub-section (1) of Section 3 and Section 3A of the Livestock Importation Act, 1898 (9 of 1898), the Central Government hereby prohibits, with effect from date of publication of this notification, the import into India from all countries in view of the reported outbreak of highly pathogenic Avian Influenza (Fowl Plague), the following livestock and livestock products, namely-

(i) domestic and wild birds including the captive birds (excluding poultry);

(ii) unprocessed meat and meat products from Avian species

including wild birds (except poultry);

(iii) semen of domestic and wild birds.

Further, in excicise of the powers conferred by sub-section (1) of Section 3 and Section 3A of the said Act, the Central Government hereby prohibits also the import into India from the countries reporting the outbreak of highly pathogenic Avian Influenza (Fowl Plague), the following livestock and livestock products, namely-

(i) live poultry;

(ii) unprocessed meat and meat products of poultry;

(iii) hatching eggs;

(iv) eggs and egg products;

(v) feathers;

(vi) live pig and pig meat products;

(vii) pathological material and biological products from birds;

(viii) product of animal origin (from birds) intended for use in animal feeding or for agriculture or industrial use.

2. The prohibition shall be in force for a period of six months from the date of publication of this notification or till such time it is modified or withdrawn, whichever is earlier.

Subject: Removal/continuance of restrictions on various items already under restricted list in Exim policy

S. N.	Exmi Code	Item Description	Policy	Comments of the Department
1	01011010	Horses	Restricted	Sl. no. 1 to 6 are equine animals which may be continued under the restricted list so that the applications could be examined prior to the imports to find as to what type of germplasm are being imported. Moreover, animal disease status of the exporting country has to be ascertained before imports in order to prevent introduction of exotic diseases in to the country. African Horse Sickness a dreaded disease amongst horses entered into the country about 35 years back through import of horses. Though we have eradicated this disease and there has been no report for more than 30 years, OIE has not recognized India free from this disease and is the main problem in exporting Indian horses abroad.
2	01011020	Asses	Restricted	
3	01011090	Other	Restricted	
4	01019010	Horses for Polo	Restricted	
5	01019020	Asses, Mules and hinnies	Restricted	
6	01019090	Other	Restricted	
7	01021010	Bulls, adults	Restricted	These are the cows/bulls and buffaloes to be imported for breeding purpose. These animals may also be continued under the restricted list so that the applications could be examined prior to the imports to find as to what type of germplasm are being imported. Also the animal disease status of the exporting country has to be assessed before such imports especially for OIE List A disease as well as for BSE – a disease which is not prevalent in the country and a

S. N.	Exmi Code	Item Description	Policy	Comments of the Department
				potential to come with animals as most of the EU countries have this disease and recently single case of BSE in USA has resulted in the grinding halt of its 18 billion exports apart from the indigenous consumption due to its zoonotic importance. Recent import of cattle from Australia has taught us a lesson that even if the country of export certifies for the absence of disease, the animals were tested positive for two exotic diseases resulting in the quarantining of the imported animals for indefinite period of time. Import of buffaloes at Sl. No. 9, 12 & 13 may be restricted as the best quality germplasm of the buffalo breeds are available in the country and any indiscriminate import may not be allowed.
8	01021020	Cows, adult	Restricted	
9	01021030	Buffaloes, adult and calves	Restricted	
10	01021090	Other	Restricted	
11	01029010	Bulls, adult	Restricted	
12	01029020	Buffaloes, adults and calves	Restricted	
13	01029090	Other	Restricted	
14	01031000	Pure bred breedi ng animals	Restricted	
15	01039100	Weighing less than 50 kg.	Restricted	

S. N.	Exmi Code	Item Description	Policy	Comments of the Department
16	01039200	Weighing 50 kg or more	Restricted	
17	01041010	Sheep including lamb for breeding purpose	Restricted	Sheep & Goats for breeding may also be continued under restricted list so that the applications could be examined prior to the imports to find as to what type of germplasm are being imported. Moreover, animal disease status of the exporting country has to be ascertained before importing in order to prevent introduction of exotic diseases in to the country. Recently, a consignment of more than 57,000 sheep being exported to Saudi Arabia was rejected due to the presence of a sheep disease in the flock and the same was offered to India, which was rejected on health grounds.
18	01041090	Other	Restricted	
19	01042000	Goats	Restricted	
37	02011000	Carcasses and half-carcasses	Restricted	These are the meat of bovine animals, fresh, chilled, frozen, edible offal, edible flours and other including meat and meat offal of bovine animals, which may be continued under restricted list as there is every possibility of introduction of exotic diseases in to the country through meat. BSE - a dreaded disease which is not prevalent in the country and a potential to transmit through meat from countries like EU countries and recently single case of the disease in USA has resulted in the grinding halt of its 18 billion exports apart from the indigenous consumption due to its zoonotic importance. Also beef is banned for imports due to socio-religious considerations, therefore, it may be kept under restricted list.
38	02012000	Other Cuts with bone in	Restricted	
39	02013000	Boneless	Restricted	
40	02021000	Carcasses and half carcasses	Restricted	
41	02022000	Other cuts with bone in	Restricted	
42	02023000	Boneless	Restricted	
43	02061000	Of bovine animals, fresh or chilled	Restricted	
44	02062100	Tongues	Restricted	
45	02062200	Livers	Restricted	
46	02062900	Other	Restricted	

S. N.	Exmi Code	Item Description	Policy	Comments of the Department
47	02102000	Meat of bovine animals	Restricted	
58	05040010	Guts of cattle for natural food casings	Restricted	
59 61	05040039 05040049 05040059	Other	Restricted	These are Wild animals and other products of wildlife. Hence no comments.
64 66	05119119, 05119139, 05119929	Other	Restricted	
68	05119999	Other	Restricted	
62	05111010	Bovine Semen	Restricted	For ensuring import of quality gemrplasm, this should remain under restricted list so that the applications could be examined prior to the imports to find as to what type of germplasm are being imported. Moreover, animal disease status of the exporting country has to be ascertained before imports in order to prevent introduction of sexually transmitted diseases through semen in to the country.
63	05111090	Other	Restricted	Other animal products not elsewhere specified or included the dead animals unfit for human consumption. Restriction to continue.
67	05119991	Frozen semen other than bovine, bovine embryo	Restricted	For ensuring import of quality germplasm, this should remain under restricted list so that the applications could be examined prior to the imports to find as to what type of the germplasm are being imported.

S. N.	Exmi Code	Item Description	Policy	Comments of the Department
				Moreover, animal disease status of the exporting country has to be ascertained before imports in order to prevent introduction of sexually transmitted diseases through semen and embryo in to the country.
150	16025000	Of bovine animals	Restricted	These are the items of meat preparation or preserved meat, meat offal or blood of bovine animals, which may not be allowed as there is every possibility of introduction of exotic diseases in to the country through meat. BSE- a dreaded disease which is not prevalent in the country. Also beef is banned for imports due to socio-religious considerations, therefore, it may be kept under restricted list.

(iii) ACTS RELATED TO ANIMAL WELFARE

U.P. Pashudhan Sudhar Adhiniyam (18 of 1964)

This is the main Act for improvement of livestock in Uttar Pradesh. According to this Act, no person shall keep a bull, which is not an approved bull. The powers are vested in the State Government regarding declaration of suitable breeds or classes of bulls. Section 4 in this connection reads as below:

(1) The State Government may, by notification in the Gazette, declare in relation to any area the breeds and classes of bulls suitable for that area.

(2) In making a notification under sub-section (1) the Government shall take into consideration the milk yeild and serviceability of the progeny of all the breeds and classes of bulls available in the area, the availability of sufficient number of bulls of the breed or class proposed to be declared suitable for that area and such other matters as it may consider relevant.

(3) Before making a declaration under sub-section (1) the Government shall cause to be published in the Gazette a preliminary notification specifying the classes and breeds of bulls proposed to be declared suitable for the area concerned and inviting objections to the proposals, and take into consideration objections, if any, filed within the time allowed therefor in the preliminary notification.

Sections 5, 6 and 7 empower the Livestock Officer appointed under the Act to inspect the bulls, for their certification, branding, and castration in case they are unfit for approval.

These are :

Section 5 : The Livestock Officer may require, by an order in writing, any person keeping a bull which is not an approved bull to produce the bull for inspection and thereupon the person shall produce the same for inspection on such date and at such time and place as may be specified in the order:

Provided that the inspection shall take place in the village or town in which the person keeping the bull normally resides.

Section 6 : Where on inspection of a bull the Livestock Officer is satisfied that the bull is capable of being used for breeding purpose and is not:

a. of defective or inferior conformation;

b. suffering from a contagious or infectious disease of an incurable character or from any other disease rendering the bull unsuitable for

breeding purposes; or

c. in case of a notification having been made under sub-section (1) of Section 4 in relation to the area, of a breed or class not declared to be suitable for that area,

d. he shall certify the bull as an approved bull and cause it to be branded with a mark prescribed in this behalf.

Section 7(1) : Where on inspection, the Livestock Officer is satisfied that a bull is not fit for being certified and branded under Section 6, he shall, by order in writing, direct the person keeping the bull;

(i) in case of a disability covered by clause (a) or (b) of that section, to have the bull castrated within such period as may be specified in the order;

(ii) in case of a disability covered by clause (c) and not covered by clause (a) or (b) of that section, to either remove the bull beyond the prohibited area or have it castrated within such period as may be specified in the order.

2. (a) Any person aggrieved by an order under sub-section (a) may appeal to such officer and in such manner as may be prescribed, and the order passed on the appeal shall be final and binding:

Provided that no appeal may be entertained after the expiry of thirty days from the date of the order appealed against, unless the appellate authority, for reasons to be recorded, considers it proper to entertain the appeal after the said period.

(b) The authority before which an appeal is pending may pass such interim order as it considers just and expedient.

3. The castration shall be performed or caused to be performed by the Livestock Officer, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

4. When an order under sub-section (1) has become final but has not been complied with within the time allowed therefor, the Livestock Officer may, without prejudice to any action that may be taken under Section 13, cause the bull to be seized and castrated.

Explanation : In this section, "prohibited area", in relation to a bull, means the area in respect of which a notification has been made under sub-section (1) of Section 4 and for which such bull has not been declared to be suitable.

Sections 8, 9 and 10 empower the Livestock Officer to take unclaimed bulls into custody and to get them castrated. He may also order castration of approved bulls on becoming unfit and may inspect the bull at any reasonable time and enter any place, where he has reason to believe that a bull is kept.

Section 8(1) If the Livestock Officer, after making an enquiry in the prescribed manner, finds that a bull is not kept by any known person, he shall cause it to be seized and shall inspect it.

(2) If on such inspection he finds that the bull is not fit for being certified and branded as an approved bull, he shall have it castrated.

(3) The Livestock Officer may, subject to the right of any person to establish his title to the bull in a court of competent jurisdiction, give the bull into the custody of any person in such manner or on such terms and conditions as he may deem fit in accordance with the rules made in this behalf.

Section 9 : If the Livestock Officer at any time has reason to believe that an approved bull has contracted a contagious or infectious disease of an incurable character or has otherwise become unfit to function as an approved bull, he may proceed in respect of the bull as if it were an unapproved bull, and the provisions

of Sections 5, 6 and 7 shall 'mutatis mutandis' apply to such proceedings.

Section 10 : The Livestock Officer or any person required by him to assist him in the performance of his functions under this Act shall have power at all reasonable times :

a. to inspect a bull; and

b. subject to such conditions, if any, as may be prescribed, to enter any place where he has reason to believe that a bull is kept.

As per Section 11, the Livestock Officer is expected to maintain a register giving particulars of inspections, castrations, certification and branding of bulls and such other information as may be prescribed.

Sections 12, 13 and 14 prescribe penalties for unauthorised marking and for contravention of the provisions of this Act by an individual or a company. Section 17 empowers the State Government to frame rules under the Act and reads as under:

Section 17: (1) The State Government may, by notification in the Gazette and subject to the condition of previous publication, 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:

a. the appointment of Livestock Officers and their qualification;

b. the mark with which and the manner in which a bull shall be branded as an approved bull;

c. the authority to which and the manner in which an appeal may be under sub-section (2) of Section 7;

d. the manner in which and the terms and conditions on which a bull may be given in the custody of any person under sub-section (3) of Section 8;

e. the condition subject to which an entry into a place may be made under Section 10;

f. the registers to be maintained by a Livestock Officer and the information to be contained therein;

g. the manner in which an officer may make an inquiry, hear and dispose of an appeal or perform other functions under this Act;

h. the manner of service of any order under this Act; and

i. any other matter which is to be or may be prescribed.

The Livestock Improvement Acts in the various States mentioned earlier are similar in their objectives and approach. There are only minor differences here and there. In the case of the Mysore Act (Section 4) and the Rajasthan Act (Section 4(1), there is provision for giving a licence for keeping an approved bull after it has been branded. A separate licence is required for an additional bull to be maintained, but there is no such provision for giving a licence under the U.P. Act. In the case of Rajasthan, castration of an approved bull can be ordered after it has attained the "prescribed age", while in the case of Uttar Pradesh castration can only be ordered when the bull is unfit due to any reasons including its having an incurable disease. Penalty clauses provided in the U.P. Act are more severe. In the case of Mysore there is a fine of Rs. 25 for the first offence, and Rs. 50 for subsequent offences for contravening the provisions of the Act; in the case of Rajasthan and Uttar Pardesh fine may extend up to Rs. 100 and in addition the Uttar Pradesh Act (Section 12) provides for imprisonment up to a period of 3 months or fine of Rs. 500, or both, for unlawful branding of the bull.

Uttar Pradesh Gaushala Adhiniyam

There are a large number of Gaushalas in the country run by private bodies, primarily meant for providing sanctuary to old and decrepit animals, but of late they have also started maintaining quality animals and are playing an important role in the improvement of cattle in the country.

Except for some occasional grants provided by the Government to selected and well-run Gaushalas which are in a position to make the best use of them, their main source of income is subscription from the general public and the collection of a cess usually called Dharmada by traders from their customers. This unofficial 'tax' is invariably not paid in full to Gaushalas, and there has been further cut on account of the U.P. Krishi Utpadan Mandi Adhiniyam, 1964. Similar Acts have also been introduced in some other States (e.g. Gujarat, 1964). Apart from this there is also scope for improving the working of these institutions. It was felt that these institutions would be in a better position to contribute towards improvement of cattle and increasing production of milk and milk products, if their resources could be properly harnessed and utilized and their management improved. With these objectives in view Gaushala Acts have been passed in number of States, the Bihar Gaushala Act was passed in 1950, the Madhya Pradesh Gaushala Act in 1961 and the Uttar Pradesh Gaushala Adhiniyam in 1964. These Acts are similar in approach except for some differences regarding recruitment of Registrar and area of collection. The Rajasthan and Orissa Acts provide that the Gaushala Development Officer, who is a State employee, will be Registrar of the Gaushalas by virtue of his office. In the case of Bihar, the State Government has to appoint the Registrar from a panel of three names, to be submitted by the Gaushala Federation, while in the case of Uttar Pradesh, it is left to the State Government to appoint the Registrar who will also have magisterial powers under the Criminal Procedure Code, 1908. In Uttar Pradesh, Bihar and Orissa Acts, area from which funds may be collected for a particular Gaushala has been defined, but no such area has been defined in the Rajasthan Act.

These Acts empower the State Governments to regulate the administration of Gaushalas by prescribing procedure for election of members of the Federation, maintenance of accounts and Gaushala registers, etc. Some of the important sections of the U.P. Gaushala Act are described here as illustration.

Section 3 empowers the State Government to prescribe the manner of formation of the Gaushala Federation, whose members are to be elected by the trustees of the Gaushalas, the number of persons to be elected, and to appoint a date for the entry of a person as trustee in the Pradesh Gaushala Register.

Section 4 prescribes the manner of collection of particulars regarding name, location, income, property, etc. of a Gaushala. Section 5 deals with the registration of Gaushalas, while Sections 6, 7 and 8 lay down provisions regarding maintenance of the Pradesh Gaushala Register and amendment of entries in this register, and power of the Registrar to hold an enquiry into the working of a Gaushala.

Sections 9 and 10 include provisions regarding payment of fees by trustees of every Gaushala not exceeding 5 per cent of the gross income of the Gaushala during the preceding year, for being credited to the Pradesh Gaushala Nidhi and the mode of maintaining of proper accounts by the trustees and their audit.

Section 11 empowers the State Government to fix the area for purposes of collection of funds and defines the obligations of traders and merchants in that area. Section 12 prescribes the returns to be furnished by traders and merchants to the District Livestock Officer or such other gazetted officer of the State Government as may be prescribed for this purpose, while Section 13 empowers the Registrar to call for the account books of any merchant or trader to see whether money due to the trustee has been paid or not.

Section 14 is most important from the veterinarian's point of view and empowers officers of the Animal Husbandry Department, not below the rank of District Livestock Officer, or any other person duly empowered in this behalf by the State Government to enter and inspect any Gaushala for satisfying himself that provisions of this Act and the rules are duly complied with. Section 15 bans the raising the subscription for unregistered Gaushalas.

Sections 16 and 17 prescribe the penalties in respect of non-compliance with provisions of this Act by the trustee or company. Section 20 empowers the State Government to frame rules in respect of the administration of Gaushalas, while Section 21 confers the powers on the Director of Animal Husbandry. U.P., with the previous sanction of the State Government, to make rules regarding:

1. provision of skilled technical management of breeding at a Gaushala and supervision thereof;
2. segregation of breeding at a Gaushala from other activities thereof and transfer of such work from urban to rural areas;
3. transport of bulls from a Gaushala to any other place for purposes of breeding;
4. maintenance and management of records relating to breeding at a Gaushala;
5. setting apart of cattle both male and female for breeding purposes; and
6. medical treatment and inspection of cattle at a Gaushala.

Cattle Trespass (Amendment) Act, 1921

This Act extends to the whole of India, except 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. This Act provides a useful means for dealing with the problem of stray and wild cattle, which is important in this country from the livestock improvement point of view as well as for giving protection to standing crops so as to assure the farmer of due returns for his labours as well as his investment. The areas lying on the periphery of cities or big towns are particularly subject to such depredations. This Act provides for establishment of cattle pounds, their control, appointment of pound keepers, the penalties for cattle impounded, their disposal, etc. To make the penalty clause more severe this Act was amended in its application to

Uttar Pradesh and is called The Cattle Trespass (Uttar Pradesh Amendment Act) Act, 1954. According to Section 26 of this Act, offenders on conviction are liable (a) for the first offence to a fine of not less than Rs. 10 but not exceeding Rs. 250 or to imprisonment for a term not exceeding three months, or both, (b) for second or subsequent offence to imprisonment for a term not exceeding three months and a fine not exceeding Rs.500.

It is mainly a Police Act, but it is important for a veterinarian to know the powers vested in the State Government under this Act as that would enable him to deal with the problem of stray cattle in his area more effectively.

(iv) ANIMAL PROTECTION ACTS

Common Offences against Animals

It is more or less obligatory for a veterinarian to be familiar with the laws for protection of animals, more so because of his training and profession which inculcate a spirit of sympathy and understanding towards our dumb companions, the domestic animals, who deserve all sympathy and kindness.

The common offences against animals are mischief, bestiality and cruelty.

***Mischief*:** This includes killing, poisoning or maiming an animal. Poisoning is the commonest method of mischievous killing. *Abrus precatrius* seed, arsenic, aconite root, snake venom, datura leaves, and seeds of yellow oleander are common poisons used in the mischievous killing of the animals. Accidental poisoning may occur in animals by linseed or jowar consumption. Mischief is punishable under sections 428 and 429, I.P.C.

Maiming: means making an animal permanently useless by the use of violence. This type of offence is also common and its aim is to harm the owner when his animal damages the crop or other property. The common forms of hurting animals and rendering them useless are:

a) Fracture of bone; b) Cutting tendons of legs and neck; c) Injury to udder in milch animals; d) Tearing of the vagina or rectum by introducing sharp or blunt object; e) Punctured wounds, etc.

Bestiality: Bestiality means carnal intercourse with man, woman or animal, against the order of nature. This type of crime is quite frequently found in India due to the following reasons:

- The common belief among illiterate people that intercourse with a she-donkey is a remedy for gonorrhoea.
- Excessive sexual desire with little opportunity for natural intercourse;
- Young villagers who go out to graze cattle in fields far away from human eyes, are incited, owing to loneliness and the proximity of the animals, to commit this crime;
- People having some mental abnormalities.
- The human male is generally the active agent and the passive agent is a goat, donkey, mare, cow, or even hen.

Examination of animal for bestiality

a) Bestiality is punishable under Section 377, I.P.C. The offenders are usually caught red-handed.

b) The vagina of the animal should be examined for evidence of injury and the suspect examined for marks of injuries caused by the kicks, teeth or claws of the animal.

c) The surrounding hair of the animal should be examined for the presence of human spermatozoa (it is very important to note whether the spermatozoa found are of the same animal or not and for this purpose the presence or absence of heat in the female animal is also a guide).

d) The presence of organisms of gonorrhoea in the vagina of the animal is a definite sign of bestiality.

e) The clothes of the suspect will smell of urine or faeces of the animal as after a sexual act animals have a habit of urinating.

Cruelty: This offence includes basting, overloading, using a diseased animal for work, starvation, "Phuka", etc. These acts are punishable under the Prevention of Cruelty to Animals Act, 1960.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960.

(59 of 1960)
(26th December, 1960)
(As amended up to 30th July, 1982)

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

Short title, extent and commencement

1. (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.

Definitions

2. 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

1 *Subs.* by Act 26 of 1982, S.2.

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 or 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 the 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.

Duties of persons having charge of animals

3. 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

[1](Animal Welfare Board of India)

Establishment of Animal Welfare Board of India

4. (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 [2][Animal Welfare 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.

Constitution of the Board

5. (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;

[3][(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,

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1 *Subs.* by Act 26 of 1982, S. 3, for the words "Animal Welfare Board".

2 *Subs.*-ibid, S. 4 for the words "Animal Welfare Board".

3 *Inserted* by Act 26 of 1982, S. 5(a)(i).

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;

[1][(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 three societies dealing with prevention of cruelty to animals 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 (a) or [2][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.

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1 *Subs.* - by Act 26 of 1982, S. 5(a)(ii), for the original clause.

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

[1][(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].

Reconstitution of the Board

[2][5A.(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 a 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].

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1 *Subs.* by Act 26 of 1982, S. 5(c), for the original clause.

2 *Ins.* ibid, S. 6.

Terms of office and conditions of service of Members of the Board

[1][6. (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 offices 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 (f), clause (g), clause (h) or clause (i) of Section 5 to represent any body 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 allowances, if any, as the Board may, subject to the previous approval of the Central Government, provide by regulations made in this behalf.

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

(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 functions of the Board].

Secretary and other employees of the Board

7 (1) The Central Government shall appoint [1][x x x x x] 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.

Funds of the Board

8. The funds of the Board 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 local authority or by any other person.

Functions of the Board

9. 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 to Government on the amendments to be undertaken in any such law from time to

1 The words "one of its officers to be" *omitted* by Act 26 of 1982, S.8.

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 [1][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, [2][the formation or establishment of *pinjrapoles*, rescue homes, animal shelters, sanctuaries and the like] where animals and birds

1 *Subs.* by Act 26 of 1982, S. 9(a) for the words "ameliorating the condition of beasts of burden".

2 *Subs.* ibid, S. 9 (b) for the words "the formation of pinjrapoles, sanctuaries and the like".

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 hospitals 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.

Power of Board to make regulations

10. 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. (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) [1][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 so employed; or

(c) wilfully and unreasonably administers any injurious drug or injurious substance to [2][any animal] or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by [3][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

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1 *Subs.* 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".

2 *Subs.* ibid S. 10(a)(ii) for the words "any domestic or captive animal".

3 *Subs.* ibid S. 10(a)(ii) for the words "any domestic captive animal".

(h) being the owner of [1][any animal] fails to provide such animal with sufficient food, drink or shelter; or

(i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or 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

[2][(l) 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;]

[3][(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 of prey for any other animal; or

(ii) incites any animal to fight or bait any other animal; or]

(n) [4][x x x x] organises, keeps, uses or acts in the management of, any place for animal fighting or 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

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1 Subs *ibid* S. 10(a) (iii) for the words "any captive animal".

2 *Subs.* by Act 26 of 1982, S. 10(a) (iv) for the words "any captive animal".

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

4 The words "for the purpose of his business" *omitted* by Act 26 of 1982, S. 10(a) (vi).

(o) promotes or takes part in any shooting match or competition wherein animal are released from captivity for the purpose of such shooting;

He shall be punishable [1][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 sub-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 of permitting cruelty by reason only of having failed to exercise such care and supervision, he shall 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 nose-roping of any animal, in the prescribed manner; or

(b) the destruction of stray dogs in lethal chambers or [2][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 ommission of any act in the course of the destruction or the preparation for destruction of any animal as

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1 *Subs.* 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".

2 *Subs.* by Act 26 of 1982, S. 10 (b), for the words "by other methods with a minimum of suffering".

food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

Penalty for practising phooka or doom dev

12. If any person performs upon any cow or other milch animal the operation called **phooka** or [1][**doom dev** or any other operation (including injection of any 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.

Destruction of suffering animals

13. (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 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

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1 *Subs.* ibid S. 11, for the words "doom dev".

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, forthwith 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; [1][in such manner as may be prescribed].

(4) No appeal shall lie from any order of a magistrate for the destruction of an animal.

Chapter IV

EXPERIMENTATION OF ANIMALS

Experiments on animals

14. 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.;

1 *Ins.* by Act 26 of 1982, S. 12

Committee for control and supervision of experiments on animals

15.(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, by 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.

Sub-committees

[1][15A. (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.]

Staff of the Committee

16. Subject to the control of the Central Government, the Committee may appoint such number of officers and other employees as may be necessary to enable it to exercise its powers and perform its duties, and may determine the remuneration and other terms and conditions

1 *Ins.* by Act 26 of 1982, S. 13.

of service of such officers and other employees.

Duties of the Committee and power of the Committee to make rules relating to experiments on animals

17. (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 that purpose it may, by notification in the Gazette of India and subject to the conditions of previous publication, make such rules as it may think fit in relation to the conduct of such experiments.

[1][(1A) In particular, and without prejudice to the generality of 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 on 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 therefor 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 qualified in that behalf and the experiments are performed on their full responsibility;

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1 *Ins.* by Act 26 of 1982, S. 14.

(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 anaesthetic, 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 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 directions.

(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.

Power of entry and inspection

18. For the purpose of ensuring that the rules made by it are being complied 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.

Power to prohibit experiments on animals

19. 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 complied with by any 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.

Penalties

20. 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 in charge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

Chapter V
PERFORMING ANIMALS

"Exhibit" and "train" defined

21. In this Chapter, "exhibit" means exhibit at 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.

Restriction on exhibition and training of performing animals

22. 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.

Procedure for registration

23. (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 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.

Power of court to prohibit or restrict exhibition and training of performing animals

24. (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 animal 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 held by that 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 this section shall enter the particulars of the order in that register.

Power to enter premises

25. (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.

Offences

26. If any person–

(a) not being registered under this Chapter, exhibits or trains any performing animal; or

(b) being registered under this 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 this 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.

Exemptions

27. 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 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

Saving as respects manner of killing prescribed by religion

28. Nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community.

Power of court to deprive person convicted of ownership of animal

29. (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 provisions 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 complainant 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 an application made to it in this behalf, rescind or modify such order.

Presumption as to guilt in certain cases

30. If any person is charged with the offences of killing a goat, cow or its progeny contrary to the provisions of clause (1) of sub-Section (1) of 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 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.

Cognizability of offences

31. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under clause (1) 5 of 1890 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.

Powers of search and seizure

32. (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 is about to be, or has been, committed in any place, 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 [1][**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 in charge of the area in which the animal is seized.

Search Warrants

33. (1) If a magistrate of the first or second class or a presidency magistrate or a sub-divisional 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.

Act 5 of 1898

(2) The provisions of the Code of Criminal Procedure, 1898, relating to searches shall, so far as those provisions can be made applicable, apply to searches under this Act.

General power of seizure for examination

34. Any police officer above the rank of a constable or any person

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1 *Subs.* by Act 26 of 1982, S. 15 for the words "**doom dev.**"

authorised by the State Government in this behalf, who has reason to believe that 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.

Treatment and care of animals

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 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 animal 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 other 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 owner of the animal in accordance with a scale of rates to be prescribed 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 sale 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.

Limitation of prosecutions

(36) 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.

Delegation of powers

(37) 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.

Power to make rules

(38) (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 [1][x x x x] 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;

[2][(aa) the manner in which the persons to represent municipal corporations are to be elected under clause (e) of sub-Section (1) of Section 5;]

(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;

(d) the period during which, and the hours between which, any class of animals shall not be used for draught purposes;

(e) prohibiting the use of any bit or harness involving cruelty to animals;

[3][(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

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1 The words "terms and" *omitted* by Act 26 of 1982, S. 16(a)(i).

2 *Ins.* ibid S. 16 (a)(ii).

3 *Ins.* by Act 26 of 1982, S. 16(a)(iii).

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 persons owning or in charge of premises in which animals are kept or milked to register such premises, 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;

[1][(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 this Act may

1 *Ins.* by Act 26 of 1982, S. 16(a)(iv)

be applied, including such purposes as the maintenance of infirmaries, **pinjrapole** and veterinary hospitals;

(l) 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.[1][x x x x]

Rules and Regulations to be laid before Parliament

[2][38A. 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, or both houses agree that the rule or regulation, as the case may be, 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.]

Persons authorised under Section 34 to be public servants

39. 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 (45 of 1860).

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

2 *Ins.* ibid S. 17

Indemnity

40. 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 (45 of 1860) in respect of anything in good faith done or intended to be done under this Act.

Repeal of Act 11 of 1890

41. Where in pursuance of a notification under sub-section (3) of Section 1 any provision of this Act comes into force in any State, any provision of the Prevention of Cruelty to Animals Act, 1890 (11 of 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, Madras (now Chennai) (Tamil Nadu), Maharashtra, Madhya Pradesh, Mysore (Karnataka), Orissa, Uttar Pradesh and West Bengal and the Union Territories of Delhi, Manipur and Tripura (now states) 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, Madras (now Chennai) (Tamil Nadu), Maharashtra, Madhya Pradesh, Mysore (Karnataka), Orissa, Rajasthan, Uttar Pradesh and West Bengal and in then Union Territories of Delhi, Himachal Pradesh, Manipur and Tripura on the 15th July, 1963, vide Notifications 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 VI came into force in the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Madras (now Chennai) (Tamil Nadu), Maharashtra, Madhya Pradesh, Mysore (Karnataka), Orissa, Rajasthan and Uttar Pradesh and in then 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 LD 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 the all 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).

AMENDMENT RULES UNDER PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

(a) Establishment and Regulation of Societies for Prevention of Cruelty to Animals Rules, 2001

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 Ist 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 of 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) the Central Government hereby makes the following rules:

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.

(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 person 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 in this behalf, if it or he has reasonable grounds for believing that any person has committed an offence under the Act, if 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 there under 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.

(b) THE PREVENTION OF CRUELTY TO DRAUGHT AND PACK ANIMALS RULES, 1965.

(as amended up to 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.

(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:

(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;

(c) "small bullock" or "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 thoroughfare 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.

(2) 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:-

$$\frac{\text{Length X Girth}^2 \text{ in cms.}}{10838} = \text{Weight of animal in Kgms.}$$

or

$$\frac{9\ (\text{Length in cms. X Girth in cms}^2)}{1,00,000}$$

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 bearings	—	1000 kilograms
	(b) if fitted with pneumatic tyres	—	750 kilograms
	(c) if not fitted with pneumatic tyres	—	500 kilograms
2. Medium bullock or medium buffalo	two-wheeled vehicle—		
	(a) if fitted with ball bearings	—	1400 kilograms
	(b) if fitted with pneumatic tyres	—	1050 kilograms
	(c) if not fitted with pneumatic tyres	—	700 kilograms
3. Large bullock or large buffalo	two-wheeled vehicle—		
	(a) if fitted with ball bearings	—	1800 kilograms
	(b) if fitted with pneumatic tyres	—	1350 kilograms
	(c) if not fitted with pneumatic tyres	—	900 kilograms
4. Horse or mule	two-wheeled vehicle—		
	(a) if fitted with pneumatic tyres	—	750 kilograms

	(b) if not fitted with pneumatic tyres	—	500 kilograms
5. Pony	two-wheeled vehicle—		
	(a) if fitted with pneumatic tyres	—	600 kilograms
	(b) if not fitted with pneumatic tyres	—	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 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:

	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 1 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—

(i) for more than nine hours in a day in the aggregate;

(ii) for more than five hours continuously without a break for rest for the animal;

(iii) in any area where the temperature exceeds of 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 weighbridge 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 weighbridge 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 weighbridge 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 II, 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.]

(c) 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 sub-section (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 licensed:

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 or 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 date of its grant, but it may be renewed from time to time on application made by the licensee 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 licensee 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 licensee during normal working hours for the purpose of inspection; and if, in the opinion of the licensing authority the licensee 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 licensee 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 licensee a reasonable opportunity of being heard, that there has been a breach of any of the conditions of the licence.

[1][10A. An appeal shall lie from any order refusing or cancelling 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.

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1. Ins by the Licensing of farriers (Amendment) Rules, 1966 (w.e.f. 8.3. 1966)

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.

Farrier's Licence

Licence No. .....

1. Name of Licensee.
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.

[1][(2) During the continuance of the licence, the licensee shall be bound to produce for inspection during normal working hours and at his place of business all the tools and other implements in his possession and

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(Notified in the Gazette of India, Part II, Section 3, Sub-section (ii) vide Government of India, Ministry of Food & Agriculture No. 9-18/62-LD, dated 23rd March, 1965.

1 *Substituted* by the Licensing of Farriers (Amendment) Rule, 1966

kept for the purpose of his business if a demand for the production of the same is made by the licensing authority.

(3) The licensee shall afford all reasonable facilities for the purpose of enabling the licensing authority to inspect the place of business of the licensee and the manner in which he is carrying on his business.

RENEWAL ENDORSEMENT

Date of Renewal	Date of Expiry	Signature of licensing authority	Remarks
1	2	3	4

(d) Performing Animals (Registration) Rules, 2001

NOTIFICATION

New Delhi, the 26th March, 2001

S. O. 267 (E). Whereas the draft Performing Animals (Registration) Rules, 2001 were published, as required by sub section (i) 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 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 draft rules by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-sections (i) and (ii) of the 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.

(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 cinematography 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 hiring out 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 deem 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 measuring 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 not inflicted unnecessary pain or suffering before, during or after its training or exhibition;

vi. the owner shall not deprive the animal of feed and 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;

vii. 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, nail, splinters, barbed wires and other such items 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 shoed 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 licensed 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 snake being used it shall not be made to ingest any substances or made to crawl across tarred or any other heatened 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 be 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 or 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 of 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 of the original certificate of registration.

FIRST SCHEDULE

Form of Application (see rule 3 (2))

1. I, the undersigned, do hereby apply for registration under the Performing Animals (Registration) Rules, 2001 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 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 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 protected species 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 of 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 given on 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, 2001 with the

Registration Authority for the

Serial Number of Entry in Register_____

Signature of Clerk of Registration Authority_____

Name of the place_____

Date: _____

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 loris	0.60	0.25	0.45
Horse (domestic/wild)	3.00	1.00	1.75
Ass (domestic/wild)	2.25	0.80	1.28
Zebra	2.60	0.95	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	0.40	0.38
Mongoose	0.56	0.25	0.13
Duck	0.38 to 0.63	0.22-0.35	0.78
Dave	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.
Bharat, goral, wild sheep and markhor	2.5	1.5	2.0

Name of the species	**Size of the cubicle/enclosures in meters**		
	Length	**Breadth**	**Height**
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
Rat/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 loris	1.0	1.0	1.5

(e) 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 or kittens shall not be transported with adult dogs or cats other than their dams.

(c) No female dog or cat in season (oestrus) 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, muzzeled and labelled to give warning to the handlers.

   (b) In extreme cases, the dogs or 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 at least 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 pady 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 a 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 or 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 or 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 in 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 unattended 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 30 mm.

(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 5.0 kilograms each.

(b) 710 x 710 x 510 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 as given in Schedule-E.

24. Rules 25 to 32 shall apply to transport of monkeys from a rail-head to another rail-head 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 draught 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 rail-head 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 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 insectcides, 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 a 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 50 mm 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 lable 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 guage, 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 cindars 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 at 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, sea of 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 to be transported shall be booked by the next train or vehicle or ship and shall not be detained after the consignment is 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 en route 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 weather, 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 ciders from the engines entering the wagon and leading to fire breakout;

(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 anti-slipping

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) the vehicle shall be driven at a speed not more than 35 kilometres per hour.

63. For the transport of equines 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 under way 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 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 ramps 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 platform, 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 wooled 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 meters**	
	Wooled	**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 square metres	21.1 square metres and above	Less than 12.5 square metres	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 to 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.

1. 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.....

Sex ..... Age.....

Breed and identification marks, if any .....

Transported from.....to.....via.....

I hereby certify that I have read rules 8 to 14 in Chapter II 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 .....

2. 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 Insitution.

All dimension in centimeters

By Rail/Road/Inland Water ways/Sea, By Air

Length (L)	A x 1 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 stnading (B)

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 vetilated 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 pow 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 whould be no protuding 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 disturbacne from birds and by giving them adequate space for health and safety.

3. 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 II of 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 water way/sea/air

Length (L)	A x 2	A x 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 3 mm, 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.

4. SCHEDULE-D

(See rules 16 and 32)

Proforma for certificate of fitness to Travel Monkeys

This certificate should be completed and signed by a qualified Veterinary Surgeon.

Date and time of examination : .....

Species of Monkeys .....

Number of cages .....

Number 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 no 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 .....

5. 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 ISI : 3699 (Part-I) — 1966 published by Indian Standards Institution.

6. 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 ISI : 3059-1965 published by Indian Standards Institution.

7. 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 ISI: 3059-1965 published by Indian Standards Institution.

8. 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 abovementioned 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 .....

9. SCHEDULE-I

(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 have 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 disease (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 .....

10. SCHEDULE-J

(See Rule 65)

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, 1978.

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 .....

(f) 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 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 Ist 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 (i) and (ii) of Section 38 of the Prevention of Cruelty to Animals Act 1960 (59 of 1960), the Central Governemnt 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. Genral 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 normaly 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. 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 food 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 rain, 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 specified in the Table below, namely:

TABLE

S. No.	Kind of Poultry	Minimum Dimension				
		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 stock (excluding geese and turkey)	480	115	50	45	12
iv.	Geese and turkey	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

Special requirement of containers for chicks and poultry

In transport of poultry by road, rail or air

(a) wire mesh or a net of any material shall not be used as bottom for the containers.

(b) the containers 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 arrangement 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 pig 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 unloading the pigs;

(c) in the case of a railway wagons, 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 animals 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 (1)		**Metre gauge (2)**		**Narrow gauge (3)**
Area of Wagon	**Area of Wagon**	**Area of Wagon**	**Area of Wagon**	
Less than 21.1 square metres	More than 21.1 square metres	Less than 12.5 square metre	More than 12.5 square metre	
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, partition shall be

provided at every two or three metres, across the width to prevent the crowding and trapping of pigs.

(c) in the case of pigs under six weeks of age, separate panels shall be provided.

Chapter IX

MISCELLANEOUS

96. Issues 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 animal including the rules relating to transport of such animals have been duly complied with and that the animals are 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.

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 person or Animal Welfare Organisations authorised for the purpose by the Animals 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 further transport even from the intermediary station and proceed against the said offenders and deal with the animals 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 jurisdication 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 the 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 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) 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 for transport.

(7) Animals shall be transported in their on-farm social groups (established at least one week prior to journey).

In the said rules, after Schedule J, the following Schedule shall be inserted, namely:

SCHEDULE K

(see Rule 87 (3)

Proforma for certificate for fitness to travel Pigs

(This certificate should be completed and signed by a veterinary doctor)

Date and time of

Examination _____ of

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 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). Types of vaccine (s) b) Date of vaccination

Date _____

Signnature _____

Address _____

_____

Qualification _____

(g) TRANSPORT OF ANIMALS ON FOOT RULES, 2001

(S.O. 268 (E) (26th March, 2001)

In exercise of the powers conferred by sub-sections (1) and (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 commencement:*** These rules may be called the Prevention of Cruelty to Animals (Transport of Animals on Foot). Rules 2001.
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 bullock, buffalo bulls and bullock, cows, buffaloes, mithuns, yaks and calves;
      (ii) equines including horses, ponies, mules and donkeys:
      (iii) horse including stallions, geldings, brood mare, colts and fillies:
      (iv) goat including adult goat, male or female of two years age and above:
      (v) buck 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 verterinary 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 do not 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.

6. ***Transport in on-farm social group:*** 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 animals 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 en 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. ***Prohibitiсn 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 make the animals to walk or to hasten the pace nor such person shall apply chillies or any such substance to any part of body of the animals 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 following Table :

(3) No animal shall be made to walk under conditions of heavy rain, thunderstorms or extremely dry or sultry conditions during is 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 animal) 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 or any other person authorized on this behalf by the Government or by the Animal Welfare Boared of India

Table

Species (Animal)	**Max. distance covered/day /hour**	**Max. no. of walking/day (hrs).**	**Period of rest (interval)**	**Temp range Min. Max. (°C)**
Cattle (Cows)	30 km/day 4 km/hr	8 hours	At every 2 hrs for drinking and at every 4 hrs for feeding	12 to 30
Buffaloes	25 km/day 3 km/hr	8 hours	At every 2 hrs. for drinking and at every 4 hrs for feeding	12 to 30
Cows & Buffaloes Calves	16 km/day 2.5 km/hr	6 hours	At evey 1½ hrs for drinking and at every 3 hrs for feeding	15 to 25`

Species (Animal)	**Max. distance covered/day /hour**	**Max. no. of walking/day (hrs).**	**Period of rest (interval)**	**Temp range Min. Max. (°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 to 30
Young one (Foal)	25 km/day 4 km/hr	6 hours	At every 2 hrs for drinking and at every 4 hrs for feeding	15 to 25
Goats & Sheep	30 km/day 4 km/hr	8 hours	At every 2 hrs for drinking and at every 4 hrs for feeding	12 to 30
Kids & Lambs	16 km/day 2.5 km/hr	6 hours	At every 1½ hrs for drinking and at every 3 hrs. for feeding	15 to 25
Pigs	15 km/day 2 km/hr	8 hours	At every 1½ hrs. for drinking and at every 3 hrs. for feeding	12 to 25
Piglets	10 km/day 1.5 km/hr	6 hours	At every 1½ hrs for drinking and at every 3 hrs. for feeding	15 to 25

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.

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 animls 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/Ralway 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) _____

History of the animal, feed status, whether or not sign of anorexia/ diarrhoea_____

Health Status:

1. Record Body Temperature _____
2. Examine eyes for bulging or protrusion of eyeball, blindness, corneal opacity and specify _____
3. Condition of skin, (including signs of dehydration, injuries), 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 area for swelling (for any abnormality or pain) _____.
6. Check for status of pregnancy of female animal if yes - which stage (Ist, 2nd or 3rd stage) _____.
7. Examine udder and teats and specify_____
   (a) Relative size of quarters _____
   (b) Check for signs of swelling/atrophy/fibrous_____.
   (c) Induration on palpation of individual quarter and specify
   (d) Check teat canal for teat tumour or fibrosis of teat canal and specify _____.
8. (a) If female - check for sign of vaginal discharge on examination of the vulva and specify _____.

(b) In male-check testicles-size, any sign of penis-injury, abrasions on 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, tympany) _____.

10. Digestive System:

    Examine mouth and specify

    (a) Detail dentition _____.

    (b) Specify-evidence of

    tooth damage _____.

    broken or worn incisors. _____

11. Respiratory system :

    (a) Record respiration rate _____

    (b) Auscultation & specify for signs of dyspnoea, respiratory distress and 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 distensions & specify, check for signs of lameness and specify.

16. Examine inter-digital space for any lesions, check and specify

17. Any indications of the foot soreness, excessive wear of soles or laminitis _____

18. Examine circulatory system:

    (a) Specify pulse rate _____.

    (b) Check for presence of oedema of dependent portion or ascites 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 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 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 _____

Qualifications _____

Second Schedule

Authorization 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 person (s) 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
9. Details of feed, fodder and watering arrangements provided during transport of such animals _____.

I do hereby declare that I am the owner of the afore-mentioned 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 to transport the afore-mentioned 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.

(h) (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 same 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:

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 (by State Legislature) in this behalf.

4. Application of fines made over to Board:

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 that 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 recognised 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 I, Section 2(ii) vide Government of India, Ministry of Agriculture & Irrigation (Department of Agriculture), Notification No. 14-21/76-LDI, dated 15th February, 1978).

(i) (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 issue 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 or 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 II, Section 3, Sub-Section (II) vide Government of India, Ministry of Agriculture & Irrigation (Department of Agriculture), Notification No. 14-20/76-LDI dated 30th November, 1978.)

(j) (CAPTURE OF ANIMALS) RULES, 1979

S. O. 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 sub-section (2) of Section 38 of the 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 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 (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 of 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:

(1) 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 of other condition or circumstance by the sack and loop method, may be captured with the help of tranquiliser guns or by any method which renders the animal insensible to pain before capture.

(2) 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 canvass in 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 length 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.)

(k) 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 II, 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) 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 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 Organization" 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, disrict board or other authority for the time being invested by law with the control and administration of any matter 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 representative 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 program in accordance with these rules. The committee may;

(a) issue instructions for catching, transportation, sheltering, sterilization, 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 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 the 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 local authority:***

(1) The local authority shall provide for

(a) establishment of a sufficient number of dog 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 centre for sterilization 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 complaints about nuisance or dog bite the same shall be attended to 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 Organization 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 complainant in the 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 programme 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, 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 provision 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 purposes 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 Organizations (AWOs). On reachng 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 Organization (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 tatooed 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 Streets 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 off in 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.., exists.

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 provision less irksome to the animal than those contained in these rules, shall prevail;

(b) it contains provision more irksome to the animal than those contained in these rules, be of no effect.

(I) Slaughter House Rules, 2001

NOTIFICATION

New Delhi, the 26th March, 2001

S. O. 270 (E) - Whereas the draft Prevention of Cruelty to Animals (Slaughter House) 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. 1165 (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 sufficient for livestock subject to veterinary inspection available to the public on the Ist 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 (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 recognized under a Central, State or Provincial Act or any rules or regulations made thereunder.

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 recognized 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.

(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 subjected to veterinary inspection shall be passed on to a lairages 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 large 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 the treatment for 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 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 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 house 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 of 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 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 meter 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) Materials 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 and shall be installed at the juncture of floors and wall 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 a glazed brick, glazed tile, smooth surface portland cement plaster, or other non toxic, non absorber material applied to a suitable base. (ii) Walls shall be provided with suitable sanitary type bumpers to prevent damage by hand trucks, carcass shunks 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 structure conditions permit, ceilings shall be smooth and flat (ii) Ceilings shall be constructed of portland cement plaster, large size cement asbestos boards with joint sealed with a flexible sealing compound, or other acceptable impervious material and finished so as to minimize condensation, mould development, flaking and accumulation of dirt. (iii) The walls above glazed type portion and ceiling shall be painted with water resistant paint to maintain them clean.

(f) Window Ledges-Window ledges shall be sloped 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 1500 mm high and shall be at least 1500 mm wide. (ii) Doors shall either be of rust-resistant 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 rust-resistant metal securely affixed so as to provide on crevices for dirt or vermin and the juncture at which the door joins the walls shall 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 disinfections 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 metres 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 soreens.

(m) Sanitary drainage lines - Drainage line from toilet pans and urinals shall not be connected with other drainage lines within the plant and no 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 skylight 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 through floor cleaning.

(s) for through 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 metre square on slaughter floor and working departments, a constant supply of clean hot water shall be available in the slaughter hall and workrooms during working hours and the hot water required for frequent sterilizing of equipment shall not be less than 82 degree Celsius.

Where necessary for sanitary maintenance, equipment shall be constructed and installed so as to be completely self-draining. 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

(u) all permanently mounted equipment shall either be installed sufficiently away from walls (minimum 300mm) to provide access for cleaning and inspection.

(v) 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 (watertight) 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 authorization 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 Organization authorized by it may inspect any slaughter house without notice to its owner or the person in charge 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 Organization authorized 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 provision of these rules.

THE WILD LIFE (PROTECTION) ACT, 1972

INTRODUCTION

The wildlife laws have a long history and mark the culmination of an increasing awareness of the compelling need to restore the catastrophic ecological imbalances introduced by the depredations inflicted on nature by human beings. The earliest codified law can be traced to 3rd Century B.C. when Ashoka, the King of Magadha, enacted a law relating to for preservation of wild life and environment. But the first codified law in India that heralded the era of laws for wildlife protection was enacted in the year 1887 by the British Government and was titled as the Wild Birds Protection Act, 1887 (10 of 1887). This Act enabled the then Government to frame rules prohibiting the possession or sale of any kind of specified wild birds, which had been killed or captured during the breeding season. Again, the British Government, in the year 1912, passed the Wild Birds and Animals Protection Act, 1912 (8 of 1912) as the Act of 1887 proved to be inadequate for the protection of wild birds and animals. The Act of 1912 was amended in the year 1935 as the Wild Birds and Animals (Protection) Act, 1935 (27 of 1935).

After the Second World War the freedom struggle in India started taking its shape and wildlife was relegated to the background. But after independence, the Constituent Assembly placed "Protection of Wild Birds and Wild Animals" in the Draft Constitution at entry No. 20 in the State List and the State Legislature were given power to legislate.

It was not till late 1960's that the concern for the fast depleting wildlife finally aroused the law-makers.

ACT 53 of 1972

The first comprehensive legislation relating to protection of wildlife was passed by Parliament and it was given assent by the President on 9th

September, 1972 and came to be known as The Wild Life (Protection) Act, 1972 (53 of 1972).

LIST OF AMENDING ACTS

1. The Constitution (Forty-second Amendment) Act, 1976.
2. The Wild Life (Protection) (Amendment) Act, 1982 (23 of 1982).
3. The Wild Life (Protection) (Amendment) Act, 1986 (28 of 1986).
4. The Wild Life (Protection) (Amendment) Act,1991 (44 of 1991).
5. The Wild Life (Protection) (Amendment) Act, 1993 (26 of 1993).
6. The Wild Life (Protection) (Amendment) Act, 2002 (16 of 2003)

THE WILD LIFE (PROTECTION) ACT, 1972

(ACT 53 OF 1972) [9th September, 1972]
(As amended upto 17th Jan. 2003)

An Act to provide for the protection[1] *of* [1]*wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto.* [2][* * *] with a view to ensuring the ecological and environmental security of the country.

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, on such date as the Central Government may, by notification,

1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

2. Preamble omitted by Act 44 of 1991, Sec. 3 (w.e.f. 2-10-1991)

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][(1) "animal" includes mammals, birds, reptiles, amphibians, fish, other chordates and invertibrates and also includes their young and 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 has been used, and ivory imported into India and an article made therefrom;

[1][(4) "Board" means a State Board for Wildlife constituted under sub-section (1) of Section 6;]

(5) "captive animal" means any animal, specified in Schedule I, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity;

[2][***]

(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 manoeuvres;

[3][***]

(9) "Collector" means the chief officer in charge of the revenue administration of a district;

(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

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1. Subs. by Act 16 of 2003 (w.e.f. 17.1.2003)

2. Sub-sections (3) and (6) omitted by Act 44 of 1991, Sec. 5 (w.e.f. 2-10-1991).

3. Omitted by Act 16 of 2003 (w.e.f. 17.1.2003)

provision in the concerned State;

[1][(11) "dealer" in relation to any captive animal, animal article, trophy, uncured trophy, meat or spcified 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;

[1][12A "Forest Officer" means the Forest Officer appointed under clause (2) of Section 2 of the Indian Forest Act, 1927 or under any other Act for the time being in force in a state]

[2][12B. "Forest produce" shall have the smae meaning as in sub-clause (b) or clause (4) of Section 2 of the Indian Forest Act, 1927]

[3][* * *]

(14) "Government property" means any property referred to in section 39 ; or 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

[1][(a) killing or poisoning, of any wild animal or captive animal and every attempt to do so,]

[1][(b) capturing, coursing, snaring, trapping, driving or baitng any wild or captive animal and every attempt tò 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;

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1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

2. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

3. Sub-section (13) omitted by Act 44 of 1991, Sec. 5 (.w.e.f. 2-10-1991)

(17) "land" includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, marshes and wetlands and also includes boulders and rocks;

(18) "licence" means a licence granted under this Act;

[1][(18A) "livestock" means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheeps, yaks, ducks, geese, poultry and their young but does not include any animal specified in Schedules I to V;]

[1][(19) "Manufacture" means a person who manufactures articles from any animal or plant specifid in Scheduels I to V and VI, as the case may be;]

[1][20. "Meat" includes blood, bones, sinew, eggs, shell or carapace, fat and flesh with or without skin, whether raw or cooked, of any wild animal or captive animal, other than a vermin;]

[2][20A "National Board" means the National Board for Wild Life constituted under Section 5A;]

(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;

[2][(24A) "Protected area" means a National Park, a sancturary, a conservation reserve or a community reserve notified under Sections 18, 35, 36A and 36C fo the Act;]

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1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

2. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

(25) "prescribed" means prescribed by rules made under this Act.

(25A) "recognised zoo" means a zoo recognised under section 38H;

[1][(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 26A or Section 38, or 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) [2][***]

(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 curing, 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

[1][(b) antler horn, bone, carapace, shell, rhinoceros horn, hair, feather, nail, tooth, tusk musk, eggs, nests, and honeycomb

(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 freshly killed wild animal, ambergris,

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1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

2. Omitted by Act 16 of 2003 (w.e.f. 17.1.2003)

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;

[1][(36) "wild animal" means any animal specified in Schedules I to IV and found wild in nature;

[1][(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 purposes of this Act, appoint,—

(a) A Director of Wild Life Preservation;

[2][***]

(c) such other officers and employees as may be necessary.

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1 Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

2. Omitted by Act 16 of 2003 (w.e.f. 17.1.2003)

(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 other 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; [1][* * *]

[2][(bb) Honorary Wild Life Wardens]

(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.

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1 Omitted by Act 44 of 1991, Sec. 6 (w.e.f. 2-10-1991)

2 Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

(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.

[1][5A. 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, consittute the National Board for Wild Life consisting of the following memebrs, namely:

(a) the Prime Minister as Chairperson:

(b) the Minister in-charge of Forests and Wild Life as Vice-Chairperson:

(c) three Members 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 or 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 Information and Broadcasting;

(k) the Secretary to the Government of India in-charge of the Department of Expenditure, Ministry of Finance;

1. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

(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 ex officio, the manner of filling vacancies referred to in clauses (e), (1) 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 the member of the National Board shall not be deemed to be an office of profit]

[1][5B. Standing Committee of the National Board

(I) The National Board may. in its discretion. constitute a standing

1. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

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.]

[1][5C. 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) framing policies and advising the Central Government and the State Governments 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. the 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.

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1. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

[1][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 constitute a State Board for Wild Life consisting of the following members. namely:

(a) the Chief Minister of the State and in case of the 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 Legislative Assembly of that Union Territory;

(d) three persons to 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 at least 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 Tribal 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 a 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 ;

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1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

(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 the 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 member (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.

[1][8. **Duties of 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;

1.Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

(c) in any matter relating to the amendment of any Schedule; [1][***]

(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.

[1][xxx]

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 therefor, permit any person to hunt 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][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, tranquilized or translocated;

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.

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1. Section 10 omitted by Act 44 of 1991, Sec. 10 (w.e.f. 2-10-1991)

2. Ins. by Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

Explanation-For the purposes of clause (a), the process of capture or translocation, as the case may be, of such animal shall be made in such manner as to cause minimum trauma to the said animal.]

(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 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 purpose 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 381; 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 previous permission of the Central Government, and

(b) in respect of any other wild animal, except with the previous permission of the State Government.

[1][* * *]

Chapter III A
PROTECTION OF SPECIFIED PLANTS

17A. Prohibition of picking, uprooting, etc. of specified plants.— Save as otherwise provided in this Chapter, no person shall—

(a) wilfully 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 *bonafide* personal use.

17B. Grant 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 17A or transport, subject to such

1. Sections 13 to 17 (both inclusive) omitted by Act 44 of 1991, Sec. 12 (w.e.f. 2-10-1991).

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 as they apply in relation to wild animals and articles referred to in sub-section (1) of that section.

Chapter IV
[1][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

1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

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.

[1][18A. Protection to Sanctuaries

(1) When the State Government declares its intention under sub-section 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 Sections 27 to 33A (both inclusive) shall come into effect forthwith.

(2) TIll such time as the rights of affected persons are finally settled under Sections 19 to 24 (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 the Government records.

[1][18B. Appointment of Collector

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 (Protection) Amendment Act, 2002, or within thirty days of the issue of notification under Section 18, to inquire into and determine the existence, nature and extent of rights of any person in or over the land comprised within the limits of the sanctuary which may be notified under sub-section (1) of Section 18.]

19. Collector to determine rights.—[1][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

1. Ins. by Act 16 of 2003 (w.e.f. 17.1.2003)

land comprised within the limits of the sanctuary.

20. Bar on 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 interstate.

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 prefer 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.

[1][25A Time-limit for completion 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.

(2) The notification shall not lapse if, for any reasons, the proceedings are not completed within a period of two years.

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

1. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

(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 a 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).

[1][(3) No alteration of the boundaries of a sanctuary shall be made by the State Government except on a recommendation of the National Board]

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,

1. Subs. by Act 16 of 2003 (w.e.f. 17.1.2003)

(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.

[1][**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, authorizes the issue of such permit :

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

1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

Explanation : For the purposes of this Section, grazing or movement of livestock permitted under clause (d) of the 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 purpose of such sanctuary; [1][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 animals therein;

(c) may take such measures, in the interests of wild life, as he may consider necessary for the improvement of any habitat;

1. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

(d) may regulate, control or prohibit, in keeping with the interests of wild life, the grazing or movement of livestock.

[1][***]

33A. Immunisation of livestock.

(1) The Chief Wild Life Warden shall take such measures in such manner, as may be prescribed, for immunisation against communicable diseases of the livestock kept in or within five kilometres of a sanctuary.

(2) No person shall take, or cause, to be taken or grazed, any live-stock in a sanctuary without getting it immunised.

[2][**33B(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, three representatives of Panchayati Raj Instiutions, 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

1. Clause(e) omitted by Act 44 of 1991, Sec. 21 (w.e.f. 2.10.1991)

2. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

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.

[1]**[34A. Power to remove Encroachment :**

(1) Notwithstanding anything contained in any other law for the time being in force, any 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 unauthorized 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 not withstanding 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

1. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

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 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 19 to 26A (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 shall 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 shall be made except on a resolution passed by the Legislature of the State.

(6) No person shall destroy, exploit or remove any wildlife 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 livestock shall be permitted in a National Park and no livestock shall be allowed to enter therein except where such livestock 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 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.

[1][***]

[2][36A. Declaration and Management of a Conservation Reserve

(1) The State Government may, after having consultations with the local communities, declare any area owned by the Government, particularly the areas adjacent to 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 making 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 may be, apply in relation to a conservation reserve as they apply in relation to a sanctuary.]

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1. Clause 36 omitted by Act 44 of 1991

2. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

[1][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, manage 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, one representative of each Village Panchayat in whose jurisdiction the reserve is located, three representatives of non-gonvernmental organizations 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.]

[1][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-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 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 in the land use pattern shall be made within the community reserve, except in accordance with a resolution passed by the management committee and approval of the same by the State Government.]

[1][36D. Community Reserve Management Committee :

(1) The State Government shall constitute a Community Reserve management committee, which shall be the authority responsible for

1. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

conserving, maintaining and managing the community reserve.

(2) The committee shall consists 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 esure the protection of wild life and its habitat in the reserve.

(4) The committee 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 the quorum.

[1][***]

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 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

1. Section 37 omitted by Act 16 of 2003

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, to 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 IVA

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 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 services 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 stud-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, 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.

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 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.

[1][(1A) On and after the commencement of the Wildlife (Protection) Amendment Act, 2003 a zoo shall not be established without obtaining the prior approval of the Authority.

1. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

(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 cancelling 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.

[1][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, sell or transfer any wild or captive animal except from or to a recognised zoo.

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1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

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 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 by [2][***] 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;

[3][(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,

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[4][derived from such animal, or any vehicle, vessel, weapon, trap or tool used in such hunting] shall be the property of the Central Government.

(2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours from obtaining

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1and 4. Subs by Act 44 of 1991, Sec. 27 (w.e.f. 2.10.1991)

2. Omitted by Act 44 of 1991, Sec. 27 (w.e.f. 2.10.1991)

3. Ins. by Act 44 of 1991, Sec. 27 (w.e.f. 1991)

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, or animal article, trophy or any 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 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 the 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 tropohy under sub-section (2A) shall, within ninety days of such inheritance make a declaration to the Chief Wild Life Warden or the authorized officer and the provisions of Sections 41 and 42 shall apply as if the declaration had been made under sub-section (1) of section 40 :

Provided that nothing in sub-sections (2A) and (2B) shall apply to the live elephant.

[1][(3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of Section 38I 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 or 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.

[1][40A. Immunity in Certain Cases

(1) Notwithstanding anything contained in sub-sections (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 authorized officer, any captive animal, animal article, trophy or uncured trophy derived from animal, specified in Schedule I or Part 11 of Schedule 11 in his control, custody or possession, in respect of which no declaration had been made under sub-section (1) or sub-section (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 the commencement of the Wild Life

1. Subs. by Act 44 of 1991, Sec. 28 (w.e.f. 2.10.1991)

2. Ins. by Act 16 of 2003 (w.e.f. 17.1.2003)

(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.

(2) 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.

[1][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 upkeep of the animal.]

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1. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

43. Regulation of transfer of animal, etc. :

[1][(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 consideration 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 acquires by transfer from outside the State any such animal, animal article, trophy or uncured trophy as is referred to in sub-section (1) in respect of which he has a certificate of ownership, he shall, within thirty days of the 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.

(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.]

(4) Before granting any permission under sub-section (1) or sub-section (3), the Chief Wild Life Warden or the authorised officer shall satisfy himself that the animal or article referred to therein has been lawfully acquired.

(5) While permitting the transfer or transport of any animal, animal article, trophy or uncured trophy, as is referred to in sub-section (1), the Chief Wild Life Warden or the authorised officer—

(a) shall issue a certificate of ownership after such inquiry as he may deem fit;

(b) shall, where the certificate of ownership existed in the name of

1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

the previous owner, issue a fresh certificate of ownership in the name of the person to whom the transfer has been effected;

(c) may affix an identification mark on any such animal, animal article, trophy or uncured trophy.

(6) Nothing in this section shall apply—

[1][(a) to tail feather of peacock and the animal article or trophies made therefrom;]

[1][(b) to any transaction entered into by a recognised zoo subject to the provisions of Section 38-I or by a public museum with any other recognised zoo or public museum.]

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, a 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

(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;

[2][(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:

1. Subs by Act 44 of 1991, Sec. 29 (w.e.f. 2.10.1991)

2. Ins by Act 44 of 1991, Sec. 30 (w.e.f. 2.10.1991)

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 animal 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 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 implications 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 therefor, 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 particular; 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 licence — 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 cancelling 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 article, 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 thereunder;

(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.

[1][**48A. Restriction on transportation of wildlife.**— 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.]

1. Ins. by Act 44 of 1991, Sec. 31 (w.e.f. 2.10.1991)

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:

[1][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 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 included an article or object in which the whole or any part of such animal has been used but does not include tail feather of peacock, an article or trophy made therefrom an snake venom or its derivative;

(c) "specified date" means —

(i) in relation to a scheduled animal on the commnecement of the Wild Life (Protection) (Amendment) Act, 1986, the date of expiry of two months from such commencement;

(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;

1. Subs. by Act 44 of 1991, Sec. (w.e.f. 2.10.1991)

[1][(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][(ia) 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 eating-house.

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.

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1. Ins by Act 44 of 1991, Sec. 33 (w.e.f. 2.10.1991)
2. Ins by Act 44 of 1991, Sec. 34 (w.e.f. 2.10.1991)

(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,;

[1][(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 *bonafide* 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 of 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 sub-section (3) in respect of any item,—

1. Ins. by Act 44 of 1991, Sec. 35 (w.e.f. 2.10.1991)

(a) transfers such items to 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 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][(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 an Assistant conservator of the Forests 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, 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

1. Subs. by Act 16 of 2003 (w.e.f. 17.1.2003)

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 waters in that sanctuary or National Park, a fishing tackle or net on such boat shall not be seized.

[1][* * *]

(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.

1 Sub-section (2) omitted by Act 44 of 1991, Sec. 36 (w.e.f. 2-10-1991).

(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. [1][under intimation to the Chief Life Warden or the Officer authorised by him in this regard.]

(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.

[2][(6) (a) 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 disposal of the same in such manner as may be prescribed.]

(b) Where it is proved that the [3][meat, uncured trophy, specified plant, or part or derivative thereof] seized under the provisions of this section is not Government property, the proceeds of the sale shall be returned to the owner.]

(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.

[2][(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 an officer not below the rank of Assistant Conservator of Forests authorised by the State Government in this behalf shall have the powers, for purposes of making investigation into any offence against any provision of this Act, —]

(a) to issue a search warrant;

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1. Ins. by Act 16 of 2003 (w.e.f. 17.1.2003)
2. Sub. by Act 16 of 2003 (w.e.f. 17.1.2003)
3. Sub. by Act 44 of 1991, Sec. 36 (w.e.f. 2.10.1991)

(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.]

[1][**51. Penalties.**— (1) Any person who contravenes any provision of this Act (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 three years or with fine which may extend to 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 relates to hunting in a sanctuary or a National Park 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 year but may extend to seven 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 seven years and shall not be less than three years and the amount of fine shall not be less than twenty five thousand rupees.

(1A) Any person who contravenes any provisions of Chapter VA, shall

1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

be punishable with imprisonment for a term which shall not be less than three year but which may extend to seven years and also with fine which shall not be less than ten thousand rupees.

(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 the fine 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, [1][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 1959), 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 1959), 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.

[1][**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.

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1. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)

[1][**54. Power to compound offence.**

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 a 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.]

[1][(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 clause (b) of sub-section (1) shall, in no case, exceed the sum of twenty five thousand rupees:

Provided that no offence, for which a minimum period of imprisonment has been prescribed in sub-section (1) of 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

(b) the Chief Wild Life Warden, or any other officer authorised in this behalf by the State Government; or

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1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)

(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, 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.

[1][CHAPTER VIA
Forfeiture of Property Derived from Illegal Hunting and Trade

58A. 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, anyone who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

58B. Definition : In this Chapter, unless the context otherwise requires-

(a) "Appellate Tribunal" means the Appellate Tribunal for forfeited property constituted under section 58N ;

(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;

1. Ins. by Act 16 of 2003 (w.e.f. 17.1.2003)

(ii) any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act 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;

(c) "competent authority" means an officer authorized under Section 58D;

(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 58F ;

(f) "identifying" includes establishment of proof that the property was derived from, or used in, the illegal hunting and trade of Wild Life

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 Wild Life 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 failing 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 Wild Life 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) any 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.

58C. Prohibition or 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 (I), 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 Wild Life and its products.

58D. Competent authority: The State Government may, by order published in the Official Gazette, authorize 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.

58E. Identifying illegally acquired property:

(1) An officer not below the rank of Deputy Inspector General of Police duly authorized 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 which directions or guidelines as the competent authority may make or issue in this behalf.

58F. Seizure or freezing of illegally acquired property:

(1) Where any officer conducting an inquiry or investigation under section 58E 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 done 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.

58G. 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 58F 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 off the property, which is forfeited to the State Government.

58H. 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 58E 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 58H, 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 Slate Government free from all encumbrances.

(4) In case the person affected establishes that the property specified in the notice issued under Section 58H 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.

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

58K. File in lieu of forfeiture :

(1) Where the competent authority makes, a declaration that any property stands forfeited to the State Government under Section 58-1 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 58-1 and thereupon such property shall stand released.

58L. Procedure in relation to certain trust properties: In the case of any person referred to in sub clause (vi) of clause (b) of Section 58B, 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 asset out of or by mcans of which such proporty 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 58H 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.

58M. certain transfers to be null and void: Where after the making of an order under sub section (1) of Section 58F or the issue of a

notice under Section 58K or under Section 58L, 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 58A, then, the transfer of such property shall be deemed to be null and void.

58N. Constitution of Appellate Tribunal :

(1) The State Government may, by notification in the Official Gazette, constitute an Appellate Tribunal to be callad the Appellate Tribunal for Forfeited Property consisting of a Chairman, and such number of other members (being officers 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 58F, Section 58-1, sub section (i) of Section 58K or Section 58L.

(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 aulhority made under Section 58F, Section 58-1, sub-section (1) of Section 58K or Section 58L 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 authorized 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.

58P. 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.

58Q. 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.

58R. 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.

58S. 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 58T may furnish suo moto any information available with him to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Chapter.

58T. 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 58G, 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.

58U. Power to take possession:

(1) Where any property has been declared to be forfeited to the State, power to take Government under this Chapter, or where the person

affected has failed to pay the fine due under sub section (1) of Section 58K within the time allowed therefor under subsection (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 58G or to any person duly authorized by him in this behalf within thirty days of the serve of the order.

(2) If any person refuses or fails to comply with an order made under sub-section (I), 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 sub section (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.

58V. 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.

5SW. 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.

58X. 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), then, 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.

58Y. 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 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).

60. Protection of action taken in good faith.— (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employees 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 other employees for anything which is in good faith done or intended to be done under this Act.

[1][**60A. 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 fifty per cent 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 fifty per cent of such money.]

[2][**60B. Reward by State Government :** The State Government may empower the 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 or 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, 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.

[3][* * *]

(3) On the issue of a notification under sub-section (1) 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 alteration.

[4][* * *]

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1. Subs by Act 16 of 2003 (w.e.f. 17.1.2003)
2. Ins by Act 16 of 2003 (w.e.f. 17.1.2003)
3. Sub-section (2) omitted by Act 44 of 1991, Sec. 44 (w.e.f. 2-10-1991)
4. Sub-section (4) omitted by Act 44 of 1991, Sec. 44 (w.e.f. 2-10-1991)

62. Declaration of certain wild animals to be vermin.— The 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;

(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; and

(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 Houses 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.

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 of the Board referred to in clause (g) of sub-section (1) of Section 6 and the manner of filling vacancies among them;

(b) allowances referred to in sub-section (4) 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, therefor;

(d) the conditions subject to which any licence or permit may be granted under this Act;

(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 sale of captive animals, meat, animal articles, trophies and uncured trophies;

(g) regulation of taxidermy;

(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 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. 43/67/ 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 or 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 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

(*See secs.* 2, 8, 9, 11, 40, 41, 43, 48, 51, 61 and 62)

PART I

Mammals

[1][1. Andaman wild pig (*Sus sorofa andamanensis*)]

[2][1.A. Bharal (*Ovis nahura*)]

[2][1.B. Binturong (*Arctictis binturong*)]

2. Blackbuck (*Antelope cervicapra*)

[2][2-A. ***]

3. Brow-antlered deer or Thamin (*Cervus eldi*)

[3][3-A. Himalayan brown bear (*Ursus arctos*)]

[3][3-B. Capped langur (*Presbytis pileatus*)

4. Caracal (*Felis caracal*)

[2][4-A. Catacean Species]

5. Cheetah (*Acinonyx jubatus*)

[4][5-A. Chinese pangolin (*Mapnis pentadactyla*)]

[1][5-B. Chinkara or Indian gazelle (*Gazella gazella bennetti*)

6. Clouded leopard (*Neofelis nebulosa*)

[2][6-A. Crab-eating macaque (*Macaca irus umbrosa*)]

[2][6-B. Desert cat (*Felis libyca*)]

[3][6-C. Desert fox (*Vulpes bucaopus*)

7. Dugong (*Dugong dugon*)

[2][7-A. Ermine (*Mustele erminea*)

8. Fishing cat (*Felis viverrina*)

[1][8-A. Four-horned antelope (*Tetraceros quadricornis*)]

[2][8-B. ***]

[3][8-C. ***]

[3][8-D. Gangetic dolphin (*Platanista gangetica*)

[3][8-E. Gaur or Indian bison (*Bos gaurus*)

9. Golden cat (*Felis temmincki*)

10. Golden langur (*Presbytis geei*)

[3][10-A. Giant squirrel (*Ratufa macroura*)

[3][10-B. Himalayan ibex (*Capra ibex*)

[3][10-C. Himalayan tahr (*Hemitragus jemlahicus*)]

11. Hispid hare (*Caprolagus hispidus*)

[3][11-A. Hog badger (*Arctonyx collaris*)]

12. Hoolock gibbon (*Hylobates hoolock*)

[2][12-A. ***]

[3][12-B. Indian elephant (*Elephas maximus*)]

13. Indian lion (*Panthera leo persica*)

14. Indian wild ass (*Equus hemionus khur*)

[4][15. Indian wolf (*Canis lupas pallipes*)]

16. Kashmir stag (*Cervus elaphus hanglu*)

[2][16-A. Leaf monkey (*Presbytis phayrei*)]

[2][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*)

[1][20-A. Little Indian porpoise (*Neomeris phocaenoides*)]

21. Lynx (*Felis lynx isabellinus*)

22. Malabar civet (*Viverra megaspila*)

[2][22-A. Malay or Sun bear (*Helarctos malayanus*)]

23. Marbled cat (*Felis marmorata*)

24. Markhor (*Capra falconeri*)

[1][24-A. Mouse deer (*Tragulus meminna*)]

25. Musk deer (*Moschus moschiferus*)

[3][25-A. Nilgiri langur (*Presbytis johni*)]

[3][25-B. Nilgiri tahr (*Hemitragus hylocrius*)]

26. Nyaan or Great Tibetan sheep (*Ovis ammon hodgsoni*)

27. Pallas's cat (*Felis manul*)

28. Pangolin (*Manis crassicaudata*)

29. Pygmy hog (*Sus salvanius*)

[2][29-A. Ratel (*Mellivora capensis*)

30. Indian one-horned Rhinoceros (*Rhinoceros unicornis*)

31. Rusty-spotted cat (*Felis rubiginosa*)

[1][31-A. Serow (*Capricornis sumatraensis*)

[3][31-B. Clawless otter (*Aonyx cinerea*)]

[3][31-C. Sloth bear (*Melursus ursinus*)

32. Slow loris (*Nycticebus couceang*)

[3][32-A. Small Travancore flying squirrel (*Petinoyms fuscopapillus*)]

33. Snow leopard (*Panthera uncia*)

[3][33-A. Snubfin dolphin (*Orcaella brevezastris*)]

34. Spotted linsang (*Prionodon pardicolor*)

35. Swamp deer (*All sub-species of Cervus duvauceli*)

36. Takin or Mishmi takin (*Budorcas taxicolor*)

[1][36-A. Tibetan antelope or Chiru (*Panthelops hodgsoni*)

[3][36-B. Tibetan fox (*Vulpes ferrilatus*)]

37. Tibetan gazelle (*Procapra picticaudata*)

38. Tibetan wild ass (*Equus hemionus kiang*)

39. Tiger (*Panthera tigris*)

40. Urial or Shapu (*Ovis vignei*)

41. Wild buffalo (*Bubalus bubalis*)

[1][41-A. Wild yak (*Bos grunniens*)]

[3][41-B. Tibetan wolf (*Canis lupus chanco*)]

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1 *Vide* Notification No. FJ 11012/31/76 FRY(WL), dated 5th October, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 385, dated 5th October, 1977.

2 *Vide* Notification No. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980.

3 *Vide* Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Sec. 3(i) dated 24th November, 1986.

4 *Vide* Notification No. FJ 11012/31/76 FRY (WL), dated 29th August, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 333, dated 3rd September, 1977.

PART II

Amphibians and Reptiles

[4][1. Agra monitor lizard [*Varanus griseus* (*Daudin*)]]

[2][1-A. ***]

[1][1-B. Audithia turtle (*Pelochelys bibroni*)]

[1][1-C. Barred, oval, or yellow monitor lizard (*Varanus flavescens*)]

[1][1-D. Crocodiles (including the estuarine or salt water crocodile) (*Crocodilus porosus* and *Crocodilus palustris*)]

[1][1-E. Terrapin (*Batagur basika*)]

1-F. Eastern hill terrapin (*Melanochelys tricarinata*)

2. Gharial (*Gavialis gangeticus*)

[3][3-3. Ganges soft-shelled turtle (*Trionyx gangeticus*)]

[1][3-A. Golden gecko (*Caloductyloides aureus*)]

4. Green sea turtle (*Chelonia mydas*)

5. Hawksbill turtle (*Eretmochelys imbricata inlscata*)

[1][6. ***]

7. Indian egg-eating snake (*Elachistodon westermanni*)

8. Indian soft-shelled turtle (*Lissemys punctata punctata*)

9. Indian tent turtle (*Kachuga tecta tecta*)

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 loggerhead turtle (*Lepidochelys olivacea*)

14. Peacock-marked soft-shelled turtle (*Trionyx hurum*)

[1][14-A. Pythons (Genus Python)

[1][14-B. Sail terrapin (*Kachuga kachuga*)

14-C. Spotted black terrapin (*Geoclemys hamiltoni*)

[2][15 ***)]

[2][16 ***)]

[2][17 ***)]

[3][17-A Water lizard (*Varanus salvator*)]

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1 *Vide* Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 24th November, 1986.

2 *Vide* Notification No. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980.

3 *Vide* Notification No. FJ 11012/31/76 FRY(WL), dated 29th August, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i) p. 333, dated 3rd September, 1977.

4 *Vide* Notification No. FJ 11012/31/76 FRY (WL), dated 5th October 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 333, dated 5th October, 1977.

PART III

Birds

[4][1. Andaman teal (*Anas gibberifrons allagularis*)]

1-A. Assam bamboo partridge (*Bambusicola fytchii*)

[1][1-B. Bazas (*Aviceda jeordoni* 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*)

[3][1-F. ****]

2. Cheer pheasant (*Catreus wallichii*)

[3][2-A. Eastern white stork (*Ciconia ciconia boyciana*)]

[1][2-B. Forest spotted owlet (*Athene blewitti*)]

[1][2-C. Frogmouths (Genus batrachostomus)]

3. Great Indian bustard (*Choriotis nigriceps*)

4. Great Indian hornbill (*Buceros bicornis*)

[3][4-A. Hawks (*Accipitridae*)]

[1][4-B. Hooded crane (*Grus monacha*)]

[1][4-C. Hornbills (*Ptilolaemus tickelli austeni, Aceros nipalensis, Rhyticeros undulatus ticehursti*)]

[1][4-D. Houbara bustard (*Chlamydotis undulata*)]

[1][4-E Hume's bar-backed pheasant (*Syrmaticus humiae*)]

[1][4-F. Indian pied hornbill (*Anthracoceros malabaricus*)]

5. Jerdon's courser (*Cursorius bitorquatus*)

6. Lammergeir (*Gypaetus barbatus*)

7. Large falcons (*Falco peregrinus, Falco biarmicus* and *Falco chicuera*)

[1][7-A. Large whistling teal (*Dendrocygna bicolor*)]

[3][7-B. Lesser florican (*Sypheotides indica*)]

[3][7-C.	Monal pheasants (*Lophophorus impejanus, Lophophorus Sclateri*)]
8.	Mountain quail (*Ophrysia superciliosa*)
9.	Narcondam hornbill [*Rhyticeros* (*undulatus*) *narcondami*)]
[3][9-A.	***]
10.	Nicobar megapode (*Megapodius freycinet*)
[1][10-A.	Nicobar pigeon (*Caloenas nicobarica pelewensis*)]
[1][10-B.	Osprey or Fish-eating eagle (*Pandion haliatetus*)
[1][10-C.	Peacock pheasants (*Polyplectron bicalcaratum*)
11.	Peafowl (*Pavo cristatus*)
12.	Pink-headed duck (*Rhodonessa caryophyllacea*)
13.	Scalater's monal (*Lophophorus sclateri*)
14.	Siberian white crane (*Grus leucogeranus*)
[1][14-A.	***]
[1][14-B.	Tibetan snow-cock (*Tetraogallus tibetanus*)]
15.	Tragopan pheasants (*Tragopan melanocephalus, Tragopan blythii, Tragopan satyra, Tragopan temminckii*)
16.	White-bellied sea eagle (*Haliaetus leucogaster*)
17.	White-eared pheasant (*Crossoptilon crosspoptilon*)
[1][17-A.	White Spoonbill (*Platalea leucorodia*)]
18.	White-winged wood duck (*Cairina scutulata*)

1 *Vide* Notification No. FJ 11012/3/76 FRY(WL), dated 29th August, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 333, dated 3rd September, 1977.

2 *Vide* Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Sec. 3(i) dated 24th November, 1986.

3 *Vide* Notification No. FI-28/78 FRY (WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980.

4 *Vide* Notification No. FJ 11012/31/76 FRY(WL), dated 5th October, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 385, dated 5th October, 1977.

PART IV

Crustacea and Insects

[1][1] Butterflies and Moths

Family Amathusidae	**Common English name**
Discophora deo deo	Duffer, banded
Discophora sondaica muscina	Duffer, common
Faunis faunula faunuloides	Pallid fauna
Family Danaidae	
Danaus gautama gautamoides	Tiger
Euploea crameri nicevillei	Crow, spotted black
Euploea midamus roepstorfrti	Crow, blue-spotted
Family Lycaenidae	
Allotinus drumila	Darkie, crenulate/great
Allotinus fabius penormis	Angled darkie
Amblopala avidiena	Hairstreak, Chinese
Amblypodia ace arata	Leaf blue
Amblypodia alea constanceae	Rosy oakblue
Amblypodia ammon ariel	Malayan bush blue
Amblypodia arvina ardea	Purple brown tailless oakblue
Amblypodia asopia	Plain tailless oakblue
Amblypodia comica	Comic oakblue
Amblypodia opalina	Opal oakblue
Amblypodia zeta	Andaman tailless oakblue
Biduanda melisa cyana	Blue posy
Callophyrs leechii	Hairstreak, Ferruginous
Castalius rosimon alarbus	Pierrot, common
Charana cepheis	Mandarin blue, Cachar

1. *Vide* Notification No. S.O. 859 (E), dated 24th November, 1986, published in the Gazette of India, Extra, Pt. II, Sec. 3(i), dated 24th November, 1986

Chlioria othona	Tit, orchid
Deudoryx epijarbas amatius	Cornelian, scaree
Everes moorei	Cupid, Moore's
Gerydus biggsii	Bigg's brownie
Gerydus symethus diopeithes	Great brownie
Heliophorus hybrida	Sapphires
Horaga albimacula	Onyxes
Jamides ferrari	Caeruleans
Liphyra brassolis	Butterfly, Moth
Listeria dudgeni	Lister's hairstreak
Logania Watsoniana subfasciata	Mottle, Watson's
Lycaenopsis binghami	Hedge blue
Lycaenopsis haraldus ananga	Hedge blue, Felder's
Lycaenopsis purpa prominens	Common hedge blue
Lycaenopsis quadriplaga dohertyi	Naga hedge blue
Nacaduba noreia hampsonii	Lineblue, white-tipped
Polymmatus orbitulus leela	Greenish mountain blue
Pratapa icetas mishmia	Royal, dark blue
Simiskina phalena harterti	Brilliant, broadlanded
Sinthusa virgo	Spark, pale
Spindasis elwesi	Silverline, elwes's
Spindasis rukmini	Silverline, Khaki
Strymonidia mackwoodi	Hairstreak, Mackwood's
Tajuria ister	Royal, uncertain
Tajuria luculentus nela	Royal, Chinese
Tajuria yajna yajna	Royal, chestnut and black
Thecla ataxus zulla	Wonderful hairstreak
Thecla bieti mendera	Indian purple hairstreak
Thecla letha	Watson's hairstreak
Thecla paona	Paona hairstreak

Thecla pavo	Peacock hairstreak
Virachola smilis	Guava blues
Family Nymphalidae	
Apatura ulupi ulupi	Emperor, tawny
Argynnis hegemone	Silver-washed fritillary
Calinaga buddha	Freak
Charaxes durnfrodi nicholi	Rajah, chestnut
Cirrochroa fasciata	Yeomen
Diagora nicevillei	Siren, Scarce
Dilipa morgiana	Emperor, Golden
Doleschallia bisaltide andamana	Autumn leaf
Eriboea moori sandakanus	Malayan nawab
Eriboea schreiberi	Blue nawab
Eulaceura manipurensis	Emperor, Tytler's
Euthalia durga splendens	Barons/Counts/Duchesses
Euthalia iva	Duke, grand
Euthalia khama curvifascia	Duke, Naga
Euthalia telchinia	Baron, blue
Helcyra hemina	Emperor, white
Hypolimnas missipus	Eggfly, Danaid
Limenitis austenia purpurascens	Commodore, grey
Limenitis zulema	Admirals
Melitaea shandura	Fritillaries/Silverstripes
Neptis antilope	Sailer, variegated
Neptis aspasia	Sailer, great hockeystick
Neptis columella kankena	Sailer, short-banded
Neptis cydippe kirbariensis	Sailer, Chinese yellow
Neptis ebusa	Sailer, lascar

Neptis jumbah binghami	Sailer, chestnut-streaked
Neptis manasa	Sailer, pale hockeystick
Neptis nyctens	Sailer, hockeystick
Neptis poona	Lascar, Tytler's
Neptis sankara nar	Sailer, broad-banded
Panthoporia jina jina	Bhutan sergeant
Panthoporia reta moorei	Malay staff sergeant
Prothoe franckii regalis	Begum, blue
Sasakia funebris	Empress
Sephisa chandra	Courtier, Eastern
Symbrenthia silana	Jester, Scarce
Vanessa antiopa yednula	Admirables
Family Papilionidae	
Chilasa clytia clytia f. commixtus	Common mime
Papilio elephenor	Spangle, Yellow-crested
Papilio liomedon	Swallowtail, Malabar Banded
Parnassius aeco geminifer	Apollo
Parnassius delphius	Banded apollo
Parnassius hannyngtoni	Hannyngton's apollo
Parnassius imperator augustus	Imperial apollo
Parnassius stoliczkanus	Ladakh banded apollo
Polydorus coon sambilanaga	Common clubtail
Polydorus crassipes	Black windmill
Polydorus hector	Crimson rose
Polydorus nevilli	Nevill's windmill
Polydorus plutonius pembertoni	Chinese windmill
Polydorus polla	Deneceylle's windmill
Family Pieridae	

Aporia harrietae harritae	Black veins
Baltia butleri sikkima	White butterfly
Colias colias thrasibulus	Clouded yellows
Colias dubi	Dwarf clouded yellow
Delias sanaea	Jezebel, pale
Pieris krueperi devta	Butterfly cabbage/White II
Family Satyridae	
Coelites nothis adamsoni	Cat's eye, Scarce
Cyllogenes janetae	Eeving brown scarce
Elymnias peali	Palmfly, Peal's
Elymnias penanga philensis	Palmfly, Painted
Erabia annada annada	Argus, ringed
Erabia narasingha narasingha	Argus, Mottled
Lethe, distans	Forester, Scarce Red
Lethe dura gammiee	Liacfork, Scarce
Lethe europa tamuna	Bamboo tree brown
Lethe gemina gafuri	Tytler'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 nawtilus	Bushbrown, Purple
Pararge menave maeroides	Wall dark
Yothima dohertyi persimilis	Five ring, Great

[1][1-A. Coconut or Rubber Crab (*Brgrus latro*)]

[1][2. Dragon fly (*Epioplebia laidlawi*)]

SCHEDULE II

(See secs. 2, 8, 9, [2][***], 11,40, 41, 43, 48,51,61 and 62)

[2][***]

PART I

1. ***

[3][1-A. Assamese macaque (*Macaca assamensis*)]

[4][2. Bengal porcupine (*Atherurus mecrourus assamensis*)]

3. ***

[3][3-A. Bonnet macaque (*Macaca radiata*)

[4][3-B. ***]

[5][3-C. Cetacean spp. (other than those listed in Sch. I and Sch. II, and Part II)]

[4][4. ***]

[3][4-A Common langur (*Presbytis entellus*)]

[1][5. ***]

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1 *Vide* Notification No. FI-28/78 FRY (WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980.

2 Omitted by Act 44 of 1991, Sec. 49 (w.e.f. 2-10-1991)

3 *Vide* Notification No. FJ 11012/31/76 FRY(WL), dated 29th August, 1977, published in the Gazette of Inida, Extra., Pt. II, Sec. 3(i), p. 333, dated 3rd September, 1977

4 *Vide* Notification No. FJ 11012/31/76 FRY (WL), dated 5th October, 1977, published in the Gazette of India, Extra, Pt. II, Sec. 3(i), p. 385 dated 5th October, 1977

5 *Vide* Notification No. S.O. 859(E) dated 24th November, 1986, published in teh Gazette of India, Extra., Pt. II, Sec. 3(i), dated 24th November, 1986

[2][6.	***]
7.	Ferret badgers (*Melogale moschata, Melogale personata*)
[2][8	***]
[2][9	***]
[2][10	***]
11	Himalayan crestless porcupine (*Hystrix hodgsoni*)
[3][11-A.	Himalayan Newt or Salamander (*Tyletotriton verrucosus*)]
[1][12.	***]
[1][13.	***]
[1][14.	***]
[2][15.	***]
16.	Pig-tailed macaque (*Macaca nemestrina*)
[2][17.	***]
[2][17-A.	Rhesus macaque (*Macaca mulatta*)]
[1][18.	***]
19.	Stump-tailed macaque (*Macaca speciosa*)
[1][20.	***]
21.	***
22.	Wild dog or dhole (*Cuon alpinus*)
[1][23.	***]
[2][24.	Chameleo (*Chameleon calcaratus*)]
25.	Spiny-tailed lizard or Sanda (*Uromastix hardwickii*)

1 *Vide* Notification NO. FI-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980

2 *Vide* Notification No. FJ 11012/31/76 FRY(WL), dated 29 August, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 333, dated 3rd September, 1977

3 *Vide* Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 24th November, 1986

PART II

[1] **Beetles**

Family Amathusidae

Aemona amathusia amathusia
Amathusia philippus andamanicus
Amathusia amythaon amythaon
Discophora deo deodoides
Discophora lepida lepida
Discophora timora andamanensio
Enispe cycnus
Faunis sumeus assama
Sticopthalma nourmahal
Thauria aliris amplifascia

Family Carabidae

Agonotrechus andrewesi
Amara brucei
Amara eleganfula
Brachinus atripennis
Brososoma gracile
Brosopus bipillifer
Broter ovicollis
Calathus amaroides
Callistominus belli
Chalenius championi
Chalenius kanarae
Chalenius masoni
Chalenius nilgiricus

Family Chrysomelidae

Acrocrypta rotundata
Bimala indica
Clitea indica
Gopala pita
Griva cyanipennis
Nisotra cardoni
Nisotra madurensis
Nisotra nigripennis
Nisotra semicoerulea
Nisotra striatipennis
Nonarthra patkaia
Psylliodes plana
Psylliodes shira
Sebaethe cervina
Sebaethe patkaia
Sphaeroderma brevicorne

1 *Vide* Notification NO. FI-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980.

Family Cucujidae

Carinophloeus raffrayi

Cucujus bicolor

Cucujus grouvelle

Cucujus imperialis

Heterojinus semilactaneus

Laemophloeus belli

Laemophloeus incertus

Pediacus rufipes

Family Danaidae

Euploea melanoleuca

Euploea midamus rogenhoferi

Family Erycinidae

Abisara kausambi

Dodona adonira

Dodona dipoea

Dodona egeon

Libythea lepita

Family Hesperiidae

Baoris philippina

Bebasa sena

Halpe homolea

Family Inopeplidae

Inopeplus albonotalus

Family Lycaenidae

Allotinus subviolaceous manychus

Amblypodia aberrans

Amblypodia aenea

Amblypodia agaba aurelia

Amblypodia agrata

Amblypodia alesia

Amblypodia apidanus ahamus

Amblypodia areste areste

Amblypodia bazaloides

Amblypodia camedeo

Amblypodia ellisi

Amblypodia fulla ignara

Amblypodia genesa watsoni

Amblypodia paraganesa zephyreeta

Amblypodia paralea

Amblypodia silhetensis

Amblypodia suffusa suffusa

Amblypodia yendava

Apharitis tilacinus

Araotes lapithis

Artipe eryx

Bindahara phocides

Bothrinia chennellii

Castalius roxus manluena

Catapoecilma delicatum

Catapoecilma elegans myositina

Charana jalindra

Cheriterlla truncipennis

Chliaria kina

Deudoryx hypargyria gaetulia

Enchrysops onejus

Everes diporoides

Everes kalaroi

Heliphorus androcles moorei

Horaga onyx

Horaga viola

Hypolycaena nilgirica

Hypolycaena thecloides nicobarica

Iraota rochana boswelliana

Jamides alectokandulana

Jamides celeodus pura

Jamides coeruler

Jamides kankena

Lampides boeticus

Lilacea albocaerulea

Lilacea atroguttata

Lilacea lilacea

Lilacea melaena

Lilacea minims

Logania massalia

Lycaenesthes lycaenina

Mahathala ameria

Mahathala atkinsoni

Magisba malaya presbyter

Nacaduba aluta coelestis

Nacaduba ancyra aberrans

Nacaduba dubiosa fulva

Nacaduba helicon

Nacaduba hermus major

Nacaduba pactolus

Neucheritra febronia

Niphanda cymbia

Orthomiella pontis

Pithecops fulgens

Polymmatus devanica devanica

Polymmatus metallica metallica

Polymmatus orbitulus jaloka

Polymmatus yeonghusbandi

Poritia erycinoides elsiei

Poritia hewitsoni

Poritia plusrata geta

Pratapa bhotes

Pratapa blanka

Pratapa deva

Pratapa icetas

Rapala buxaria

Rapala chandrana chandrana

Rapala nasala

Rapala refulgens

Rapala rubida

Rapala scintilla

Rapala ophinx ophinx

Rapala varuna

Rapala varuna

Spindasis elima elima

Spindasis lohita

Spindasis nipalicus

Suasa lisides

Surendra todara

Tajuria albiplaga

Tajuira cippus cippus

Tajuria culta

Tajuria diaeus

Tajuria illurgoodes

Tajuria illurgis

Tajuria jangala andamanica

Tajuria melastigma

Tajuria sebonga

Tajuria thydia

Tajuria yajna istroides

Tarucus callinara

Tarucus dharta

Thaduka multicaudata kanara

Thecla ataxus ataxus

Thecla bitei

Thecla icana

Thecla jakamensis

Thecla kabrea

Thecla khasia

Thecla kirbariensis

Thecla suroia

Thecla syla assamica

Thecla vittata

Thecla ziba

Thecla zoa

Thecla zsta

Una usta

Yasoda tripunctata

Family Nymphalidae

Adolias cyanipardus

Adolias dirtea

Adolias khasiana

Apatura chevana

Apatura parvata

Apatura sordida

Apatura ulupi florenciae

Argynnis adippe pallida

Argynnis altissima

Argynnis clara clara

Argynnis pales horla

Atella lscippe

Calinaga buddha brahaman

Charaxes aristogiton

Charaxes fabius sulphureus

Charaxes nabruba

Charaxes marmax

Charaxes polyxena heman

Chersonesia rahria arahrioides

Cyrestis cocles

Diagora persimilis

Doleschallia bisaltide malabarica

Eriboea athamas andamanicus

Eriboea delphis

Eriboea dolon

Eriboea harcoea lissainei

Euripus consimilis

Euripus halitherses

Euthalia anosia

Euthalia cocytus

Euthalia duda

Euthalia durga durga

Euthalia evalina landabilis

Euthalia franciae

Euthalia gauda acontius

Euthalia lepidea

Euthalia merta eriphyleu

Euthalia nara nara

Euthalia patala taoana

Euthalia teuta

Herona marathus andamana

Hypolimnas missipus

Hypolimnas polynice birmana

Kallima albofasciata

Kallima alompora

Kallima philarchus horsfieldii

Limenitis austenia austenia

Limenitis damava

Limenitis dudu

Melitea robertsi lutko

Neptis ananta

Nepits anjana nashona

Neptis aurelia

Neptis magadha khasiana

Neptis nandina hamsoni

Neptis narayana

Neptis radha radha

Neptis soma

Neptis zaida

Neurosigma doubledayi doubledayi

Pantoporia asura asura

Pantoporia kanwa phorkys

Pantoporia larymna siamensis

Pantoporia pravara acutipemnis

Pantoporia ranga

Parthenos sylvia

Penthema lisarda

Symbrenthia niphanda

Vanesa egea agnicula

Vanesa lalbum

Vanesa polychloros fervida

Vanesa prarsoides dohertyi

Vanesa urticoe rizama

Family Papilionidae

Bhutanitis liderdalii

Chilasa epycides epycides

Chilasa paradoxa telearchus

Chilasa slateri slateri

Graphium aristeus anticrates

Graphium arycles arycles

Graphium eurypylus macronius

Graphium evemon albociliates

Graphium gyas gyas

Graphium megarus megarus

Papilio bootes

Papilio buddha

Papilio fuscus andamanicus

Papilio machaon verityi

Papilio mayo

Parnassius charltonius charltonius

Parnassius epaphus hillensis

Parnassius jacquemonti jacquemonti

Polydorus latreillei kabrua

Polydorus plutonius tytleri

Teinopalpus imperialis imperialis

Family Pieridae

Aporia nabellica

Appias albina darada

Appias indra shiva

Appias lyncida latifasciata

Appias wardica

Baltia butleri butleri

Cepora nadian remba

Cepora nerissa dapha

Colias eocandica hinducucica

Colias eogene

Colias ladakensis

Colias stoliczkana miranda

Delias lativitta

Dercas lycorias

Euchloe charlonia lucilla

Eurema andersoni ormistoni

Metaporia agathon

Pieris deota

Pantia chloridice alpina

Saletara panda Chrysaea

Valeria avatar avatar

Family Satyridae

Aulocera brahminus

Cyllogenes suradeva

Elymnias malilas milamba

Elymnias vasudeva

Erebia annada suroia

Erebia hygriva

Erebia kalinda kalinda

Erebia manii manii

Erebia seanda opima

Erebia falcipennis

Hipparchis heydenreichi shandura

Lethe atkinsoni

Lethe baladeva

Lethe brisanda

Lethe goalpara goalpara

Lethe insane insane

Lethe jalaurida

Lethe kabrua

Lethe latiaris latiaris

Lethe moelleri moelleri

Lethe naga naga

Lethe nicetella

Lethe pulaha

Lethe scanda

Lethe serbonis

Lethe siderea

Lethe sincrix

Lethe tristigmata

Lethe vialaceodcta kanjupkula

Lethe visrava

Lethe yama

Maniola davendra davendra

Melanitis zitanius

Mycalesis adamsoni

Mycalesis anaxias

Mycalesis botama chamba

Mycalesis heri

Mycalesis lepcha bethami

Mycalesis malsarida

Mycalesis mestra

Mycalesis misenus

Mycalesis mystes

Mycalesis suavolens

Neorina hilda

Neorina patria westwoodii

Oeneis buddha gurhwalica

Parantirrhoes marshali

Parage eversmannicash mirensis

Parage maerula maefula	Ypthima lycus lycus
Ragadia crisilda crito	Ypthima mathora mathora
Rhappicera sttricus kabrua	Ypthima similis affectata
Ypthima bolanica	Zipotis saitis

[1][1.A. Civets (all species of *Viverridae* except Malabar civet)]

[1][1-B. Common fox (*Vulpes bengalensis*)]

[1][1-C. Flying squirrels (all species of the genera Bulopetes, Petaurista, Pelomys and Eupetaurus)]

[1][1-D. Giant squirrels (*Ratufa macroura, Ratufa indica, and Ratufa bicolor*)]

[1][2. Himalayan brown bear (*Ursus arctos*)]

[2][2-A. Himalayan black bear (*Selenarctos thibetanus*)]

[2][2-B. Jackal (*Canis aureus*)]

[1][2-C. Jungle cat (*Felis chaus*)]

[1][2-D. Marmots (*Marmota bobak himalayana, Marmota caudata*)]

[1][2-E. Martens (*Martes foria intermedia, Martes flavigula, Martes gwatkinsii*)]

[1][3. ***]

4. Otters (*Lutra lutra, L. perspicillata*)

[3][4-A Pole cats (*Vormela peregusna, Putatorius putorius*)]

4-B. Red fox (*Vulpes vulpes, Vulpes montana, Vulpes griffithi,*

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1 *Vide* Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 24th November, 1986.

2 *Vide* Notification No. FI-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980

3 *Vide* Notification No. FJ 11012/31/76 FRY(WL), dated 5th October, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 385, dated 5th October, 1977.

Vulpes pusilla)

[3][5. Sloth bear (*Melursus ursinus*)]

[3][5-A. Sperm whale (*Physeter macrocephalus*)]

[6. ***]

[1][7. Weasels (*Mustela sibirica, Mustela kathian, Mustela Altaica*)]

8. Checkered keelback snake (*Xeno chrophis piscator*)]

9. Dhaman or rat snake (*Ptyas mucosus*)

10. Dog-faced water snake (*Carberus rhynchopi*)

11. Indian cobras (all sub-species belonging to genus *Naja*)

12. King cobra (*Ophiophagus hannah*)

13. Oliveceous keelback snake (*Artretium schistosum*)

14. Russel's viper (*Vipera ruselli*)

15. Varanus species (excluding yellow monitor lizard)

SCHEDULE III

(*See* secs. 2, 8, [3][***] 9, 11 and 61)

[1][1 ***]

2. Barking deer or muntjac (*Muntiacus muntjak*)

[4][3. ***]

[1][4. ***]

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1 *Vide* Notification No. FJ 11012/31/76 FRY(WL), dated 5th October, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 385, dated 5th October, 1977.

2 *Vide* Notification No. S.O. 859(E), dated 24th November, 1986 published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 24th November, 1986.

3 Omitted by Act 44 of 1991, sec. 50(w.e.f. 2-10-1991).

4 *Vide* Notification No. FI-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra, Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980.

5. Chital (*Axis axis*)

[1][6. ***]

7. Gorals (*Nemorhaedus goral, Nemorhaedus hodgsoni*)

[1][8. ***]

[4][9. ***]

[1][10. ***]

11. Hog deer (*Axis Porcinus*)

12. Hyaena (*Hyaena hyaena*)

[1][13. ***]

14. Nilgai (*Boselaphus tragocamelus*)

[1][15. ***]

16. Sambar (*Cervus unicolor*)

[1][17. ***]

[1][18. ***]

19. Wild pig (*Sus scrofa*)

SCHEDULE IV

(*See* secs. 2, 8, 9, 11 and 61)

[1][***]

[2][1. ***]

[2][A ***]

[2][2. ***]

3. ***

[3][3-A. Five-striped palm squirrel (*Funambulus pennanti*)]

4. Hares (Black Naped, Common Indian, Desert, Himalayan mouse hare)

[4][4-A. Hedgehog (*Hemiechinus auritus*)]

[2][4-B. ***]

[2][4-C. ***]

[2][4-D. ***]

[2][4-E. Indian porcupine (*Hystrix indica*)]

[2][5. ***]

[3][6. ***]

[4][6-A. Mongooses (All species of genus Herpestes)]

[5][6-B. ***]

[5][7. ***]

[4][7-A. Pole cats (*Vormela peregusna,, Mustela putorius*)]

[5][7-B. ***]

8. ***

[5][8-A ***]

[2][9. ***]

[2][9-A ***]

10. ***

[6][11. Birds [4][(other than those which appear in other Schedules)]]

1. Avadavat (*Estrildinae*)

2. Avocet (*Recurvirostridae*)

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1 Omitted by Act 44 of 1991, sec. 51 (w.e.f. 2-10-1991).

2 *Vide* Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 24th November, 1986.

3 *Vide* Notification No. FI-28/78 FRY (WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980.

4 *Vide* Notification dated No. FJ 11012/31/76 FRY(WL), dated 29th August, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 333, dated 3rd September, 1977.

5 *Vide* Notification No. FJ 11012/31/76 FRY(WL), dated 5th October, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 385, dated 5th October, 1977.

6 *Vide* Notification No. FI-28/78 FR (WL), dated 9th September, 1980 , published in the Gazette of India, Extra., Pt. II, Sec. 3(i), 431, dated 2nd October, 1980.

3. Babblers (*Timaliinae*)
4. Barbets (*Capitonidae*)
5. Barn owls (*Tytoninae*)
6. Bitterns (*Ardeidae*)
7. Brown-headed gull (*Larus brunnicephalus*)
8. Bulbuls (*Pycnonotidae*)
9. Buntings (*Emberizidae*)
10. Bustards (*Otididae*)
11. Bustard-quails (*Turnicidae*)
12. Chloropsis (*Irenidae*)
13. Comb duck (*Sarkidiornis melanotos*)
14. Coots (*Rallidae*)
15. Cormorants (*Phalacrocoracidiae*)
16. Cranes (*Gruidae*)
17. Cuckoos (*Cuculidae*)

17-A. Curlews (*Swlopacinae*)

18. Darters (*Phalacrocoracidae*)
19. Doves including the Emerald Dove (*Columbidae*)
20. Drongos (*Dicruridae*)
21. Ducks (*Anatidae*)
22. Egrets (*Ardeidae*)
23. Fairy Bluebirds (*Irenidae*)
24. Falcons (*Falconidae*), except 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 (*Podicipitidae*)
32. Herons (*Ardeidae*)
33. Ibises (*Threskiomithidae*)
34. Ioras (*Irenidae*)
35. Jays (*Corvidae*)
36. Jacanas (*Jacanidae*)

36-A. Junglefowl (*Phasianidae*)

37. Kingfishers (*Alcedinidae*)
38. Larks (*Alaudidae*)
39. Lorikeets (*Psittacidae*)
40. Magpies including the Hunting magpie (*Corvidae*)
41. Mannikins (*Estrildinae*)
42. Megapodes (*Megapodidae*)
43. Minivets (*Campephagidae*)
44. Munias (*Estrildinae*)
45. Mynas (*Sturnidae*)
46. Nightjars (*Caprimulgidae*)
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*)

55A. Pittas (*Pittidae*)

56. Plovers (*Charadriinae*)
57. Quails (*Phasianidae*)
58. Rails (*Rallidae*)
59. Rollers or Blue Jays (*Coraciidae*)
60. Sandgrouses (*Pteroclididae*)
61. Sandpipers (*Scolopacinae*)
62. Snipes (*Charadriidae*)
63. Spurfowls (*Phasianidae*)
64. Starlings (*Sturnidae*)
65. Stone curlew (*Burhinidae*)
66. Storks (*Ciconiidae*)
67. Stilts (*Recurvirostridae*)
68. Sunbirds (*Nectariniidae*)
69. Swans (*sic*) (*Anatidae*)

70. Teals (*Anatidae*)

71. Thrushes (*Turdinae*)

72. Tits (*Paridae*)

73. Tree pies (*Corvidae*)

74. Trogons (*Trogonidae*)

75. Vultures (*Accipitridae*)

76. Waxbills (*Estrildinae*)

77. Weaver birds or Bayas (*Ploceidae*)

78. White-eyes (*Zosteropidae*)

79. Woodpeckers (*Picidae*)

80. Wrens (*Troglodytidae*)

[1][12. Snakes [2][(other than those species listed in Sch. I, Pt. II; and Sch. II, Pt. II]:

(i) Amblycayhalidae

(ii) Amilidae

(iii) Boidae

(iv) Colubridae

(v) Dasypeptidae (Egg-eating snakes)

(vi) Elapidae (Cobras, Kraits, and Coral snakes)

(vii) Glauconidae

(viii) Hydrophidae (Freshwater and sea snakes)

(ix) Ilysidae

(x) Leptotyphlopidae

(xi) Typhlopidae

(xii) Uropeltidae

(xiii) Viperidae

(xiv) Xenopeltidae)]

[1][13. Freshwater Frogs (*Rana spp.*)]

[1][14. Three-keeled turtle (*Geomyda tricarinata*)]

[1][15. Tortoises (*Testudinidae, Tryonichidae*)]

[1][16. Viviparous toads (*Nectophyrynoides sp*)]

[1][17. Voles]

[1][18. Butterflies and Moths]

Family Danaidae

Euploea core simulatrix

Euploea crassa

Euploea dioeletianus ramsahai

Euploea mulciber

Family Hesperiidae

Baoris farri

Hasora vitta

Hyarotis adrastus

Oriens concinna

Pelopidas assamensis

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1 *Vide* Notification No. FI-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980.

2 *Vide* Notification No. S.O. 859(E), dated 24th November, 1986 published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 24th November, 1986.

Pelopidas sinensis

Polytrema discreta

Polytrema rubricans

Thoressa horiorei

Family Lycaenidae

Tarucus ananda

Family Nymphalidae

Eiuthalia lubentina

Family Pigeridae

Appias agathon ariaca

Appias libythea

Appias nero galba

Prioneris sita

SCHEDULE V

(*See* secs. 2, 8, 61 and 62)

1.	Common crow
[1][2.	***]
3.	Fruit bats
[1][4.	***]
5.	Mice

1 *Vide* Notification NO. FJ 11012/31/76 FRY(WL), dated 5th October, 1977, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 385, dated 5th October, 1977.

6. Rats

[2][7. ***]

[3][SCHEDULE VI

(*See* Section 2)

1. Beddomes cycad (*Cycas beddomei*)
2. Blue vanda (*Vanda coerulea*)
3. Kuth (*Saussurea lappa*)
4. Ladie's slipper orchids (*Paphiopedilium spp.*)
5. Pitcher plant (*Nepenthes khasiana*)
6. Red vanda (*Rananthera imschootiana*)]

2 *Vide* Notification No. FI-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), p. 431, dated 2nd October, 1980.

3 Ins. by Act 44 of 1991, sec. 52 (w.e.f. 2-10-1991).

THE WILD LIFE (TRANSACTIONS AND TAXIDERMY) RULES, 1973[1]

In exercise of the powers conferred by clause (b) of sub-section (1) of Section 63 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules:—

1. **Short title, extent and commencement.**— (1) These rules may be called the Wild Life (Transactions and Taxidermy) Rules, 1973.

   2. They extend to the whole of the States of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, and Uttar Pradesh.

   3. They shall come into force on the 9th April, 1973.

2. **Definitions.**— In these rules, unless the context otherwise requires,—

   (a) "Act" means the Wild Life (Protection) Act, 1972 (53 of 1972);

   (b) "form" means a Form appended to these rules;

   (c) "Licensee" means a licensee under Chapter V of the Act;

   (d) "Officer" means the Chief Wild Life Warden or any other officer whom the State Government may, for the purposes of these rules, by notification in the Official Gazette, appoint;

   (e) "specified animal" means any animal which is specified in Schedule I, or Part II of Schedule II, to the Act and which is—

      (i) captured or kept or bred in captivity, or

      (ii) found wild in nature.

3. **Acquiring, receiving or keeping specified animal, etc., in control, custody or possession or put under process of taxidermy or make articles, etc.**—(1) No licensee shall—

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1 *Vide* Notification No. G.S.R. 198 (E), dated 9th April, 1972, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 9th April, 1973)

(i) acquire, receive, keep in his control, custody, or possession, any specified animal or any animal article, trophy, uncured trophy or meat derived therefrom, or

(ii) put under a process of taxidermy or make animal article containing part or whole of such animal, except with the previous permission of the Officer.

2. Every application for such permission shall be made in Form I.

(3) On receipt of an application made under sub-rule (2), the Officer may, after making such inquiry as he may think fit and within a period of fifteen days from the date of receipt of the application, either grant or refuse to grant the permission:

Provided that no such permission shall be granted unless the Officer is satisfied that the specified animal or animal article, trophy, uncured trophy or meat, referred to in sub-rule (1) has been lawfully acquired.

(4) Where the Officer refuses to grant the permission, he shall record the reasons for so doing and a copy of the reasons so recorded shall be communicated to the licensee applying for the permission.

(5) Every permission granted under sub-rule (3) shall be in Form II.

4. Submission of report of stocks.— (1) Every licensee to whom permission has been granted under sub-rule (3) of Rule 3 shall submit, to the Officer who had granted the said permission, report regarding the stocks of specified animal or animal article, trophy, uncured trophy or meat, referred to in sub-rule (1) of Rule 3, in Form III within a period of [1][thirty days] of the acquisition, receipt, or keeping of the same in his control, custody or possession.

1 Subs. by Notification No. G.S.R. 712(E), dated 16th December, 1983, for "seven days".

(2) The Officer, after receiving such report, may arrange to affix identification marks on such stocks.

5. **Sale of specified animal, etc.**— (1) No licensed dealer shall sell or offer for sale any specified animal or any animal article, trophy, or uncured trophy derived therefrom, except to a person authorised to purchase by a permission granted by the Officer and where the sale is effected the purchaser shall surrender the permission to the licensed dealer.

(2) Every application for permission to purchase shall be made in Form IV.

(3) On receipt of an application made under sub-rule (2), the Officer may, after making such inquiry as he may think fit, and within a period of ten days from the date of receipt of the application, either grant or refuse to grant the permission.

(4) Where the Officer refuses to grant the permission, he shall record the reasons for so doing and a copy of the reasons so recorded shall be communicated to the person applying for the permission.

(5) Every permission granted under sub-rule (3) shall be in Form V.

(6) Every permission granted under sub-rule (3) shall be valid up to a period of one month from the date of issue of the same.

(7) Every licensed dealer shall, at the time of each sale, issue a voucher in relation to the specified animal or animal article, trophy, or uncured trophy referred to in sub-rule (1), to the person authorised to purchase.

(8) Each voucher shall contain the following particulars, namely:—

(a) date of issue of voucher;

(b) the amount or price realised or to be realised;

(c) name and address of the licensed dealer issuing the voucher;

(d) name and address of the person to whom the voucher is

issued;

(e) permission number of the person authorised to purchase;

(f) description of the specified animal/animal article/trophy/ uncured trophy derived therefrom and number;

(g) whether such specified animal/animal article/trophy/ uncured trophy was/were required to be declared under Section 44 of the Wild Life (Protection) Act, 1972 (53 of 1972), and if so, whether it/they has/have been declared;

(h) signature of the licensed dealer issuing the voucher;

(i) signature of the person to whom the voucher is issued.

6. **Taxidermy or making animal article.**— (1) Every licensed taxidermist or licensed manfacturer shall, at the time of returning the trophy or animal article, issue a voucher to the owner of the said trophy or animal article.

(2) Each voucher shall contain the following particulars, namely:—

(a) date of issue of voucher;

(b) charges realized or to be realized;

(c) name and address of the licensed taxidermist/manufacturer issuing the voucher;

(d) name and address of the person to whom the voucher is issued;

(e) description of the trophy/animal article and number;

(f) whether uncured trophy/trophy/animal article was required to be declared under Section 40 or Section 44 of the Wild Life (Protection) Act, 1972 (53 of 1972), and if so, whether it/they has/have been declared;

(g) signature of the licensed taxidermist/manufacturer issuing the voucher.

7. **Maintenance of vouchers.**— (1) The voucher referred to in Rule 5 or Rule 6 shall be in triplicate and serially numbered.

(2) The duplicate and the triplicate copy of the voucher shall be retained by the licensed dealer, licensed taxidermist, or licensed manufacturer, and the original copy of the voucher shall be given to the person referred to in sub-rule (7) of Rule 5 or sub-rule (1) of Rule 6.

(3) Every book containing blank vouchers shall be presented to the Officer for affixing his initials or stamps on such book before it is brought into use.

(4) (a) Every licensed dealer, licensed taxidermist, or licensed manufacturer shall send in monthly batches, not later than the seventh day of every month, the duplicate copies of vouchers retained by him, to the Officer.

(b) Every permission surrendered to a licensed dealer at the time of sale shall also be enclosed along with the duplicate copies aforesaid.

8. **Transport of specified animal, etc.**— (1) No licensee shall transport from one place to another within the State any specified animal, animal article, trophy or uncured trophy derived therefrom, except with the previous permission of the Officer.

(2) Every application for such permission shall be made in Form VI.

(3) On receipt of an application made under sub-rule (2) the Officer may, after making such inquiry as he may think fit, and within a period of seven days from the date of receipt of the application, either grant or refuse to grant the permission:

Provided that no such permission shall be granted unless the Officer is satisfied that the specified animal or animal article, trophy or uncured trophy referred to in sub-rule (1), has been lawfully acquired.

(4) Where the Officer refuses to grant the permission, he shall record the reasons for so doing and a copy of the reason so recorded shall be communicated to the licensee applying for the permission.

(5) Every permission granted under sub-rule (3) shall be in Form VII.

9. **Appeal.**— (1) Any licensee or a person aggrieved by an order made by the Chief Wild Life Warden or any other officer granting the permission under sub-rule (3) of Rule 3, sub-rule (3) of Rule 5 or sub-rule (3) of Rule 8, may prefer an appeal,—

(i) if the order is made by an officer other than the Chief Wild Life Warden, to the Chief Wild Life Warden, or

(ii) 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 (i) of sub-rule (1), a second appeal shall lie to the State Government.

(3) No appeal shall be entertained unless it is preferred within fifteen days from the date of the communication to the applicant of the order appealed against:

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

FORM I

(*See* sub-rule (2) of Rule 3]

Application for permission to acquire, receive, keep specified animal, animal article, etc. or put under process of taxidermy or make animal article

To

The.....

.....

.....

Sir,

I,.....residing at.....,Taluk....., District....., and holding Licence No....., granted under Section 44(4) of the Wild Life (Protection) Act, 1972 (53 of 1972), request that I may be granted permission to acquire/receive/keep in my control/custody/ possession specified animal/animal article/ trophy/uncured trophy/meat derived from specified animal and/or put under process of taxidermy/ make animal article containing part/whole of such animal.

2. I furnish below the particulars in relation to such specified animal/animal article/trophy/uncured trophy/meat:

(1) Species of animal.....

(2) Number .....

(3) Description (including sex, if possible) .....

(4) Source from which to be obtained.....

(i) Address and Licence No. if any.....

(ii) Whether declaration made/ permission/licence obtained under

sections 40, 43 or 44 of the Wild Life (Protection) Act, 1972, and, if so, the particulars: .....

(5) Particulars of certificate of ownership.....

(6) Identification mark, if any.....

(7) Premises in which intended to be kept.....

(8) Purpose for which to be acquired/ received/kept in control/custody/ possession: .....

(9) If to be put under process of taxidermy or to make animal articles, ...

(a) Number of trophies/articles to be made.....

(b) Description of such trophies/articles.....

(c) To whom they will be returned.....

(d) Probable date by which they will be so returned.....

3. I hereby declare that to the best of my knowledge and belief the information furnished herein is true and complete

.....

Signature of the applicant

Strike out whichever is not applicable.

FORM II

(*See* sub-rule (2) of Rule 5]

Permission to acquire, receive, keep in control, custody or possession specified animal or animal article etc., or put under process of taxidermy or make animal article

Shri.....holding Licence No..... granted under Section 44(4) of the Wild Life (Protection) Act, 1972 (53 of 1972), is hereby permitted to acquire, to keep under his control/custody/ possession specified animal/animal article/trophy/uncured trophy/meat derived from specified animal, of the following description, or put under process of taxidermy or make animal article containing part or whole of such animal:

1. Species of animal.....
2. Description (including sex, if given in the application) .....
3. Number .....
4. Source from which to be obtained.....
5. Licence/Permission No. of the source from which to be obtained.....
6. Particulars of the Certificate of Ownership.....
7. Identification mark, if any.....
8. Premises in which to be kept.....
9. Purpose for which permitted to acquire/ keep in control/custody/possession.....
10. If permitted to put under process of taxidermy or to make animal article,–
    (a) Number of trophies/articles to be made.....
    (b) Description of such trophies/articles.....

(c) To whom they should be returned .....

(d) Probable date by which they would be returned.....

Issued by me this .....day of .....

Signature

Designation

Seal:

Place:

Date:

Strike out whichever is not applicable.

FORM III

[*See* sub-rule (1) of Rule 4]

Report of Stocks

To

The.....

.....

.....

1. Full name, address and Licence No. of the licensee.....
2. Stock held on the date of report in specified animals:
   (a) Species and sex.....
   (b) Number.....
   (c) Adult or juvenile.....
   (d) Premises where kept.....

3. Stock held on the date of report in animal articles:

   (a) Description, including species of animal from which derived.....

   (b) Number.....

   (c) Dimension or weight.....

   (d) Premises where kept.....

4. Stock held on the date of report in trophies:

   (a) Description, including species of animal from which derived.....

   (b) Number.....

   (c) Dimension or weight.....

   (d) Premises where kept.....

5. Stock held on the date of report in uncured trophies:

   (a) Description, including species of animal from which derived.....

   (b) Number.....

   (c) Dimension or weight.....

   (d) Premises where kept.....

6. Remarks, if any.....

I do hereby declare that the information given above is true to the best of my knowledge and belief.

Signature of the person making declaration

Place:

Date:

Strike out whichever is not applicable.

FORM IV

(*See* sub-rule (2) of Rule 5]

Application for permission to purchase specified animal, *etc.*

To

The.....

.....

.....

Sir,

I/We.....residing at....., Taluk....., District....., request that I/We may be granted permission to purchase specified animal/ animal article/trophy/uncured trophy derived from specified animal of the following description, from a Licensee:—

(1) Number and description of.....

(a) Specified animal.....

(b) Animal article.....

(c) Trophy.....

(d) Uncured trophy.....

(2) Purpose for which the purchase is to be made.....

(3) I/We hereby declare that to the best of my/our knowledge and belief the information furnished herein is true and complete.

Signature(s) of the applicant(s)

Place:

Date:

Strike out whichever is not applicable

FORM V

[See sub-rule (5) of Rule 5]

Permission to purchase specified animal, etc.

Shri/Smt.....of.....is/are hereby permitted to purchase specified animal/animal article/trophy/uncured trophy derived from specified animal of the following description from.....for the purpose of.....

Number and description of—

(a) Specified animal.....

(b) Animal article.....

(c) Trophy.....

(d) Uncured trophy.....

Issued by me this .....day of .....

Signature

Designation

Seal:

Place:

Date:

Note: This permission shall be valid up to a period of one month from the date of issue.

Strike out whichever is not applicable.

FORM VI

[See sub-rule (2) of Rule 8]

Application for permission to transport specified animal etc.

To

The .....

.....

.....

Sir,

I, ...residing at.....Taluk....., District.....holding Licence No....., granted under Section 44(4) of the Wild Life (Protection) Act, 1972 (53 of 1972), request that I may be granted permission to transport the following:—

(1) Species of specified animal or from which the animal article/ cured trophy/ uncured trophy is derived.....

(2) Number.....

(3) Description (including sex if possible) .....

(4) Identification mark, if any.....

(5) Source of procurement and the Licence/Permission No.....

(6) Certificate of Ownership, if any.....

(7) Mode of transport.....

(8) Route.....

(9) Period required for transport.....

(10) Destination.....

I hereby declare that to the best of my knowledge and belief the information

furnished herein is true and complete.

Signature of the applicant

Place:

Date:

Strike out whichever is not applicable.

FORM VII

[See sub-rule (5) of Rule 8]

Permission to transport specified animal, etc.

Shri.....holding Licence No.....granted under Section 44(4) of the Wild Life (Protection) Act, 1972 (53 of 1972), is hereby permitted to transport in the manner prescribed below specified animal/animal article/ cured trophy/uncured trophy derived from specified animal, from.....to.....

(i) Mode of transport.....

(ii) Route.....

(iii) Period allowed for transport.....

(iv) Remarks.....

Issued by me this.....day of.....

Signature

Designation

Seal:

Place:

Date:

Strike out whichever is not applicable.

THE WILD LIFE (STOCK DECLARATION) CENTRAL RULES, 1973[1]

In exercise of the powers conferred by clause (a) of sub-section (1) of Section 63 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Wild Life (Stock Declaration) Central Rules, 1973.

   (2) They shall come into force in the State of Madhya Pradesh on the 25th January, 1973, and in other States[2] and Union Territories on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different States and Union Territories.

2. **Declaration by manufacturer of, dealer or taxidermist in, animal article, etc.**— 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 the Wild Life (Protection) Act, 1972, declare his stock of animal articles, captive animals, trophies, and uncured trophies, as the case may be, as on the date of such declaration to the Chief Wild Life Warden in the form given below:

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1 *Vide* Notification No. G.S. R. 29(E), published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 25 January, 1973.

2 The same rule has been extended to the following States :

(i) Bihar, *vide* Notification No. G.S.R. 41(E), published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated Ist February, 1973.

(ii) Haryana, *vide* Notification No. G.S.R. 64(E), published in the Gazette of Inida, Extra., Pt. II, Sec. 3(i), dated 12th March, 1973.

(iii) Himachal Pradesh, *vide* Notification No. G.S.R. 191(E), published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 2nd April 1973.

(iv) Maharashtra *vide* Notification No. G.S.R. 297(E) published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated Ist June, 1973.

(v) Pondicherry, *vide* Notification No. G.S.R. 63(E), published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated Ist March, 1975.

Form of Declaration

[See sub-section (2) of Section 44]

To

The Chief Wild Life Warden

State or Union Territory of .....

1. Full name and address of the manufacturer/ dealer/taxidermist making the declaration.....

2. Actual stock held on the date of declaration in animal articles:

   (i) Description including name of animal from which derived.....

   (ii) Number.....

   (iii) Dimensions or weight.....

   (iv) Premises where kept.....

3. Actual stock held on the date of declaration in captive animals:

   (i) Species and sex.....

   (ii) Number .....

   (iii) Adult or juvenile.....

   (iv) Premises where kept.....

4. Actual stock held on the date of declaration in trophies:

   (i) Description including name of animal from which derived.....

   (ii) Number.....

   (iii) Dimensions or weight.....

   (iv) Premises where kept.....

5. Actual stock held on the date of declaraton in uncured trophies:

   (i) Description including name of animal from which derived.....

   (ii) Number.....

   (iii) Dimensions or weight.....

   (iv) Premises where kept.....

6. Remarks, if any.....

I do hereby declare that the information given above is true to the best of my knowledge and belief.

Signature of the person making the declaration

Place:

Date:

THE WILD LIFE (PROTECTION) LICENSING (ADDITIONAL MATTERS FOR CONSIDERATION) RULES, 1983[1]

In exercise of the powers conferred by clause (a) of sub-section (1) of Section 63, read with clause (b) of sub-section (4) of Section 44 of Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:—

1. **Short title, extent and commencement.**— (1) These rules may be called the Wild Life (Protection) Licensing (Additional Matters for Consideration) Rules, 1983.

   (2) They shall extend to the whole of India except the State of Jammu and Kashmir.

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

2. **Definition.**— In these Rules, unless the context otherwise requires, "Act" means the Wild Life (Protection) Act, 1972 (53 of 1972).

3. **Additional matters for consideration for grant of licence under Section 44 of the Act.**— For the purposes of granting a licence referred to in sub-section (1) of Section 44 of the Act, the Chief Wild Life Warden or the authorised officer, as the case may be, shall, in addition to the matters specified in clause (b) of sub-section (4) of that section, have regard to the following other matters, namely;—

   (i) capacity of the applicant to handle the business concerned with reference to facilities, equipment and suitability of the premises for such business;

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1 *Vide* Notification No. G.S.R. 328(E), dated 13th April, 1983, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 13th April, 1983.

(ii) the source and the manner in which the supplies for the business concerned would be obtained;

(iii) number of licences for the relevant business already in existence in the area concerned;

(iv) implications which the grant of such licence would have on the hunting or trade of the wild animals concerned:

Provided that no such licence shall be granted if the said implications relate to any wild animal specified in Schedule I or Part II of Schedule II of the Act, except with the previous consultation of the Central Governmnent.

RECOGNITION OF ZOO RULES, 1992

In exercise of the powers conferred by clauses (f) and (g) of sub section (i) of Section 63 of the Wild Life (Protection) Act 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:

1. **Short title and commencement**: These rules may be called the Recognition of Zoo Rules, 1992.

2. Definitions: In these rules, unless the context otherwise requires ;

:(a} "Act" means the Wild Life (Protection) Act, 1972 ;

(b) "enclosure" means any accommodation provided for zoo animals ;

(c) "enclosure barrier" means a physical barrier to contain an animal within an enclosure ;

(d) "endangered species" means species included in Schedule 1 of the Act ;

(e) "form" means form set forth in Appendix A to these rules ;

(f) "performing purposes" means any effort to force the animal to carry out unnatural act including performance of circus tricks ;

(g) "stand-of barrier" means a physical barrier set back from the outer edge of an enclosure barrier ;

(h) "zoo operator" means the person who has ultimate control over the affairs of the zoo.

3. Application for recognition: An application under section 38H of the Act for recognition of a zoo shall be made to the Central Zoo Authority in Form A.

4. Fees for application: There shall be paid in respect of every application under Rule 3 a fee or rupees five hundred.

5. Documents to be filed along with the appplication and particulars it should contain: Every application shall be accompanied by the prescribed fee and shall contain clear particulars as to the matters specified in Form A.

6. Power to make inquiries and call for information: Before granting recognition to a zoo under scction 38H of the Act, thc Central Zoo Authority may make such inquiries, as it deems necessary.

7. Form of recognition: The recognition granted to a zoo shall be subject to the following conditions, namely:

(a) that the recognition unless granted on a permanent basis, shall be for such period not less than one year.

(b) that the zoo shall comply with such standards and norms as are or may be prescribed or imposed under the provisions of the Act and these rules from time to time.

8. Renewal of recognition:

(a) Three months before the expiry of the period of recognition, a recognised zoo desirous of renewal of such recognition may make an application to the Central Zoo Authority in Form A.

{b) The provisions of rules 3, 4, 5, 6 and 7 shall apply in relation to renewal of recognition as they apply in relation to grant of recognition except that, the fee, payable in respect of an application for renewal of recognition shall be Rs. 200/-

9. Classification of Zoos: For the purposes of deciding standards and

norms for recognition of zoos, they shall be classified into four categories as specified below:

Zoo Category	Large	Medium	Small	Mini
Area of the zoo in hectares	More than 75 hectares	50-75 hectare	20-50 hectare	Less than 20 hectare
Number of animals exhibited	More than 750	500-750	200-499	200
Animals variety exhibited	More than 75 numbers	50-75 numbers	20-49 numbers	20 numbers
Number of endangered species exhibited	More than 15	15	9	Less than 5
Annual attendance of visitors per year	More than 7.5 lakhs	5-7.5 lakhs	5 lakhs	Less than 2 lakhs

10. **Standards and norms subject to which recognition under section 38H of the Act shall be granted:** The Central Zoo Authority shall grant recognition with due regard to the interests of protection and conservation of Wild Life, and such standards, norms and other matters as are specified below;

General

(1) The primary objective of operating any zoo shall be the conservation of wildlife and no zoo shall take up any activity that is inconsistent with the objective.

(2) No zoo shall acquire any animal in violation of the Act or rules made thereunder.

(3) No zoo shall allow any animal to be subjected to the cruelties

(4) No zoo shall use any animal, other than the elephant in plains and yak

in hilly areas for riding purposes or draughting any vehicle.

(5) No zoo shall keep any animal chained or tethered unless doing so is essential for its own well being.

(6) No zoo shall exhibit any animal that is seriously sick, injured or infirm.

(7) Each zoo shall be closed to visitors at least once a week.

(8) Each zoo shall be encompassed by a perimeter wall at least two meters high from the ground level,

(9) The zoo operators shall provide a clean and healthy environment in the zoo by planting trees, creating green belts and providing lawns and flowerbeds etc.

(10) The built up area in any zoo shall not exceed twenty five per cent of the total area of the zoo.

(11) No zoo shall have the residential complexes for the staff within the main campus of the zoo.

Administrative and Staffing Pattern

(12) Every zoo shall have one full-time officer in charge of the zoo.

(13)Every large and medium zoo shall have at least one full-time curator having the sole responsibility of looking after the upkeep of animals and maintenance of animal enclosures.

(14) Each large zoo shall have at least two full-time veterinarians and medium and small zoo shall have at least one full-time veterinarian. The mini zoo may at least have arrangement with any outside veterinarian for visiting the zoo every day to look after the animals.

Animal Enclosures - Design, Dimensions and Other Essential Features

(15) All animal enclosures in a zoo shall be so designed as to fully ensure the safety of animals. caretakers and the visitors.

(16) All animal enclosures in a zoo shall be so designed as to meet the full biological requirements of the animals housed therein.

(17) The zoo operators shall endeavor to simulate the conditions of the natural habitat of the animal in the enclosures as closely as possible.

(18) The enclosures housing the endangered mammalian species, mentioned in Appendix I to these rules, shall have feeding and retiring cubicles/cell of minimum dimensions given in the said appendix.

(19) Proper arrangement of drainage of excess of water and arrangements for removal of excreta and residual water from each cell /cubicle / enclosure shall be made.

(20) Designing of any new enclosure for endangered species shall be finalized in consultation with the Central Zoo Authority.

Hygiene, Feeding and Upkeep

(21) Every zoo shall ensure timely supply of wholesome and unadulterated food in sufficient quantity to each animal according to the requirement of the individual animals.

(22) Every zoo shall provide for a proper waste disposal system for treating both the solid and liquid wastes generated in the zoos.

(23) All left over food items, animal excreta and rubbish shall be removed from each enclosure regularly and disposed off in a manner congenial to the general cleanliness of the zoo.

(24) The zoo operators shall make available round the clock supply of potable water for drinking purposes in each cell /enclosure /cubicle.

(25) Periodic application of disinfectants in each enclosure shall be made according to the directions of the authorized veterinary officer of the zoo.

Animal Care, Health and Treatment

(26) The animals shall be handled only by the staff having experience and training in handling the individual animals. Every care shall be taken to avoid discomfort, behavioural stress or physical harm to any animal.

(27) The condition and health of all animals in the zoo shall be checked

every day by the person in charge of their care. If any animal is found sick, injured. or unduly stressed the matter shall be reported to the veterinary officer for providing treatment expeditiously.

(28) Routine examination including parasite checks shall be carried out regularly and preventive medicines including vaccination be administered at such intervals as may be decided by the authorized veterinary officers.

(29) The zoo operators shall arrange for medical check-ups of the staff responsible for upkeep of animals at least once in every six months to ensure that they do not have infections of such diseases that can infect the zoo animals.

(30) Each zoo shall maintain animal history sheets and treatment cards in respect of each animal of endangered species, identified by the Central Zoo Authority.

Veterinary Facilities

(31) Every large and medium zoo shall have full-fledged veterinary facilities including a properly equipped veterinary hospital, basic diagnostic facilities and comprehensive range of drugs. Each veterinary hospital shall have isolation and quarantine wards for newly arrived animals and sick animals.

(32) Each veterinary hospital shall have facilities for restraining and handling of sick animals including tranquilizing equipments and syringe projector. The hospital shall also have a reference library on animal health care and upkeep.

(33) The small and mini zoos, where full-fledged veterinary hospital is not available. shall have at least a treatment room in the premises of the zoo where routine examination of animals can be undertaken and immediate treatment can be provided.

(34) Every zoo shall have a post-mortem room. Any animal that dies in a zoo shall be subjected to a detailed post-mortem and the findings recorded and maintained for a period of at least six years.

(35) Each zoo shall have a graveyard where the carcasses of dead animals can be buried without affecting the hygiene and the cleanliness of the zoo. The large and medium zoos shall have an incinerator for disposal of the carcasses and other refuse material.

Breeding of Animals

(36) Every zoo shall formulate a program for captive breeding of only such animals as are approved by the Central Zoo Authority for that zoo. They shall abide by the guidelines and directives of the Central Zoo Authority in this regard.

(37) Every zoo shall keep the animals in viable, social groups. No animal will be kept without a mate for a period exceeding one year unless there is a legitimate reason for doing so or if the animal has already passed its prime and is of no use for breeding purposes. In the event of a zoo failing to find a mate for any single animal within this period, the animal shall be shifted to some other place according to the directions of the Central Zoo Authority.

(38) No zoo shall be allowed to acquire a single animal of any variety except when doing so is essential either for finding a mate for the single animal housed in the said zoo or for exchange of blood in a captive breeding group.

(39) Every zoo shall take up regular exchange programms of animals so as to prevent the traits or ill-effects of inbreeding. To achieve this objective each zoo shall maintain a studbook in respect of every endangered species.

(40) To safeguard against uncontrolled growth in the population of prolifically breeding animals. every zoo shall implement appropriate population control measures like separation of sexes, sterilization, vasectomy, tubectomy and implanting of pallets etc.

(41) No zoo shall permit hybridization either between different species of animals or different races of the same species of animals.

Maintenance of Records and Submission of Inventory to the Central Zoo Authority

(42) Every zoo shall keep a record of the birth, acquisitions, sales, disposals and deaths of all animals.

(43) Every zoo shall also submit a brief summary of the death of animals in the zoo for every financial year.

(44) Every zoo shall publish an annual report of the activities of the zoo in respect of each financial year.

Education and Research

(45) Every enclosure in a zoo shall bear a sign board displaying scientific information regarding the animals exhibited in it.

(46) Every zoo shall publish leaflets, brochures and guidebooks and make the same available to the visitors, either free of cost or at a reasonable price.

Application For Getting Recognition From The Central Zoo Authority
(FORM A)

Under section 38H (sub section 2)

To

The Member-Secretary.

Central Zoo Authority of India. New Delhi.

We want to get recognition under section 38H of the Wild Life (Protection) Act, 1972 in respect of_____.Bank draft/postal order for Rs.500/ -drawn in favour of Central Zoo Authority is also enclosed. The required information in respect of_____ is as under:

1. Name of the zoo_____
2. Location of the Zoo and Area_____
3. Date of establishment _____
4. Name of controlling authority/operator_____
5. Total number of visitors to the zoo during the last three years (year wise) _____
6. Total number of days on which zoo is open to visitors during a calendar year_____
7. Number of animals exhibited by the zoo _____

Stock position during the current financial year

No. of Species exhibited	Stock position		
	Births Stock as on of preceding year	Acquisitions deaths	Disposals on the close year

* Mammals _____

* Birds _____

* Reptiles _____

* Amphibians _____

* Fishes _____

* Other invertebrates _____

8. Total number of enclosures:

(i) Open air moated enclosures: _____

(ii) Closed cages/aviaries: _____

9. List of endangered species bred during last 3 years

10. Veterinary facilities

(a) Whole time veterinarian available or not:

(b) Facilities available in the veterinary hospital:

(i) Operation theatre _____

(ii) X-ray facility _____

(iii) Squeeze cages _____

(iv) In-door patient ward _____

(v) Quarantine ward _____

(vi) Dispensary _____

(vii) Nursery for hand-rearing animal babies _____

(viii) Pathological laboratory _____

(ix) Tranquilizing equipment /drugs _____

11. Whether the following facilities exist in the zoo:

(i) Kitchen _____

(ii) Food store _____

(iii) Deep Freeze _____

(iv) Potable water facility _____

(v) Food distribution van/rickshaw etc. _____

12. Sanitary care and disease control: Whether -

(i) Pollution free water to animals for drinking is available?

(ii) Proper drainage system exists in enclosures?

(iii) Regular disposal of refuse material is done?

(iv) Program for control of pests and predators exists?

(v) Preventive measures like deworming and vaccination are being provided?

13. Amenities to visitors: Whether-

(a) Public facilities like toilets/bathrooms exist?

(b) Sufficient number of drinking water taps available?

(c) Visitor information centre & nature interpretation centre exist ?

(d) Zoo education facilities have been provided?

(e) Public telephone booths are available?

(f) Kiosks and restaurants are available at the zoo?

14. Safety measures for visitors: Whether-

(a) Effective standoff barriers have been provided around enclosures?

(c) Adequate number of warning signboards exists?

(d) First-Aid measures are available?

15. Budget-of the zoo for last 3 years; Revenue, grants, total expenditure

16. Annual Report, Guide books, brochure or any other publication (copies enclosed)

17. Master plan of the zoo (copy enclosed)

Signature of the Applicant _____

U.P. PREVENTION OF COW SLAUGHTER ACT, 1955

The U.P. Prevention of Cow Slaugther Act, 1955 as amended by the amendement Acts of 1958 and 1961 is described here.

The Act extends to the whole of Uttar Pradesh.

Definitions

a. "Beef" means flesh of cow and of such bull or bullock whose slaughter is prohibited under this Act but does not include such flesh contained in sealed containers and imported as such into Uttar Pradesh;

b. "Cow" includes a heifer, or calf;

c. "Prescribed" means prescribed by rules made under this Act;

cc. "Competant authority" means the person or persons appointed in this behalf by the State Government by notification in the official Gazette to exercise the powers and perform the functions of a competent authority under this Act or the Rules made thereunder for such area or areas and for such period as may be specified in the notification;

d. "Slaughter" means killing by any method whatsoever and includes maiming and inflicting of physical injury which in the ordinary course will casue death;

e. "State Government" means the Government of Uttar Pradesh; and

f. "Uneconomic cow" includes stray, unprotected, infirm, disabled, diseased or barren cow.

This Act permits the slaughter of bulls or bullocks if certified to be over 15 years and useless otherwise. Section 3 of the Act lays down that:

Permission for Slaughter

1. Except as hereinafter provided, no person shall slaughter or cause to be slaughtered, or offer or cause to be offered for slaughter:

   a. a cow, or

b. a bull or bullock, unless he has obtained in respect thereof a certificate in writing, from the competent authority of the areas in which the bull or bullock is to be slaughtered, certifying that it is fit for slaughter in any place in Uttar Pradesh; anything contained in any other law for the time being in force or an usage or custom to the contrary notwithstanding.

2. No bull or bullock, in respect of which a certificate has been isssued under sub-section (1) (b) shall be slaughtered in any place other than the place indicated in the certificate.

3. A certificate under sub-section(1) (b) shall be issued by the competent authority, only after it has, for reasons to be recorded in writing, certified that:

   a. the bull or bullock is over the age of fiteen years; or

   b. has permanently become unfit for the purpose of draught or any kind of agricultural operation or for the purpose of breeding.

Provided that the permanent unfitness or unserviceability has not been caused deliberately.

4. The competent authority shall, before issuing the certificate under sub-section (3) or refusing to issue the same, record its order in writing.

5. The State Government may, at any time, for the purposes of satisfying itself as to the legality or propriety of the action taken under this section, call for and examine the record of any case and may pass such orders thereon as it may deem fit.

6. Subject to the provisions herein contained, any action taken under this section, shall be final and conclusive and shall not be called in question.

Exemption has been made in case of diseased or experimental cows under Section 4 which reads as follows:

Slaughter due to disease or for experimental purposes

1. Nothing in Section 3 shall apply to the slaughter of cow, bull or bullock,
   a. which is suffering from any contagious or infectious disease notified as such by the State Government, or
   b. which is subject to experimentation in the interest of medical and public health research, where the slaughtering is done in accordance with the conditions and circumstances to be prescribed.
2. Where a cow, bull or bullock is slaughtered for the reasons stated in clause (a) of sub-section (1), the person who slaughters or causes to be slaughtered such cow, bull or bullock shall, within twenty-four hours of the slaughter, lodge information of the same at the nearest police station or before such officer or authority as may be prescribed.
3. The carcass of the cow, bull or bullock slaughtered under clause (a) of sub-section (1) shall be buried or disposed of in such manner as may be prescribed.

Sale of beef and its transport is prohibited, except for medicinal purposes or in an aircraft or railway train as laid down in Section 5.

Sale and Transport of Beef

Section 5 : Except as herein excepted and notwithstanding anything contained in any other law for the time being in force, no person shall sell or transport or offer for sale or transport or cause to be sold or transported beef or beef products in any form except for such medicinal purposes as may be prescribed.

Exception: A person may sell and serve or cause to be sold and served beef or beef products for consumption by a bona fide passenger in an aircraft or railway train.

This Act also provides for establishment of institutions for taking care of uneconomic cows and levy of fees for their maintenance as provided in sections 6 and 7 reproduced below:

Institutions for Uneconomic animals

Section 6. There shall be established by the State Government or by any local authority, wherever so directed by the State Government, institutions as may be necessary for taking care of uneconomic cows.

Section 7. The State Government or the local authority, as the case may be, may levy such charges or fees as may be prescribed for keeping uneconomic cows in the institutions.

Section 8 to 10 given below deal with the penalties and rule making powers of the State Government.

Penalties

Section 8. (1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of sections 3 or 5 shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever fails to lodge the information in the manner and within the time stated in sub-section (2) of Section 4, shall be guilty of an offence punishable with simple imprisonment for a term, which may extend to one year, or with fine which may extend to two hundred rupees, or with both.

(3) In any trial for an offence punishable under sub-

section (1) or sub-section (2) the burden of proving that the slaughtered cow belonged to the class specified in clause (a) of sub-section (1) of Section 4 shall be on the accused.

Section 9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (1) of Section 8 shall be cognizable and non-bailable.

Section 10. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for

a. the conditions and circumstances under which cows, bulls or bullocks are to be slaughtered under sub-secction (1) of Section 4;

"aa. form of certificate and the procedure for disposal of the applications under Section 3;

b. the manner in which diseases shall be notified under sub-section (1) of Section 4;

c. the manner in which the information shall be lodged under sub-section (2) of Section 4;

d. the manner in which and conditions under which beef or beef products are to be sold or sold and served under Section 5;

e. the matters relating to the establishment, maintenance, management, supervision and control of institutions referred to in Section 6;

f. the duties of any office or authority having jurisdiction under this Act, the procedure to be followed by such office or authority; and

g. the matters which are to be and may be prescribed.

In accordance with the powers vested in the State Governmnet under Section 10, rules have been made by the State Government, which are as given below:

Rules

1. **Short title and commencement:** (1) These rules may be called the Uttar Pradesh Govadh Nivaran Niyamavali, 1964.

   (2) They shall come into force at once.

2. **Definitions:** In these rules, unless there is anything repugnant in the subject or context:

   a. "Act" means the Uttar Pradesh Prevention of Cow Slaughter Act, 1955;

   b. "Form" means a Form given in the Schedule to these rules;

   c. "Licensing authority" means the District Magistrate or any other officer authorised by him to perform the functions of licensing authority under these rules;

   d. "Medicinal purposes" means the use of beef or beef products in the diet of patients or for medicines as may be notified by the State Government; and

   e. "local authority" includes a Gaon Sabha.

3. Any person intending to slaughter or to cause to be slaughtered or intending to offer or to cause to be offered for slaughter a bull or bullock shall apply in Form 'A" to the competent authority of the area in which the bull or bullock is to be slaughtered for the issue of a certificate that the bull or bullock is fit for slaughter.

4. On receipt of the application the competent authority shall fix a date for the production of the bull or bullock for examination at the place to be specified for the purpose and give intimation thereof to the applicant.

5. After examining the bull or bullock the competent authority shall either issue a certificate in Form 'B' or refuse to issue the same. In either case it shall record its reasons on the application.
6. Any person whose cow, bull or bullock is suffering or is believed to be suffering from a contagious or an infectious disease, shall make an application in Form 'C' to the nearest Veterinary Officer or Veterinary Assistant Surgeon available, with a view to having it ascertained whether the cow, bull or bullock is really suffering from such a disease.
7. The Veterinary Officer or Veterinary Assistant Surgeon shall examine the animal on the date and at the place previously fixed and intimated to the applicant, and if he is satisfied that the animal is suffering from any of the contagious or infectious disease as have been notified as such by the State Government, he shall issue a certificate in Form 'D' for its slaughter. In any case he will record his findings on the application.
8. After the certificate in Form 'D' has been obtained, the owner of such cow, bull or bullock may slaughter it or cause it to be slaughtered either on his own land or at a place reserved for the purpose by a local authority.
9. When a cow, bull or bullock is so slaughtered the person who slaughters or causes to be slaughtered such cow, bull or bullock shall within 24 hours of the slaughter lodge information of the said slaughter in Form 'E' with the officer who granted the certificate in Form 'D'.
10. The carcass of such a cow, bull or bullock shall either be buried deep on the owner's own land or at a place reserved for this purpose by a local authority.
11. The slaughter of a cow, bull or bullock, which is subjected to experimentation in the interest of medical and public health research, shall, when done without a certificate under the Act, be in accordance with the following conditions:

a. the State Government or the District Magistrate shall be intimated of the date and place of slaughter at least seven days before such date; and

b. a register shall be maintained giving particulars of the cows, bulls or bullocks slaughtered, the dates and places of their slaughter and the experimental or research work undertaken:

Provided that the State Government may in public interest exempt any person from the requirements of clause (a).

12. No person shall sell or transport or offer for sale or transport or cause to be sold or transported beef or beef products except under and in accordance with the terms of a licence in Form 'F'.

13. Any person desirous of obtaining a licence in Form 'F' or having that licence renewed shall make an application in writing to the licensing authority and the licence shall be granted or renewed, as the case may be, unless the licensing authority for reasonable grounds, which shall be recorded, refuses the same.

14. (1) Subject to the provisions of sub-rule (2) and Rule 15 a licence shall remain in force up to the end of the year in which it is granted or renewed.

(2) A licence shall terminate on the death of the licence holder, or, if granted to a firm or company, on the winding up or transfer of business of such firm or company.

15. The licensing authority may, after allowing the licensee an opportunity of showing cause against the proposed action, and for reasons to be recorded in writing, cancel a licence.

Competent Authority

Every veterinarian in the State has been declared as a competent authority to exercise the powers and perform the functions of a competent authority under the aforesaid Act and the rules made thereunder for the district in

which he is a Veterinary Officer or a Veterinary Assistant Surgeon and for the period during which he is posted in the district.

FORM 'A'

APPLICATION FOR CERTIFICATE OF COMPETENT AUTHORITY

To,

The .....

Competent Authority,

Sir,

I have the honour to request you kindly to examine my ..... (here describe the animal's colour and approximate age, etc.) which is over the age of 15 years or has become permanently unfit and unserviceable for the purposes of breeding*/draught** and any kind of agricultural operation and issue me a certificate for the slaughter of the said..... as required under Section 3 of the Uttar Pradesh Govadh Nivaran Adhiniyam, 1955.

Yours faithfully,

Sig. of applicant.....

Dated..... Address. .....

---

*In the case of bulls. ** In the case of bullocks.

(To be recorded by the Competent Authority)

Date and place fixed for the production of the animal ..... Applicant intimated by ..... on ..... Date on which and the place where the animal was examined .....

Rejected/Certified fit for slaughter for the following reasons:—

.....

.....

..... Competent Authority

Dated..... District.....

FORM 'B'

CERTIFICATE OF FITNESS FOR SLAUGHTER

It is hereby certified that the .... (here describe the animal, colour, etc.) is over the age of 15 years or it has become permanently unfit and unserviceable for the purposes of draught and any kind of agricultural operation*/ breeding**. It is further certified that the permanent unfitness or unserviceablity has not been caused deliberately. The said animal may be slaughtered at ..... (Place)

Competent Authority

Date..... District.....

---

*In the case of bullocks. **In the case of bull,

FORM 'C'

APPLICATION FOR CERTIFICATE OF DISEASE

To,

The Veterinary Officer/

Veterinary Assistant Surgeon,

.....

Sir,

I have the honour to request you to kindly examine my .....(here describe the animal's colour and approximate age) which is suspected to be suffering from ..... a notified contagious or a infectious disease and to issue me a certificate required under the Uttar Pradesh Govadh Nivaran Niyamavali, 1964.

Yours faithfully,

Sig.....

Dated..... Address.....

(To be recorded by the Competent Authority)

Date and place fixed for the examination of the animal .....

Applicant intimated by ..... on ..... Date on which and the place where the animal was examined ....

FINDING

The animal is/is not suffering from ..... My reasons for the finding are:—

....

... .

....

Veterinary Officer/

Veterinary Assistant Surgeon

Dated..... District.....

FORM 'D'

CERTIFICATE OF DISEASE

I, ..., Veterinary Officer/Veterinary Assistant Surgeon of ....., have examined the..... and hereby certify that there are reasonable grounds for confirming that the ..... is affected with ..... a notified contagious disease and may be slaughtered.

Veterinary Officer/

Veterinary Assistant Surgeon

Dated.....

FORM 'E'

INFORMATION OF SLAUGHTER

To,

The Veterinary Officer/

Veterinary Assistant Surgeon

This is to intimate that the ..... has been slaughtered on..... at ..... within the premises of ..... on certificate No..... dated..... issued by the Veterinary Officer/Veterinary Assistant Surgeon

Sig. and address of slaughterer or owner

.....

Dated. .....

FORM F
Licence to sell or transport beef and beef products for medicinal purposes.
(Counterfoil of licence)
Book No.
Sl. No.

FORM F

LICENCE TO SELL OR TRANSPORT BEEF AND BEEF PRODUCTS FOR MEDICINAL PURPOSES.

Book. No.
Sl. No.

Sri.....son of Sri..... resident /proprietor of ..... is permitted to sell or transport or offer for sale or transport or cause to be sold or transported beef and beef products within the limits of..... for medicinal purposes on the advice of a registered medical practitioner during the period.....

Sig. and designation.....

of Licensing Authority.....

Date of issue .....

Renewed for the period upto.....

(V) THE DRUGS AND COSMETICS ACT, 1940

(Act No. XXII OF 1940)

An Act to Regulate the Import, Manufacture, Distribution and Sale of Drugs and Cosmetics

Whereas it is expedient to regulate the import, manufacture, distribution and sale of drugs and cosmetics.

And whereas the Legislatures of all the Provinces have passed resolutions in terms of Section 103 of the Government of India Act, 1935, in relation to such of the above-mentioned matters and matters ancillary thereto as are enumerated in List II of the Seventh Schedule to the said Act;

It is hereby enacted as follows:

CHAPTER I

INTRODUCTORY

1. Short title, extent and commencement

(1) This Act may be called The Drugs and Cosmetics Act, 1940.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into foce at once; but Chapter III shall take effect only from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, and Chapter IV shall take effect in a particular State only from such date as the State Government may, by like notification, appoint in this behalf.

2. Application of other laws not barred

The provisions of this Act shall be in addition to, and not in derogation of, the Dangerous Drugs Act, 1930, and any other law for the time being in force.

3. Definitions

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

(a) Ayurvedic (including Siddha) or Unani drug includes all medicines intended for internal or external use for or in the diagnosis, treatment, mitigation or prevention of disease in human beings, mentioned in, and processed and manufactured exclusively in accordance with the formulae described in the authoritative books of Ayurvedic (including Siddha) and Unani (Tibb) systems of medicine, specified in the First Schedule;

(aa) "the Board" means:

(i) in relation to Ayurvedic (including Siddha) or Unani drug, the Ayurvedic and Unani Drugs Technical Advisory Board constituted under Section 33C; and

(ii) in relation to any other drug or cosmetic, the Drugs Technical Advisory Board constituted under Section 5;

(aaa) "cosmetic" means any article intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and includes any article intended for use as a component of cosmetic, but does not include soap;

(b) "drug" includes-

(i) all medicines for internal or external use of human being or animals and all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of disease in human beings or animals;

(ii) such substances (other than food) intended to affect the structure or any function of the human body or intended to be used for the destruction of vermin or insects which cause disease in human beings, or animals, as may be specified from time to time by the Central Government by notification in the official Gazette;

(c) "Government Analyst" means-

(i) in relation to Ayurvedic (including Siddha) or Unani drug, a Government Analyst appointed by the Central Government or a State Government under Section 33F; and

(ii) in relation to any other drug or cosmetic, a Government Analyst appointed by the Central Government or a State Govrnment under Section 20;

(d) "India" means the territory of India excluding the State of Jammu and Kashmir;

(e) "Inspector" means-

(i) in relation to Ayurvedic (including Siddha) or Unani drug, an Inspector appointed by the Central Government or a State Government under Section 33G; and

(ii) in relation to any other drug or cosmetic, an Inspector appointed by the Central Government or a State Government under Section 21;

(f) Manufacture in relation to any drug or cosmetic includes any process or part of a process for making, altering, ornamenting, finishing, packing, labelling, breaking up or otherwise treating or adopting any drug or cosmetic with a view to its sale and distribution but does not include the compounding or dispensing of any drug, or the packing of any drug or cosmetic in the ordinary course of retail business; and 'to manufacture' shall be construed accordingly;

(g) "to import", with its grammatical variations and cognate expressions, means to bring into India;

(h) "patent or proprietary medicine" means a drug which is a remedy or prescription presented in a form ready for internal or external administration of human beings or animals and which is not included in the edition of the Indian Pharmacopoeia for the time being or in any other pharmacopoeia

authorised in this behalf by the Central Government after consultation with the Board;

(i) 'prescribed' means prescribed by rules made under this Act.

4. Presumption as to poisonous substances

Any substance specified as poisonous by Rule made under Chapter III or Chapter IV or Chapter IVA shall be deemed to be a poisonous substance for the purpose of Chapter III or Chapter IV or Chapter IVA as the case may be.

CHAPTER II

THE DRUGS TECHNICAL ADVISORY BOARD, THE CENTRAL DRUGS LABORATORY AND THE DRUGS CONSULTATIVE COMMITTEE

5. The Drugs Technical Advisory Board

1. The Central Government shall, as soon as may be, constitute a Board (to be called Drugs Technical Advisory Board) to advise the Central Government and the State Government on technical matters arising out of the administration of this Act and to carry out the other functions assigned to it by this Act.
2. The Board shall consist of the following members, namely:
   - (i) the Director General of Health Services, ex officio, who shall be Chairman;
   - (ii) the Drugs Controller, India, ex officio;
   - (iii) the Director of the Central Drugs Laboratory, Calcutta (now Kolkata), ex officio;
   - (iv) the Director of the Central Research Institute, Kasauli, ex officio;
   - (v) the Director of the Indian Veterinary Research Institute, Izatnagar, ex officio;
   - (vi) the President of the Medical Council of India, ex officio;

(vii) the President of the Pharmacy Council of India, ex officio;

(viii) the Director of the Central Drug Research Institute, Lucknow, ex officio;

(ix) two persons, to be nominated by the Central Government from among persons who are in charge of drugs control in the States;

(x) one person, to be elected by the Executive Committee of the Pharmacy Council of India, from among teachers in pharmary or pharmaceutical chemistry or pharmacognosy on the staff of an Indian University or a college affiliated thereto;

(xi) one person, to be elected by the Executive Committee of the Medical Council of India, from among teachers in medicine or therapeutics on the staff of an Indian University or a college affiliated thereto;

(xii) one person to be nominated by the Central Government from the pharmaceutical industry;

(xiii) one pharmacologist to be elected by the Governing body of the Indian Council of Medical Research;

(xiv) one person to be elected by the Central Council of the Indian Medical Association;

(xv) one person to be elected by the Council of the Indian Pharmaceutical Association;

(xvi) two persons holding the appointment of Government Analyst under this Act, to be nominated by the Central Government.

(3) The nominated and elected members of the Board shall hold office for three years, but shall be eligible for re-nomination and re-election:

Provided that the persons nominated or elected, as the case may be, under clause (ix) or clause (x) or clause (xi) or clause (xvi) of sub-section (2) shall hold office for so long as he holds the appointment of the office by virtue of which he was nominated or elected to the Board.

(4) The Board may, subject to the previous approval of the Central Government, make bye-laws fixing a quorum and regulating its own

procedure and the conduct of all business to be transacted by it.

(5) The Board may constitute sub-committees and may appoint to such sub-committees for such periods, not exceeding three years, as it may decide, or temporarily for the consideration of particular matters, persons who are not members of the Board.

(6) The functions of the Board may be exercised notwithstanding any vacancy therein.

(7) The Central Government shall appoint a person to be Secretary of the Board and shall provide the Board with such clerical and other staff as the Central Government considers necessary.

6. The Central Drugs Laboratory

(1) The Central Government shall, as soon as may be, establish a Central Drugs Laboratory under the control of a Director, to be appointed by the Central Government, to carry out the functions entrusted to it by this Act or any Rules made under this Chapter:

Provided that if the Central Government so prescribes, the functions of the Central Drugs Laboratory in respect of any drug or class of drugs or cosmetic or class of cosmetics shall be carried out at the Central Research Institute, Kasauli, or at any other prescribed Laboratory and the functions of the Director of the Central Drugs Laboratory in respect of such drug or class of drugs or such cosmetic or class of cosmetics shall be excercised by the Director of that Institute or of that other Laboratory, as the case may be.

(2) The Central Government may, after consultation with the Board, make Rules prescribing:

(a) the functions of the Central Drugs Laboratory;

(b) the procedure for the submission to the said Laboratory under Chapter IV or Chapter IVA of samples of drugs or cosmetics for analysis or test, the forms of the Laboratory's reports thereon and the fees payable in respect of such reports;

(c) such other matters as may be necessary or expedient to enable the said Laboratory to carry out its functions;

(d) the matters necesssary to be prescribed for the purposes of the proviso to sub-section (1).

7. Drugs Consultative Committee

(1) The Central Government may constitute an advisory committee to be called "The Drugs Consultative Committee" to advise the Central Government, the State Governments and the Drugs Technical Advisory Board on any matter tending to secure uniformity throughout India in the administration of this Act.

(2) The Drugs Consultative Committee shall consist of two representatives of the Central Government to be nominated by that Government and one representative of each State Government to be nominated by the State Government concerned.

(3) The Drugs Consultative Committee shall meet when required to do so by the Central Government and shall have power to regulate its own procedure.

7A. Nothing contained in sections 5 and 7 shall apply to Ayurvedic (including Siddha) or Unani drugs.

CHAPTER III
IMPORT OF DRUGS AND COSMETICS

8. Standards of quality

(1) For the purpose of this Chapter, the expression "standard quality" means:

(a) in relation to a drug, that the drug complies with the standard set out in the Second Schedule, and

(b) in relation to a cosmetic, that the cosmetic complies with such standard as may be prescribed.

(2) The Central Government, after consultation with the Board and after giving by notification in the official Gazette not less than three months' notice of its intention so to do, may, by a like notification, add to or otherwise amend the Second Schedule for the purpose of this Chapter, and thereupon the Second Schedule shall be deemed to be amended accordingly.

9. Misbranded drugs

For the purpose of this Chapter a drug shall be deemed to be misbranded:

(a) if it is an imitation of, or substitute for, or resembles in a manner likely to deceive, another drug, or bears upon it or upon its label or container the name of another drug, unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other drug; or

(b) if it purports to be the product of a place or country of which it is not truly a product; or

(c) if it is imported under a name which belongs to another drug; or

(d) if it is so coloured, coated, powdered or polished that damage is concealed, or if it is made to appear of better or of greater therapeutic value than it really is; or

(e) if it is not labelled in the prescribed manner; or

(f) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claim for the drug or which is false or misleading in any particular; or

(g) if the label or container bears the name of an individual or company purporting to be the manufacturer or producer of the drug, which individual or company is fictitious or does not exist.

9A. Misbranded cosmetics

For the purposes of this Chapter, a cosmetic shall be deemed to be misbranded:

(a) if it is an imitation of, or a substitute for, or resembles in a manner likely to deceive, another cosmetic; or

(b) if it purports to be product of a place or country of which it is not truly a product; or

(c) if it contains a colour which is not prescribed; or

(d) if it is imported under a name which belongs to another cosmetic; or

(e) if it is not labelled in the prescribed manner; or

(f) if its label or container bears the name of an individual or company purporting to be the manufacturer or producer of the cosmetic which individual or company is fictitious or does not exist; or

(g) if the label or container bears any statement which is false or misleading in any particular.

9B. Adulterated drugs

For the purposes of this Chapter, a drug shall be deemed to be adulterated:

(a) if it consists, in whole or in part, any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions

whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) if any substance has been:

(i) mixed or packed therewith so as to reduce its quality or strength; or

(ii) substituted wholly or in part thereof.

Explanation: For the purpose of clause (a), a drug shall not be deemed to consist, in whole or in part, of any decomposed substance only by reason of the fact that such decomposed substance is the result of any natural decomposition of the drug within the period, if any, specified on the label of the drug within which the drug is to be used:

Provided that such decomposition is not due to any negligence on the part of the manufacturer of the drug or the importer or the dealer thereof and that it does not render the drug injurious to health.

10. Prohibition of import of certain drugs and cosmetics

From such date as may be fixed by the Central Government by notification in the official Gazette in this behalf, no person shall import:

(a) any drug or cosmetic which is not of standard quality;

(b) any misbranded drug or misbranded cosmetic;

(bb) any adulterated drug;

(c) any drug or cosmetic for the import of which a licence is prescribed, otherwise than under, and in accordance with, such licence;

(d) any patent or proprietary medicine, unless there is displayed in the

prescribed manner on the label or container thereof the true formula or list of ingredients contained in it, in a manner readily intelligible to the members of the medical profession;

(e) any drug which by means of any statement, design or device accompanying it or by any other means, purports or claims to cure or mitigate any such disease or ailment or to have any such other effect, as may be prescribed;

(ee) any cosmetic containing any ingredient which may render it unsafe or harmful for use under the directions indicated or recommended;

(f) any drug or cosmetic the import of which is prohibited by Rules made under this Chapter;

Provided that nothing in this Section shall apply to the import, subject to prescribed conditions, of small quantities of any drug for the purpose of examination, test or anaylsis or for personal use:

Provided further that the Central Government may, after consultation with the Board, by notification in the official Gazette, permit, subject to any conditions specified in the notification, the import of any drug or class of drugs not being of standard quality.

Explanation: The formula or list of ingredients mentioned in clause (d) shall be deemed to be true and sufficient compliance with that sub-clause if without disclosing a full and detailed recipe of the ingredients, it indicates correctly all potent or poisonous substances contained therein together with an approximate statement of the composition of the medicine.

11. Application of law relating to sea customs and powers of Customs Officers

(1) The law for the time being in force relating to sea customs and to goods the import of which is prohibited by Section 18 of the Sea Customs Act, 1878 (VIII of 1878), shall, subject to the provisions of Section 13 of this Act, apply in respect of drugs or cosmetics the import of which is prohibited under this Chapter, and officers of

Customs and officer empowered under that Act to perform the duties imposed thereby on a Customs Collector and other officers of Customs shall have the same powers in respect of such drugs or cosmetics as they have for the time being in respect of such goods as aforesaid.

(2) Without prejudice to the provisions of sub-section (1), the Customs Collector or any officer of the Government authorised by the Central Government in this behalf, may detain any imported package which he suspects to contain any drug or cosmetic the import of which is prohibited under this Chapter and shall forthwith report such detention to the Drugs Controller, India, and, if necessary, forward the package of samples of any suspected drug or cosmetic found therein to the Central Drugs Laboratory.

12. Power of Central Government to make rules

(1) The Central Government may, after consultation with the Board and after previous publication by notification in the official Gazette, make Rules for the purpose of giving effect to the provisions of this Chapter:

Provided that consultation with the Board may be dispensed with if the Central Government is of the opinion that circumstances have arisen which render it necessary to make Rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the Rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said Rules.

(2) Without prejudice to the generality of the foregoing power, such Rules may:

(a) specify the drugs or classes of drugs or cosmetics or classes of cosmetics for the import of which a licence is required, and prescribe the form and conditions of such licences, the authority empowered to issue the same, and the fees payable therefor;

(b) prescribe the methods of test or analysis to be employed in determining whether a drug or cosmetic is of standard quality;

(c) prescribe, in respect of biological and organometallic compounds, the units or methods or standardization;

(cc) prescribe under clause (d) of Section 9B the colour or colours which a drug may bear or contain for purposes of colouring;

(d) specify the diseases or ailments which an imported drug may not purport or claim to prevent, cure or mitigate and such other effects which such drug may not purport and claim to have;

(e) prescribe the conditions subject to which small quantities of drugs the import of which is otherwise prohibited under this Chapter, may be imported for the purpose of examination, test or analysis or for personal use;

(f) prescribe the places at which drugs or cosmetics may be imported, and prohibit their import at any other place;

(g) require the date of manufacture and the date of expiry of potency to be clearly and truly stated on the label or container of any specified imported drug or class of such drugs and prohibit the import of the said drug or class of drugs after the expiry of a specified period from the date of manufacture;

(h) regulate the submission by importers, and the securing of samples of drugs or cosmetics for examination, test or analysis by the Central Drugs Laboratory, and prescribe the fees, if any, payable for such examination, test or analysis;

(i) prescribe the evidence to be supplied, whether by accompanying documents or otherwise, of the quality of drugs or cosmetics sought to be imported, the procedure of officers of Customs in dealing with such evidence, and the manner of storage at places of import of drugs or cosmetics detained pending admission;

(j) provide for the exemption, conditionally or otherwise, from all

or any of the provisions of this Chapter and the Rules made thereunder of drugs or cosmetics imported for the purpose only of transport through, and export from India;

(k) prescribe the conditions to be observed in the packing in bottles, packages or other containers of imported drugs or cosmetics;

(l) regulate the mode of labelling drugs or cosmetics imported for sale in packages and prescribe the matters which shall or shall not be included in such labels;

(m) prescribe the maximum proportion of any poisonous substance which may be added or contained in any imported drug; prohibit the import of any drug in which that proportion is exceeded, and specify substances which shall be deemed to be poisonous for the purposes of this Chapter and the Rules made thereunder;

(n) require that the accepted scientific name of any specified drug shall be displayed in the prescribed manner on the label or wrapper of any imported patent of proprietary medicine containing such drug;

(o) provide for the exemption, conditionally or otherwise, from all or any of the provisions of this Chapter or the Rules made thereunder of any specified drug or class of drugs or cosmetic or class of cosmetics.

13. Offences

(1) Whoever contravenes any of the provision of this Chapter or of any Rule made thereunder shall, in addition to any penalty to which he may be liable under the provisions of Section 11, be punishable with imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever, having been convicted under sub-section (1), is again convicted under that sub-section shall, in addition to any penalty as aforesaid, be punishable with imprisonment which may extend to

two years or with fine which may extend to one thousand rupees, or with both.

14. Confiscation

Where any offence punishable under Section 13 has been committed, the consignment of the drug or cosmetic in respect of which the offence has been committed shall be liable to confiscation.

15. Jurisdiction

No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try an offence punishable under Section 13.

CHAPTER IV

MANUFACTURE, SALE AND DISTRIBUTION OF DRUGS AND COSMETICS

16. Standards of quality

(1) For the purposes of this Chapter, the expression "standard quality" means:

(a) in relation to a drug, that the drug complies with the standard set out in the Second Schedule, and

(b) in relation to a cosmetic, that the cosmetic complies with such standard as may be prescribed.

(2) The Central Government, after consultation with the Board and after giving by notification in the official Gazette not less than three months' notice of its intention so to do, may, by a like notification, add to or otherwise amend the Second Schedule for the purposes of this Chapter, and thereupon the Second Schedule shall be deemed to be amended accordingly.

17. Misbranded drugs

For the purposes of this Chapter a drug shall be deemed to be misbranded:

(a) if it is an imitation of, or substitute for, or resembles in a manner likely to deceive, another drug, or bears upon it or upon its label or container the name of another drug, unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other drug; or

(b) if it purports to be the product of a place or country of which it is not truly a product; or

(c) if it is sold, or offered or exposed for sale, under a name which belongs to another drug; or

(d) if it is so coloured, coated, powdered or polished that damage is concealed, or if it is made to appear of better or greater therapeutic value than it really is; or

(e) it is not labelled in the prescribed manner; or

(f) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claim for the drug or which is false or misleading in any particular; or

(g) if the label or container bears the name of an individual or company purporting to be the manufacturer or producer of the drug, which individual or company is fictitious or does not exist.

17A. Misbranded cosmetics

For the purposes of this Chapter, a cosmetic shall be deemed to be misbranded:

(a) if it is an imitation of, or a substitute for, or resembles in a manner likely to deceive, another cosmetic; or

(b) if it purports to be the product of a place or country of which it is not truly a product; or

(c) if it contains a colour which is not prescribed; or

(d) if it is sold, or offered or exposed for sale, under a name which belongs to another cosmetic, or

(e) if it is not labelled in the prescribed manner ; or

(f) if its label or container bears the name of an individual or company purporting to be the manufacturer or producer of the cosmetic which individual or company is fictitious or does not exist; or

(g) if the label or container bears any statement which is false or misleading in any particular.

17B. Adulterated drugs

For the purposes of this Chapter a drug shall be deemed to be adulterated:

(a) if it consists, in whole or in part, of any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) if any substance has been—

  (i) mixed or packed therewith so as to reduce its quality or strength; or

  (ii) substituted wholly or part thereof.

Explanation: For the purpose of clause (a) a drug shall not be deemed to consist, in whole or in part, of any decomposed substance only by reason of the fact that such decomposed substance is the result of any

natural decomposition of the drug within the period, if any, specified on the label of the drug within which the drug is to be used:

Provided that such decomposition is not due to any negligence on the part of the manufacturer of the drug or the dealer thereof and that it does not render the drug injurious to health.

18. Prohibition of manufacture and sale of certain drugs and cosmetics

From such date as may be fixed by the State Government by notification in the official Gazette in this behalf, no person shall himself or by any other person on his behalf—

(a) manufacture for sale, or sell, or stock or exhibit for sale, or distribute;

(i) any drug or cosmetic which is not of standard quality;

(ii) any misbranded drug or misbranded cosmetic;

(iii) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container thereof the true formula or list of ingredients contained in it in a manner readily intelligible to the members of the medical profession;

(iv) any drug which by means of any statement, design or device accompanying it or by any other means, purports or claims to prevent, cure or mitigate any such disease or ailment, or to have any such other effect as may be prescribed.

(v) any cosmetic containing any ingredient which may render it unsafe or harmful for use under the directions indicated or recommended;

(vi) any drug or cosmetic in contravention of any of the provisions of this Chapter or any Rule made thereunder;

(a) sell, or stock or exhibit for sale, or distribute any drug or cosmetic which has been imported or manufactured in contravention of any of the provisions of this Act or any

Rules made thereunder;

(b) manufacture for sale, or sell, or stock or exhibit for sale, or distribute any drug or cosmetic except under, and in accordance with the conditions of, a licence issued for such purpose under this Chapter;

Provided that nothing in this Section shall apply to the manufacture, subject to prescribed conditions, of small quantities of any drug for the purpose of examination, test or analysis;

Provided further that the Central Government may, after consultation with the Board by notification in the official Gazette, permit, subject to any conditions specified in the notification, the manufacture for sale, sale or distribution of any drug or class of drugs not being of standard quality.

Explanation: The formula or list of ingredients mentioned in sub-clause (iii) of clause (a) shall be deemed to be true and a sufficient compliance with that sub-clause if, without disclosing a full and detailed recipe of the ingredients, it indicates correctly all the potent or poisonous substances contained therein together with an approximate statement of the composition of the medicine.

18A. Disclosure of the name of the manufacturer

Every person, not being the manufacturer of a drug or cosmetic or his agent for the distribution thereof, shall, if so required, disclose to the Inspector the name, address and other particulars of the person from whom he acquired the drug or cosmetic.

19. Pleas

(1) Save as hereinafter provided in this Section, it shall be no defence in a prosecution under this Chapter to prove merely that the accused was ignorant of the nature, substance or quality of the drug or cosmetic in respect of which the offence has been committed or of the circumstances of its manufacture or import, or that a purchaser, having

brought only for the purpose of test or analysis, has not been prejudiced by the sale.

(2) For the purposes of Section 18 a drug shall not be deemed to be misbranded or adulterated or to be below standard quality nor shall a cosmetic be deemed to be misbranded or to be below standard quality only by reason of the fact that:

(a) there has been added thereto some innocuous substance or ingredient because the same is required for the manufacture or preparation of the drug or cosmetic as an article of commerce in a state fit for carriage or consumption, and not to increase the bulk, weight or measure of the drug or cosmetic or to conceal its inferior quality or other defects; or

(b) in the process of manufacture, preparation or conveyance some extraneous substance has unavoidably become intermixed with it:

Provided that this clause shall not apply in relation to any sale or distribution of the drug or cosmetic occurring after the vendor or distributor became aware of such inter-mixture.

(3) A person, not being the manufacturer of a drug or cosmetic or his agent for distribution thereof, shall not be liable for a contravention of Section 18 if he proves:

(a) that he acquired the drug or cosmetic from a duly licensed manufacturer, distributor or dealer thereof;

(b) that he did not know and could not, with reasonable diligence, have ascertained that the drug or cosmetic in any way contravened the provisions of that section; and

(c) that the drug or cosmetic, while in his possession, was properly stored and remained in the same state as when he acquired it.

20. Government Analysts

(1) State Government may, by notification in the official Gazette, appoint

such persons as it thinks fit, having the prescribed qualifications, to be Government Analysts for such areas in the State and in respect of such drugs or classes of drugs or such cosmetics or classes of cosmetics as may be specified in the notification.

(2) The Central Government may also, by notification in the official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Government Analysts in respect of such drugs or classes of drugs or such cosmetics or classes of cosmetics as may be specified in the notification.

(3) Notwithstanding anything contained in sub-section (I) or sub-section (2), neither the Central Government nor a State Government shall appoint as a Government Analyst any official not serving under it without the previous consent of the Government under which he is serving.

21. Inspectors

(1) The Central Government or a State Government may, by notification in the official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Inspectors for such areas as may be assigned to them by the Central Government or the State Government, as the case may be.

(2) The powers which may be exercised by an Inspector and the duties which may be performed by him, the drugs or classes of drugs or cosmetics or classes of cosmetics in relation to which and the conditions, limitations or restrictions subject to which, such powers and duties may be exercised or performed shall be such as may be prescribed.

(3) No person who has any financial interest in the import, manufacture, or sale of drugs or cosmetics shall be appointed to be an Inspector under this section.

(4) Every Inspector shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860), and

shall be officially subordinate to such authority as the Government appointing him may specify in this behalf.

22. Powers of Inspector

(1) Subject to the provision of section 23 and of any rules made by the Central Government in this behalf, an Inspector may, within the local limits of the area for which he is appointed:

(a) inspect any premises wherein any drug or cosmetic is being manufactured and in the case of sera, vaccines and any other drugs or cosmetics prescribed in this behalf, the plant and process of manufacture and the means employed for standardising and testing the drugs;

(b) take samples of any drug or cosmetic which is being manufactured, or being sold or is stocked or exhibited for sale, or is being distributed;

(c) enter and search at all reasonable times, with such assistants, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Chapter has been or is being committed and order in writing the person in possession of any drug or cosmetic in respect of which the offence has been or is being committed, not to dispose of any stock of such drug or cosmetic for a specified period not exceeding twenty days; or unless the alleged offence is such that the defect may be removed by the possessor of the drug or cosmetic seize the stock of such drugs or cosmetics;

(cc) examine any record, register, document or any other material object found in any place mentioned in clause(c) and seize the same 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;

(d) exercise such other powers as may be necessary for carrying out the purposes of this Chapter or any Rules made thereunder.

(2) The provisions of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to any search or seizure under this Chapter as they apply to any search or seizure made under the authority of a warrant issued under Section 98 of the said Code.

(3) If any person wilfully obstructs an Inspector in the exercise of the powers conferred upon him by or under this Chapter he shall be punishable with imprisonment which may extend to three years, or with fine or with both.

23. Procedure of Inspectors

(1) Where an Inspector takes any sample of a drug or cosmetic under this Chapter, he shall tender the fair price thereof and may require a written acknowledgement thereof.

(2) Where the price tendered under sub-section (1) is refused, or where the Inspector seizes the stock of any drug or cosmetic under clause (c) of Section 22, he shall tender a receipt thereof in the prescribed form.

(3) Where an Inspector takes a sample of a drug or cosmetic for the purpose of test or analysis he shall intimate such purpose in writing in the prescribed form to the person from whom he takes it and, in the presence of such person unless he wilfully absents himself, shall divide the sample into four portions and effectively seal and suitably mark the same and permit such person to add his own seal and mark to all or any of the portions so sealed and marked:

Provided that where the sample is taken from premises whereon the drug or cosmetic is being manufactured, it shall be necessary to divide the sample into three portions only;

Provided further that where the drug or cosmetic is made up in containers of small volume, instead of dividing a sample as aforesaid, the Inspector may, and if the drug or cosmetic be such that it is likely to deteriorate or be otherwise damaged by exposure, shall take three or four, as the case

may be, of the said containers after suitably marking the same and, where necessary, sealing them.

(4) The Inspector shall restore one portion of a sample so divided or one container, as the case may be, to the person from whom he takes it, and shall retain the remainder and dispose of the same as follows:

(i) one portion or container he shall forthwith send to the Government Analyst for test or analysis;

(ii) the second he shall produce to the Court before which proceedings, if any, are instituted in respect of the drug or cosmetic; and

(iii) the third, where taken, he shall send to the person, if any, whose name, address and other particulars have been disclosed under Section 18A.

(5) Where an Inspector takes any action under clause (c) of Section 22:

(a) he shall use all despatch in ascertaining whether or not the drug or cosmetic contravenes any of the provisions of Section 18 and, if it is ascertained that the drug or cosmetic does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock seized;

(b) if he seizes the stock of the drug or cosmetic, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof;

(c) without prejudice to the institution of any prosecution, if the alleged contravention be such that the defect may be remedied by the possessor of the drug or cosmetic, he shall, on being satisfied that the defect has been so remedied, forthwith revoke his order under the said clause.

(6) Where an Inspector seizes any record, register, document or any

other material object under clause (cc) of sub-section (1) of Section 22, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.

24. Persons bound to disclose place where drugs or cosmetics are manufactured or kept

Every person for the time being in charge of any premises whereon any drug or cosmetic is being manufactured or is kept for sale or distribution shall, on being required by an Inspector so to do, be legally bound to disclose to the Inspector the place where the drug or cosmetic is being manufactured or is kept, as the case may be.

25. Reports of Government Analysts

(1) The Government Analysts to whom a sample of any drug or cosmetic has been submitted for test or analysis under sub-section (4) of Section 23, shall deliver to the Inspector a signed report in triplicate in the prescribed form.

(2) The Inspector, on receipt thereof shall deliver one copy of the report to the person from whom the sample was taken and another copy to the person, if any, whose name, address and other particulars have been disclosed under Section 18A, and shall retain the third copy for use in any prosecution in respect of the sample.

(3) Any document purporting to be a report signed by a Government Analyst under this Chapter shall be evidence of the facts stated therein, and such evidence shall be conclusive unless the person from whom the sample was taken or the person whose name, address and other particulars have been disclosed under Section 18A has, within twenty-eight days of the receipt of a copy of the report, notifies in writing to the Inspector or the Court before which any proceedings in respect of the sample are pending that he intends to adduce evidence in controversion of the report.

(4) Unless sample has already been tested or analysed in the Central Drugs Laboratory, where a person has under sub-section (3) notified his intention of adducing evidence in controversion of a Government Analyst's report the Court may, of its own motion or in its discretion at the request either of the complainant or the accused, cause the sample of the drug or cosmetic produced before the Magistrate under sub-section (4) of Section 23 to be sent for test or analysis to the said Laboratory, which shall make the test or analysis and report in writing signed by, or under the authority of, the Director of the Central Drugs Laboratory the results thereof, and such report shall be conclusive evidence of the facts stated therein.

(5) The cost of a test or analysis made by the Central Drugs Laboratory under sub-section (4) shall be paid by the complainant or accused, as the Court shall direct.

26. Purchaser of drug or cosmetic enabled to obtain test or analysis

Any person shall, on application in the prescribed manner and on payment of the prescribed fee, be entitled to submit for test or analysis to a Government Analyst any drug or cosmetic purchased by him and to receive a report of such test or analysis sgined by the Government Analyst.

27. Penalty for manufacture, sale, etc., of drugs in contravention of this Chapter

Whoever himself or by any other person on his behalf manufactures for sale, sells, stocks or exhibits for sale or distributes:

(a) any drug;

(i) deemed to be misbranded under clause (a), clause (b), clause (c), clause (d), clause (f) or clause (g) of Section 17 or adulterated under Section 17B; or

(ii) without a valid licence as requred under clause (c) of Section

18, shall be punishable with imprisonment for a term which shall not be less than one year but may extend to ten years and shall also be liable to fine :

Provided that the Court may, for any special reasons to be recorded in writing, impose a sentence of imprisonment of less than one year;

(b) any drug other than a drug referred to in clause (a) in contravention of any of the provisions of this Chapter or any rule made thereunder, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

27A. Penalty for manufacture, sale, etc., of cosmetics in contravention of this Chapter

Whoever himself of by any other person on his behalf manufactures for sale, sells, stocks or exhibits for sale, or distributes any cosmetic in contravention of any of the provisions of this Chapter or any rule made thereunder, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

28. Penalty for non-disclosure of the name of the manufacturer etc.

Whoever contravenes the provisions of Section 18A shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

29. Penalty for use of Government Analyst report for advertising

Whoever uses any report of a test or analysis made by the Central Drugs Laboratory or by a Government Analyst, or any extract from such report, for the purpose of advertising any drug or cosmetic, shall be punishable with fine which may extend to five hundred rupees.

30. Penalty for subsequent offences

(1) Whoever, having been convicted of an offence:

(a) under clause (a) of Section 27 is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to ten years and shall also be liable to fine:

Provided that the Court may, for any special reasons to be recorded in writing, impose a sentence of less than two years;

(b) under clause (b) of Section 27 is again convicted of an offence under that clause shall be punishable with imprisonment for a term which may extend to ten years, or with fine, or with both.

(1A) Whoever, having been convicted of an offence under Section 27A is again convicted under that section, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever, having been convicted of an offence under Section 29 is again convicted of an offence under the same section shall be punishable with imprisonment which may extend to ten years, or with fine, or with both.

31. Confiscation

(1) Where any person has been convicted under this Chapter for contravening any such provision of this Chapter or any Rule made thereunder as may be specified by Rule made in this behalf, the stock of the drug or cosmetic in respect of which the contravention has been made shall be liable to confiscation and if such contravention is in respect of:

(i) manufacture of any drug deemed to be misbranded under clause (a), clause (b), clause (c), clause (d), clause, (f) or clause (g) of Section 17 or adulterated under Section 17B; or

(ii) manufacture for sale, or stocking or exhibiting for sale, or distribution of any drug without a valid licence as required under clause (c) of Section 18, any implements or machinery used in such manufacture, sale or distribution and any receptacles, packages or coverings in which such drug is contained and the animals, vehicles, vessels or other conveyances used in carrying such drug shall also be liable to confiscation;

(2) Without prejudice to the provisions contained in sub-section (1), where the Court is satisfied, on the application of an Inspector or otherwise and after such inquiry as may be necessary, that the drug or cosmetic is not of standard quality or is a misbranded or adulterated drug, or misbranded cosmetic, such drug or, as the case may be, such cosmetic shall be liable to confiscation.

31A. Application of provisions to Government departments

The provisions of this Chapter, except those contained in Section 31 shall apply in relation to the manufacture, sale or distribution of drugs by any department of Government as they apply in relation to the manufacture, sale or distribution of drugs by any other person.

32. Cognizance of offences

(1) No prosecution under this Chapter shall be instituted except by an Inspector.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try an offence punishable under this Chapter.

(3) Nothing contained in this Chapter shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Chapter.

32A. Power of Court to implead the manufacturer, etc.

Where, at any time during the trial of any offence under this Chapter

alleged to have been committed by any person, not being the manufacturer of a drug or cosmetic or his agent for the distribution thereof, the Court is satisfied, on the evidence adduced before it, that such manufacturer or agent is also concerned in that offence, then, the Court may, notwithstanding anything contained in sub-section (1) of Section 351 of the Code of Criminal Procedure, 1898, proceed against him as though a prosecution had been instituted against him under Section 32.

33. Power of Central Government to make Rules

(1) The Central Government may, after consultation with the Board and after previous publication by notification in the official Gazette, make rules for the purpose of giving effect to the provisions of this Chapter:

Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said rules.

(2) Without prejudice to the generality of the foregoing power, such rules may:

(a) provide for the establishment of laboratories for testing and analysing drugs or cosmetics;

(b) prescribe the qualifications and duties of Government Analyst and the qualifications of the Inspectors;

(c) prescribe the methods of test or analysis to be employed in determining whether a drug or cosmetic is of standard quality;

(d) prescribe, in respect of biological and organometalic compounds, the units or methods of standardisation;

(dd) prescribe under clause (d) of Section 17B the colour or colours

which a drug may bear or contain for purposes of colouring;

(e) prescribe the forms of licences for the manufacture, for the sale and for the distribution of drugs or any specified drug or class of drug or cosmetics or any specified cosmetic or class of cosmetics, the form of application for such licences, the conditions subject to which such licences may be issued, the authority empowered to issue the same and the fees payable thereof;

(f) specify the diseases or ailments which a drug may not purport or claim to prevent, cure or mitigate and such other effects which a drug may not purport or claim to have;

(g) prescribe the conditions subject to which small quantities of drugs may be manufactured for the purpose of examination, test or analysis;

(h) require the date of manufacture and the date of expiry of potency to be clearly and truly stated on the label or container of any specified drug or class of drugs, and prohibit the sale, stocking or exhibition for sale or distribution of the said drug or class of drugs after the expiry of a specified period from the date of manufacture or after the expiry of the date of potency;

(i) prescribe the conditions to be observed in the packing of bottles, packages and other containers of drugs or cosmetics and prohibit the sale, stocking or exhibition for sale, or distribution of drugs or cosmetics packed in contravention of such conditions;

(j) regulate the mode of labelling packed drugs or cosmetics and prescribe the matters which shall or shall not be included in such labels;

(k) prescribe the maximum proportion of any poisonous substance which may be added to or contained in any drug, prohibit the manufacture, sale or stocking or exhibition for sale, or distribution of any drug in which that proportion is exceeded,

and specify substances which shall be deemed to be poisonous for the purposes of this Chapter and the Rules made thereunder;

(l) require that the accepted scientific name of any specified drug shall be displayed in the prescribed manner on the label or wrapper of any patent or proprietary medicine containing such drug;

(m) prescribe the powers and duties of Inspectors and specify the drugs or classes of drugs or cosmetics or classes of cosmetics in relation to which and the conditions, limitations of restrictions subject to which, such powers and duties may be exercised or performed;

(n) prescribe the forms of report to be given by Government Analysts, and the manner of application for test or analysis under Section 26 and the fees payable thereof;

(o) specify the offences against this Chapter or any rule made thereunder in relation to which an order of confiscation may be made under Section 31; and

(p) provide for the exemption, conditionally or otherwise, from all or any of the provisions of this Chapter or the Rules made thereunder of any specified drug or class of drugs or cosmetics or class of cosmetics.

33A. Chapter not to apply to Ayurvedic (including Siddha) or Unani drugs

Save as otherwise provided in this Act, nothing contained in this Chapter shall apply to Ayurvedic (including Siddha) or Unani drugs.

CHAPTER IVA

PROVISIONS RELATING TO AYURVEDIC (INCLUDING SIDDHA) AND UNANI DRUGS

33B. Application of Chapter IVA

This Chapter shall apply only to Ayurvedic (including Siddha) and Unani drugs.

33C. Ayurvedic and Unani Drugs Technical Advisory Board

(1) The Central Government shall, by notification in the official Gazette and with effect from such date as may be specified therein, constitute a Board (to be called the Ayurvedic and Unani Drugs Technical Advisory Board) to advise the Central Government and the State Government on technical matters arising out of this Chapter and to carry out the other functions assigned to it by this Chapter.

(2) The Board shall consist of the following members, namely :

(i) the Director General of Health Services, ex officio;

(ii) the Drugs Controller, India, ex officio;

(iii) the Adviser in indigenous systems of medicine, Ministry of Health, ex officio;

(iv) the Director of the Central Drugs Laboratory, Calcutta, ex officio;

(v) one person holding the appointment of Government Analyst under Section 33F, to be nominated by the Central Government;

(vi) one pharmacognocist to be nominated by the Central Government;

(vii) one phyto-chemist to be nominated by the Central Government;

(viii) two persons to be nominated by the Central Government from among members of the Central Council of Ayurvedic Research;

(ix) one teacher in Dravyaguna and Bhaishajya Kalpana, to be nominated by the Central Government;

(x) one teacher in ILM-UL-ADVIA and TAKLIS-WA-DAWASZAI, to be nominated by the Central Government;

(xi) two persons, one each to represent the Ayurvedic (including Siddha) and Unani drug industry, to be nominated by the Central Government;

(xii) two persons, one each from among the practitioners of Ayurvedic

(including Siddha) and Unani systems of medicine, to be nominated by the Central Government.

(3) The Central Government shall appoint a member of the Board as its Chairman.

(4) The nominated members of the Board shall hold office for three years but shall be eligible for renomination.

(5) The Board may, subject to the previous approval of the Central Government, make bye-laws fixing a quorum and regulating its own procedure and conduct of all business to be transacted by it.

(6) The functions of the Board may be exercised notwithstanding any vacancy therein.

(7) The Central Government shall appoint a person to be Secretary of the Board and shall provide the Board with such clerical and other staff as the Central Government considers necessary.

33D. Prohibition of manufacture for sale of Ayurvedic (including Siddha) and Unani drugs

From such date as may be fixed by the State Government by notification in the official Gazette in this behalf, no person shall himself or by any other person on his behalf, manufacture for sale any Ayurvedic (including Siddha) or Unani drug:

(a) except under prescribed hygienic conditions;

(b) except under the supervision of a person having the prescribed qualifications;

(c) except under and in accordance with the conditions of a licence issued for such purpose under this Chapter;

(d) unless the raw materials used in the preparation of such drug are genuine and are properly identified;

(e) unless such drug is labelled with the true list of all the ingredients contained in it and with such other particulars as may be prescribed;

and

(f) in contravention of any of the provisions of this Chapter or any rule made thereunder:

Provided that nothing in this section shall apply to Vaidyas and Hakims who manufacture such drugs for the use of their own patients;

Provided further that nothing in clauses (a), (b) and (c) shall apply to the manufacture, subject to prescribed conditions, of small quantities of any such drug for the purpose of examination, test or analysis.

33E. Restriction on sale, etc., of Ayurvedic (including Siddha) and Unani drugs

From such date as may be fixed by the State Government by notification in the official Gazette in this behalf, no person shall himself or by any other person on his behalf, sell, or stock or exhibit for sale, or distribute, any Ayurvedic (including Siddha) or Unani drug other than that manufactured by a manufacturer licensed under the Chapter.

33F. Government Analysts

(1) The Central Government or a State Government may, by notification in the official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Government Analysts for such areas as may be assigned to them by the Central Government or the State Government, as the case may be.

(2) Notwithstanding anything contained in sub-section (1), neither the Central Government nor the State Government shall appoint as a Government Analyst any official not serving under it without the previous consent of the Government under which he is serving.

33G. Inspectors

(1) The Central Government or the State Government may, by notification in the official Gazette, appoint such persons as it thinks fit, having the

prescribed qualifications, to be Inspectors for such areas as may be assigned to them by the Central Government or the State Government, as the case may be.

(2) The powers which may be exercised by an Inspector and the duties which may be performed by him and the conditions, limitations or restricitions subject to which such powers and duties may be exercised or performed shall be such as may be prescribed.

(3) No person who has any financial interest in the manufacture or sale of any drug shall be appointed to be an Inspector under this section.

(4) Every Inspector shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code and shall be officially subordinate to such authority as the Government appointing him may specify in this behalf.

33H. Application of provisions of sections 22, 23, 24 and 25

The provisions of sections 22, 23, 24 and 25 and rules, if any, made thereunder shall, so far as may be, apply in relation to an Inspector and a Government Analyst appointed under this Chapter as they apply in relation to an Inspector and a Government Analyst appointed under Chapter IV, subject to the modification that the references to 'drug' in the said sections, shall be construed as references to "Ayurvedic (including Siddha) or Unani Drug".

33I. Penalty for manufacture, sale, etc., of Ayurvedic (including Siddha) and Unani drugs in contravention of this Chapter

Whoever contravenes the provisions of section 33D or section 33E or Section 24 as applied by Section 33H or any rule made under this Chapter shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

33J. Penalty for subsequent offences

Whoever, having been convicted of an offence under Section 33D or Section 33E is again convicted for an offence under the said section 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.

33K. Confiscation

Where any person has been convicted under this Chapter, the stock of the Ayurvedic (including Siddha) or Unani drug, in respect of which the contravention had been made, shall be liable to confiscation.

33L. Application of the provisions to Government departments

The provisions of this Chapter, except those contained in Section 33K shall apply in relation to the manufacture for sale, sale, or distribution of any Ayurvedic (including Siddha) or Unani drug by any department of Government as they apply in relation to the manufacture for sale, sale, or distribution of such drug by any other person.

33M. Cognizance of offences

(1) No prosecution under this Chapter shall be instituted except by an Inspector.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try an offence punishable under this Chapter.

33N. Power of Central Government to make rules

(1) The Central Government may, after consultation with the Board and after previous publication by notification in the official Gazette, make rules for the purpose of giving effect to the provisions of this Chapter.

Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case, the Board shall be consulted within six months of the making of the

rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said rules.

(2) Without prejudice to the generality of the foregoing power, such rules may:

(a) provide for the establishment of laboratories for testing and analysing Ayurvedic (including Siddha) or Unani drugs;

(b) prescribe the qualifications and duties of Government Analysts and the qualifications of Inspectors;

(c) prescribe the methods of test or analysis to be employed in determining whether any Ayurvedic (including Siddha) or Unani drug is labelled with the true list of the ingredients which it is purported to contain;

(d) specify any substance as a poisonous substance;

(e) prescribe the forms of licences for the manufacture for sale of Ayurvedic (including Siddha) or Unani drugs, the form of application for such licences, the conditions subject to which such licences may be issued, the authority empowered to issue the same and the fees payable thereof;

(f) regulate the mode of labelling packed Ayurvedic (including Siddha) or Unani drugs and prescribe the matters which shall or shall not be included in such labels;

(g) prescribe the conditions subject to which small quantities of Ayurvedic (including Siddha) or Unani drugs may be manufactured for the purpose of examination, test or analysis; and

(h) any other matter which is to be or may be prescribed under this Chapter.

33O. Power to amend First Schedule

The Central Government, after consultation with the Board and after giving, by notification in the official Gazette, not less than three months' notice of

its intention so to do, may, by a like notification, add to or otherwise amend the First Schedule for the purposes of this Chapter and thereupon the said Schedule shall be deemed to be amended accordingly.

CHAPTER V

MISCELLANEOUS

33P. Powers to give directions

The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any Rule or order made thereunder.

34.(1) Where an offence under this Act has been committed by a company, every person who at the time of 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 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 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.

34A. Offences by Government departments

Where an offence under Chapter IV or Chapter IVA has been committed by any department of Government, such authority as is specified by the Central Government to be incharge of manufacture, sale or distribution of drugs or where no authority is specified, 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 any such authority or person liable to any punishment provided in Chapter IV or Chapter IVA, as the case may be, if such authority or person proves that the offence was committed without its or his knowledge or that such authority or person exercised all due diligence to prevent the commission of such offence.

35. Publication of offender's name

(1) If any person is convicted of an offence under this Act, it shall be lawful for the court before which the conviction takes place to cause the offender's name, place of residence, the offence of which he has been convicted and the penalty which has been inflicted upon him, to be published at the expense of such person in such newspapers or in such other manner as the court may direct.

(2) The expenses of such publication shall be deemed to form part of the costs relating to the conviction and shall be recoverable in the same manner as those costs are recoverable.

36. Powers of Magistrates in excess of Section 32 of the Code of Criminal Procedure

Notwithstanding anything contained in the Code of Criminal Procedure,

1898 is shall be lawful for any Presidencey Magistrate of any Magistrate of the first class to pass any sentence authorised by this Act in excess of his powers under the said Code.

37. Protection of persons acting under this Act

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 under this Act.

38. Rules to be laid before the 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 in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should be made, the rules shall thereafter have effect only in 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.

(VI) REGULATION OF SLAUGHTER HOUSES AND MEAT INSPECTION

Kshetra Samitis are authorised to approve the establishment of slaughterhouses in rural areas in accordance with the provisions of Section 197 of the U.P. Kshetra Samitis and Zila Parishads Adhiniyam, 1961, which reads as below:

Establishment of Slaughterhouses in Rural Areas

Section 197:

1. The Kshetra Samiti may with the approval of the District Magistrate fix premises in a controlled rural area for the slaughter of animal, or animals

of any specified description for sale, and may, with like approval, grant and withdraw licences for the use of such premises.

2. When such premises have been fixed no person shall slaughter any such animal for sale at any other place within a radius of two miles from such premises.
3. Should anyone slaughter for sale any such animal at any other place within the radius of two miles, he shall be liable on conviction to a fine, which may extend to 20 rupees for every animal so slaughtered.

The District Magistrate is empowered under Section 198 of this Act to control or prohibit slaughter anywhere within the rural area of animal or animals of specified description and prescribed the mode and route for conveyance of animals and meat for preservation of public peace. Section 200 provides the power of inspection to officers of the Parishad and Section 201 for seizure of unwholesome articles, including animals intended for consumption.

Section 239 empowers Zila Parishads to frame bye-laws for their own purposes, as well as for purposes of Kshetra Samitis regarding regulating of markets, slaughterhouses, sale of food, etc., which reads as follows:

Markets, Slaughterhouses, Sale of Food etc.

(a) Prohibiting the use of any place as a slaughterhouse, or as a market or shop for the sale of animals intended for human food or of meat, or of fish, in default of a licence granted by the Kshetra Samiti or otherwise than in accordance with the conditions of a licence so granted;

(b) Prescribing the conditions subject to which and the circumstances in which and the areas or localities in respect of which licences for such use may be granted, refused, suspended or withdrawn;

(c) Providing for the inspection of and regulation of the conduct of business in a place used as aforesaid, so as to secure cleanliness therein or to

minimize any injurious, offensive or dangerous effect likely to arise therefrom;

(d) Providing for the establishment, and for the regulation and inspection of markets and slaughterhouses, of livery stables, of encamping grounds, of sarais, of flour-mills, of bakeries, of places for the manufacture, preparation or sale of specified articles of food or drink, or for keeping or exhibiting animals for sale or hire of animals of which the produce is sold, and of places of public entertainment or resort, and for the proper and clean conduct of business therein; and

(e) Prescribing the conditions subject to which, and the circumstances in which, and the areas or localities in respect of which, licences for the purposes of sub-head (d) may be granted, refused, suspended or withdrawn, and fixing the fees payable for such licences and prohibiting the establishment of business places, mentioned in sub-head (d) in default of licence granted by the Kshetra Samiti or otherwise than in accordance with the conditions of a licence so granted.

Establishment of slaughterhouse in urban areas

Section 237(a): The Board may, with the approval of the District Magistrate, fix premises, either within or without the limits of the municipality, for the slaughter of animal, or animals of any specified description for sale, and may, with the like approval, grant and withdraw licences for the use of such premises.

Section 238: The Board may by public notice, and with previous sanction of the District Magistrate, fix premises within the municipality in which the slaughter of animals of any particular kind not for sale shall be permitted; and prohibit, except in case of necessity, such slaughter elsewhere within the municipality.

Section 240: Should the flesh of any cattle, sheep, goat or swine be brought within municipal limits in contravention of a bye-law made under Section 298 F (e), it may be seized by an officer of the Board authorised in that behalf, and may be destroyed or otherwise disposed of as the Board may, by general or special order, direct.

Section 241(1): The right of any person to use any place within the limits of a municipality, other than a municipal market, as a market or shop for the sale of animals, meat or fish intended for human food, or as a market for the sale of fruit or vegetables, shall be subjected to bye-laws (if any) made under Section 298 (F).

Bye-laws regarding sale and marketing of meat etc.

Bye-laws have been framed under Section 298 (2), 298F (a), (b), (c), (d), (e), and 298J (c), (d), which describe fully the details about establishment of private and public slaughterhouses, site, structure and sanitary requirements of slaughterhouses, regulation of slaughterhouses, general duties of and instructions to Meat Inspectors, marking, transport and handling of meat, sale of meat, meat shops and stalls, hawking of meat and method of examination of carcasses. These are reproduced here in full.

1. In these bye-laws unless the context otherwise requires:
   (i) "Animals" includes any horse, mare, gelding, pony, foal, colt, filly, buffalo, camel, stallion, ass, donkey, mule, sheep, lamb, ewe, wether, ram, pig, boar, hog, bow, goat or kid, but excludes cow, bull, bullock, heifer, calf, steer or ox;
   (ii) "Butcher" means the person producing or dealing with meat intended for human consumption;
   (iii) "Carcasses" means the carcasses of animals mentioned in clause (i);

(iv) "Cattle" includes a buffalo but excludes a cow, bull, bullock, heifer, calf, steer or ox;

(v) "Condemned" means that carcasses, parts or organs so marked are unfit for food of man and shall be destroyed for food purposes;

(vi) "Halal" means the meat obtained from animals slaughtered according to the religious rites of Mohammedans;

(vii) "Jhatka" means the meat obtained from animals slaughtered according to the religious rites of Sikhs;

(viii) "Local authority" in case of municipality means the Municipal Board, in the case of cantonment the Cantonment Authority and in the case of any other local area the District or Sub-Divisional Magistrate;

(ix) "Local area" in the case of a municipality is the area included within municipal limits, in the case of a cantonment the cantonment area and in the case of any other area, the area to which these bye-laws may be applied.

(x) "Meat" means flesh or other edible parts of an animal which is sold or intended for sale for human consumption.

(xi) "Meat Inspector" means the Medical Officer of Health or Veterinary Surgeon or any other officer appointed by a local authority and vested with the power to inspect and examine meat intended for human consumption;

(xii) "Medical Officer of Health" means any duly qualified medical practitioner appointed or employed by a local authority of a State Government to act in that capacity;

(xiii) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(xiv) "Public street" means any street (a) over which the public have a right of way; or (b) heretofore levelled, paved, metalled, channelled, served or repaired out of municipal or other public funds;

(xv) "Slaughterhouse" means any actual place where the animals are slain;

(xvi) "Slaughterhouses" means any building, premises, or place used in connexion with the business of killing and slaughtering animals intended for human consumption. For the purpose of these rules a slaughterhouse may be either a public slaughterhouse maintained by the local authority or a private slaughterhouse duly licensed for the purpose of slaughtering animals;

(xvii) "Slaughterman" means the person who slaughters the animals and dresses the carcasses;

(xviii) "Veterinary Surgeon" includes any qualified veterinarian appointed or employed by a local authority or the State Government to act in that capacity;

(xix) "A hawker" is a person carrying on the trade of selling meat by retail from door to door.

Private and Public Slaughterhouses

2. In localities where one or more public slaughterhouses are present or may be established in compliance with local laws, there shall be prohibited; (a) the establishment of new private slaughtering places; (b) a further use of existing private slaughtering places, unless such places are constructed in accordance with the sanitary requirements laid down in these bye-laws and licensed as such.

3. A local authority may provide, establish, improve, or extend and maintain within or without their area, and two or more local authorities may combine to provide, establish, improve or extend and maintain one or more public slaughterhouses constructed in accordance with

the sanitary requirements laid down in these bye-laws

4. In localities where one or more public slaughterhouses that do not conform to the sanitary requirements laid down in these bye-laws are present, the local authority concerned shall make necessary provisions for any changes, extensions or improvements. For this purpose a certain percentage of the income from slaughterhouses shall be set apart as a reserve and used for extension and improvements. For improvement of private slaughterhouses local authorities may advance loans as and when required up to a certain percentage of the income realized from such slaughterhouses.
5. In a local area the slaughterhouses for the slaughter of: (a) cattle, (b) sheep and goats (halal) and (c) sheep, goats and swine (jhatka) and the preparation of meat shall not be within 100 yards of each other.

Site, structure and sanitary requirements of slaughterhouses

6. The premises to be erected or to be used and occupied as a slaughterhouse shall not be within 300 feet of any dwelling house or building frequented by the public and the site shall be such as to admit of free ventilation by direct communication with the external air on at least two sides of the slaughterhouse. The local authority may, with the approval of the District Magistrate, fix premises, either within or without the limits of its area, for the slaughter of animals, or animals of any specified description for sale, and may with the like approval grant and withdraw licences for the use of such premises. When such premises have been fixed by the local authority beyond their limits it shall have the same power to make bye-laws for the inspection and proper regulation of the same as if they were within those limits. When such premises have been fixed, no person shall slaughter any such animal for sale at any other place within the area.
7. The slaughterhouse shall not in any part be below the surface of the adjoining ground.

8. The approach to the slaughterhouse shall not be on an incline of more than one in four, and shall not be through any dwelling house or shop. Any door of the slaughter hall or cooling room shall not open directly into any street or lane or other public place and shall not be so situated that the slaughtering of animals can be seen from any public place, public street or from any adjacent dwelling house, or occupied place outside the slaughterhouse. A signboard marked "Registered Slaughterhouse": or "Licensed slaughterhouse" shall be placed in front of the building or place used for slaughtering.

8a. Slaughterhouse shall have attached to them detention rooms where carcasses temporarily withheld in routine examination can be stored for final examination.

9. Every slaughter hall or cooling room shall be covered with a proper roof, and no habitable room or loft shall be constructed over the slaughterhouse and lairs, pens or stables in connexion with the same.

10. Lairs, pens and stables which should be provided for animals awaiting slaughter in connexion with the slaughterhouse shall not be within 100 feet of a dwelling place or building frequented by the public and they shall be properly paved, drained, ventilated and lighted to the satisfaction of the Medical Officer of Health and water supply in them should be convenient and adequate for animals awaiting slaughter.

11. No lair or stable in connexion with the slaughterhouse shall be so situated or constructed that animals within it may see into any slaughter hall or cooling room.

12. The water supply shall be ample, clean and potable with adequate facilities for its distribution in the slaughterhouse. In addition, the slaughterhouses shall be provided with an adequate tank or other proper receptacle for water having a water tap to which a hose can be readily attached, so placed that the bottom shall not be less than 6 feet above the level of the floor of the slaughterhouse.

13. The slaughterhouse shall be provided with means of thorough ventilation and abundant light, both natural and artificial. All doors and windows shall be provided with flyproof shutters.
14. The slaughterhouse shall be well paved, with rough cement concrete or other non-slippery impervious material, and laid with proper slope and channels, running towards one or more gullies (which shall be properly trapped and covered with a grating, the bars of which shall not be more than three-eighths of an inch apart) placed immediately outside the slaughter hall or cooling room to allow the floor being flushed and drained. The corners of the walls and floors shall be rounded off to prevent the collection of dirt and dust. For non-sewered towns a cesspool or pit, constructed of non-absorbent material, shall be provided outside the building for the collection of slaughterhouse refuse only. This cesspool shall be provided with a bucket which should be removed as often as required by a sweeper who should be daily in attendance during the working hours of the slaughterhouse.
15. The surface of the walls in the interior of the slaughterhouse shall be covered with hard, smooth and impervious material to a height of at least 6 feet. Whitewashing of the walls shall be done at least once in six months.
16. No water-closet, privy or cesspool shall be constructed within the slaughterhouse. There shall be no direct communication between the slaughterhouse and any stable, water-closet, privy or cesspool, except that which is provided for the collection of the slaughterhouse refuse.
17. Every practicable precaution shall be taken to keep the slaughterhouse free from flies, carrion, rats, mice and other vermin. The use of poisons and rat-viruses for any purpose in rooms or compartments within the slaughterhouse premises where meat and meat products are stored or handled shall be forbidden.
18. Every slaughterhouse shall be provided with properly located facilities

for disinfecting and cleaning utensils, hands and instruments etc. of all persons handling any meat or meat products.

Regulation of Slaughterhouses

19. Every person who may apply to the licensing officer for licence for the erection, use and occupation of an premises as a slaughterhouse shall furnish in Form C appended to these rules a true statement of the particulars therein required to be specified.
20. Every person to whom the licensing officer with the concurrence of the District Magistrate may have directed that a licence be granted to erect premises for use and occupation as a slaughterhouse shall be entitled to receive from the local authority a licence in Form D appended to these bye-laws.
21. A fee shall be charged by the local authority for granting every licence or renewal of licence for the erection, use and occupation of premises as a slaughterhouse for a period of every 12 months commencing from April 1.
22. Licences for the erection, use and occupation of premises as a slaughterhouse shall be renewed on April 1 every year for a period of 12 months or cancelled for a breach of the above bye-laws.
23. A public or a duly licensed slaughterhouse shall be kept open for the use of the butchers during the months of summer and winter between such hours each day as decided by the local authority from time to time and the working hours of the slaughterhouse heretofore decided shall be conspicuously marked, painted or labelled suitably on or about the entrance gate of the slaughterhouse.
24. Every owner or occupier of a slaughterhouse shall, at all reasonable times, offer free access to every part of such premises to the Veterinary Surgeon, Medical Officer of Health, Meat Inspector or other person or persons specially authorized by any of these officers for the purpose of inspecting the condition of the premises and the manner in which

the business is being carried on, and for examining any carcass or portion thereof or any animal that may be found therein.

25. No person other than the Veterinary Surgeon, Medical Officer of Health, Meat Inspector, bona fide butchers or their assistants and servants or any other person or persons especially authorized by the Licensing Authority, as for example persons who are interested in grading and marking of hides, meat or other animal byproducts, shall enter the slaughterhouse premises during the process of slaughtering, skinning, dressing or cutting up carcasses.

26. The owner or occupier of every slaughterhouse shall cause every animal brought to such slaughterhouse for the purpose of being slaughtered and confined in any pound, stall, pen, lair, or stable upon the premises previously to being slaughtered, to be provided during such confinement with sufficient quantity of wholesome water and if confined for more than twelve hours, to be provided with a sufficient supply of food at the cost of the butcher who owns the animal.

27. Suitable arrangements shall be made for the proper care and food of the animals while in the waiting yard by the owners or butchers at their own expense or by the local authority at the expense of the owners or butchers.

28. A person, firm, corporation or any officer or agent of any such person, firm or corporation, carrying on the business of slaughter of animals shall not use any premises as a slaughterhouse without a licence from the local authority.

29. (i) No person shall slaughter or cause or permit to be slaughtered at any place other than a public slaughterhouse or premises licensed for the purpose of slaughtering, any four-footed animal the flesh of which may be used as human food.

(ii) Provided that this shall not apply to sacrificial slaughter on the occasion of any festival or ceremony, of animals the flesh of which is not intended for sale, and provided further that the slaughter of such animal shall

be carried out within the sight of the public.

30. No animal shall be slaughtered in any slaughterhouse unless it has been inspected and passed fit for slaughter by the inspecting officer appointed in this behalf.

31. The local authority shall give public notice of the time and place where inspection of cattle intended for slaughter are held.

32. At the time and place so appointed the inspecting officer shall examine every animal produced before him, and from animals to be reserved for slaughter, shall exclude any;

(i) male buffalo in good state of health below ten years of age;

(ii) she-buffalo in milk;

(iii) pregnant animal or animal in milk or with young at heel;

(iv) female sheep below 2 1/2 years of age;

(v) female goat below 2 year's age;

(vi) male sheep or goat below the age of one year.

Provided that this shall not apply to sacrificial slaughter on the occasion of any festival or ceremony of male sheep or goats below the age of one year, the flesh of which is not intended for sale.

He shall also satisfy himself that every animal passed as fit for slaughter-

(i) is fit for use as human food;

(ii) is not diseased;

(iii) is not very infirm or excessively old; and

(iv) shows no evidence of cruelty by overdriving or by any other act, provided that an animal which has met with an accident, rendering it unfit for further work, shall not be rejected on this account.

33. If the inspecting officer is satisfied as above, and not otherwise, he shall fill up or cause to be filled up under his signature columns 1 to 6

of a pass with its counterfoil in Form A appended to these bye-laws and give it to the person producing the animal of inspection. The animals shall then in the presence of the inspecting officer be marked on the head, hair or skin with a seal of the local authority or branded with a brand, as the local authority may prescribe. The seal shall be kept in the personal custody of the inspecting officer.

34.(i) Any animal produced for inspection, which is affected by any contagious disease, or which may reasonably be suspected of being so affected, shall, if the inspecting officer so directs, be forthwith seized and removed to the cattle infirmary for treatment at the expense of the owner, or the animal may be destroyed or disposed of, so as to prevent its being exposed for sale or use for consumption.

(ii) In case of a dispute arising between the inspecting officer, other than the Medical Officer of Health, and the owner of an animal condemned for destruction, an appeal shall lie to the Medical Officer of Health, whose decision shall be final.

35. Any animal produced for inspection which is in a dying condition, but not so affected as to be dealt with under the preceding bye-law, shall, if the inspecting officer so directs, be forthwith seized and disposed of in such manner as the inspecting officer may direct, at the expense of the owner provided that this bye-law shall not apply to any animal which has met with an accident.

Officer in charge of slaughterhouse

36. An officer of the local authority shall be on duty at the slaughterhouse throughout the hours prescribed for slaughter and such officer shall be deemed to be the officer incharge of the slaughterhouse.

37. The officer in charge shall keep a daily register showing the sex, age, value and description of every animal slaughtered at the slaughterhouse and shall send a monthly abstract of this register to the municipal officer. Separate registers shall be maintained for animals

slaughtered for the Burma meat trade and for animals slaughtered for local consumption.

Slaughterhouse Fee

38. Every butcher using the slaughterhouse shall pay a prescribed fee which shall be posted up on the door of the slaughterhouse.
39. Unless the collection of fees is framed every person from whom any such fees are leviable shall pay them to the officer in charge.
40. On receipt of the fee the officer in charge shall fill up a ticket and counterfoil in the Form B attached to the bye-laws and hand the former with the coupon attached to the person who paid the fee. The progressive total of the daily receipts shall be entered in the place provided at the foot of each counterfoil as each ticket is issued.
41. The holder of a ticket shall produce the ticket when called upon to do so by the executive officer (secretary or any other officer of the local authority duly authorized in this behalf). Such officer shall, after such examination as he may think necessary, fill up the counterfoil and shall return the ticket to the holder after initialling it.

At the slaughterhouse

42. No animal shall be admitted and no person shall bring any animal into the slaughterhouse unless it is covered by a pass in Form A as prescribed in bye-law 33, and unless the fee prescribed in bye-law 38 has been paid. The pass must be presented at slaughterhouse within 24 hours of the time of the issue. If any animal covered by a pass is not brought to the slaughterhouse within 24 hours of the issue thereof a fresh pass shall be obtained.
43. The officer in charge shall receive the pass, and if it is in order and the fee prescribed in bye-law 38 has been paid he shall allow the animal or animals covered thereby admission into the slaughterhouse, filling up columns 7 to 9 of the pass. The passes shall be dealt with in

such manner as the local authority may direct.

44. The owner or occupier of every slaughterhouse shall cause to be maintained, from day to day, a statement in a suitable record book or register showing clearly (a) the number and kind of animals received into the slaughterhouse together with the names and addresses of the persons to whom the animals have been consigned, (b) class, age and sex of animal, (c) names and addresses of persons to whom the animals are sold, i.e. the butchers, (d) the fees recovered therefrom and (e) results of meat inspection by the Inspector, indicating grade if prescribed, and such a record or register shall be open to the inspection of the Medical Officer of Health, Veterinary Surgeon, Meat Inspector, or other person or persons authorized by the local authority in this behalf.

45. Every owner or occupier of a slaughterhouse and every servant of such occupier and every other person employed upon the premises shall carry out the slaughtering work with as little pain or suffering to the animals as practicable; and shall use such instruments and appliances, adopt such methods and otherwise adopt such precautions as may be requisite to recure the infliction of as little pain or suffering as practicable, provided that this requirement shall not interfere with the religious susceptibilities of the persons engaged on the premises.

46. A person shall not, in the slaughterhouse, slaughter, or cause or suffer to be slaughtered, animals in view of another animal.

47. No animals other than those intended for slaughtering shall be allowed into the slaughterhouse and no animal shall be kept in a slaughterhouses for a longer period than may be necessary for preparing such animal for slaughter, and such period shall in no case exceed three days, whenever facilities for such detention are available.

48. No animal which has been received into a slaughterhouse for the purpose of being slaughtered shall be removed from the

slaughterhouse before being slaughtered, except with the consent of the Meat Inspector, Veterinary Surgeon or the Medical Officer of Health.

49. No animal shall be a slaughtered except inside a slaughter hall or booth meant for the purpose.

50. The owner or occupier of a slaughterhouse shall provide adequate number of hangers or pulleys for hanging the carcasses and dressing of the slaughtered animals.

51. An owner or occupier of a slaughterhouse shall not cause or allow any blood or other refuse to flow from the slaughter hall so as to be within the sight of any animal in the slaughterhouse.

52. No air shall be blown by the mouth or in any other manner into the tissues of any carcass or part of a carcass slaughtered or prepared for human consumption.

53. The means of ventilation, drainage and lighting of every slaughterhouse shall be kept in good and efficient order to the satisfaction of the Medical Officer of Health.

54. (a) Every owner or occupier of a slaughterhouse shall provide a sufficient number of vessels or receptacles, properly constructed of galvanized iron or other non-absorbent material, and furnished with closely fitting covers, for the purpose of receiving and conveying from such slaughterhouse all manure, blood, garbage, filth, or other refuse products of the slaughterhouse.

(b) All blood, manure, garbage, filth or other refuse from any animal slaughtered and hide, fat, viscera and offal therefrom shall be removed from the slaughterhouse within four hours after the completion of the slaughtering of such animal, and in such manner and by such means as will not cause nuisance at the premises or in the public streets or elsewhere and as may be approved by the Licensing Officer.

(c) Every owner or occupier of a slaughterhouse shall cause every such vessel or receptacle to be thoroughly cleaned immediately after such vessel or receptacle has been used for such collection and removal and shall cause every such vessel or receptacle, when not in actual use, to be kept thoroughly cleaned.

(d) In a public slaughterhouse any skin or entrails or offal not removed within the allotted time shall become the property of the local authority and shall be disposed of by them in such manner as deemed fit, provided that if they so prefer, they may delegate to the officer in charge of the slaughterhouse power to have such skins, entrails or offal removed at the owner's or butcher's expense and the officer in charge may refuse to such butcher or owner or his servant any subsequent admission to the slaughterhouse until such expense is made good to the local authority.

55. (a) Every owner or occupier of a slaughterhouse shall cause every part of the internal surface of the walls and every part of the floor and pavement of such slaughterhouse to be kept at all times in good order and repair, so as to prevent the absorption therein of any blood or liquid refuse or filth which may be spilled or splashed thereon, or any offensive or noxious matter which may be deposited thereon or brought into contact therewith.

(b) Every part of the internal surface above the floor or pavement of such slaughterhouse shall be washed thoroughly with hot limewash at least once every three months.

(c) Every part of the floor or pavement of such slaughterhouse, and every part of the internal surface of every wall on which any blood or liquid refuse or filth may have been spilled or splashed or with which any offensive or noxious matter may have been brought into contact during the process of slaughtering, dressing and cutting up in such slaughterhouse, shall

be thoroughly washed, and cleansed within three hours after the completion of such slaughtering or dressing.

56. An owner or occupier of a slaughterhouse shall not at any time keep any dogs, pigs or birds, or cause or suffer any dogs, pigs or birds, to be kept in or to have access to such slaughterhouse. The open area in a slaughterhouse shall be covered by wire rope netting having a mesh of not more then 2" square to prevent carrion birds from carrying away the material and dropping it in the vicinity of the inhabited area.

57. No person shall create any disturbance in the slaughterhouse premises. Any person contravening this rule may be removed summarily under the direction of the Veterinary Surgeon, Medical Officer of Health, Meat Inspector or any other person appointed or employed by the local authority as in charge of such a slaughterhouse.

58. No person affected with tuberculosis, or any other infectious or contagious disease, leprosy, sores or any other skin disease shall enter the slaughterhouse. A periodical medical inspection of slaughtermen and flayers shall be obligatory. Any person found to be so suffering shall be removed by the Medical Officer of Health or a person authorized by him.

59. No person shall rub or cause to be rubbed the inner side of skins upon the ground within any portion of the slaughterhouse. Hides and skins shall not be dragged within the slaughterhouse premises except on the hairy sides.

60. No gut-scraping, tripe-cleaning, manufacture or preparation of articles of food for man or for animals, household washing or work of any nature, other than is involved in the slaughtering and the dressing of carcasses, shall be permitted in any slaughterhouse except in the adjuncts to the slaughterhouse specially intended for these purposes.

Duties of butchers and slaughtermen

61. Evidence of disease in a carcass shall not be modified or obliterated

by washing, rubbing, stripping or in any other manner except under the direct supervision of the Meat Inspector and in accordance with his instructions.

62. In no case shall the serous membranes (pleura and peritoneum) be stripped, except by or under the direction of the Meat Inspector and in any such case in which immediate stripping is necessary to preserve the marketability of the carcass the membranes shall not be entirely detached from the carcass until the same have been examined by the Meat Inspector and he has authorized detachment.

63. Notification of intention to slaughter animals for emergency reasons shall be forwarded to the Veterinary Surgeon, Medical Officer of Health or Meat Inspector and so far as practicable all such animals shall be examined at the time of slaughter. If not so examined the carcass with the whole of the viscera and all parts thereof attached thereto, shall be detained until examined by the Meat Inspector.

In case where such an animal is examined at the time of slaughter the Meat Inspector may require the carcass, the whole of the viscera and all parts thereof, unless obviously unfit for food, to be detained for 8 hours thereafter to enable a later inspection to be made.

All carcasses of such animals as may subsequently be passed for human consumption shall be ribbed or quartered before being released.

64. Any cloth or instrument that has been used on a tuberculosis affected carcass or parts thereof, or on a carcass presenting lesions of other diseases or suspected of being diseased, shall not again be used until it has been boiled for half an hour in water containing soda.

65. Where the carcass has not been examined by the Meat Inspector at the time of slaughter, the whole of the viscera, parts and organs thereof shall be kept, pending inspection, in such a way as to enable them to be identified by labelling or otherwise with the carcass from which they have been removed.

66. No carcass or part thereof shall be removed, or so placed as to prevent its ready identification, except with the authority of the Veterinary Surgeon, Medical Officer of Health or Meat Inspector.

Within the slaughterhouse

67. No person shall slaughter any animal except at such hours as may from time to time be fixed by the local authority.

68. (a) Each butcher shall have a place assigned to him for slaughtering by the officer in charge, and he shall slaughter his animal immediately over the central drain so as to prevent the blood of the animal from flowing upon the floor.

    (b) He shall blindfold every animal immediately before bringing it into the slaughterhouse.

69. Immediately after the slaughter of an animal the butcher shall cause the portion of the slaughterhouse assigned to him to be carefully washed and cleaned.

70. Every carcass shall after slaughter, skinning and cleaning be presented for inspection of the officer in charge of the slaughterhouse or Meat Inspector and no butcher shall remove from the slaughterhouse, except in accordance with the next clause of this bye-law, any carcass which appears to the officer in charge or Meat Inspector to show signs of any contagious disease or other disease rendering the meat unfit for human consumption.

If any such carcass be found, it shall be seized and removed or destroyed or so disposed of as to prevent its being exposed for sale or such consumption. In the event of a dispute arising under this bye-law the matter shall be referred to the Medical Officer of Health or to the local authority whose decision shall be final.

71. If, on the inspection prescribed by the preceding bye-law, the carcass is found to be fit for human consumption, each piece of meat cut therefrom shall have impressed thereon or affixed thereto, under the supervision of the officer in charge, such stamp or seal as the local

authority may from time to time prescribe.

72. The skin of an animal whose carcass has been condemned under bye-law 70 above shall, if the officer in charge, or the Medical Officer of Health so directs, be disposed of in the same manner as the carcass.
73. No person shall remove any skins, entrails and offal from the slaughterhouse until they have been properly washed and cleaned.
74. The solid contents of the entrails shall not be washed into the cesspools, but shall be cleaned up and removed by the butchers or their assistants at the same time as entrails and offal are removed.
75. Meat, entrails and offal shall be removed from the slaughterhouse in covered carts or covered baskets or vessels, of a pattern to be approved by the Medical Officer of Health and the officer in charge of the slaughterhouse shall daily inspect the said carts, baskets or vessels, and see that they are kept clean and in good order.
76. No butcher or other person shall sell or allow to be sold meat, skin or any part of the carcass on or at the slaughterhouse premises.
77. Butchers or private individuals using the slaughterhouse shall be responsible for any damage wilfully or negligently caused to the slaughterhouse either by their own act or the acts of their servants, and any butcher or private person using the slaughterhouse who refuses to pay such damage shall be excluded from the slaughterhouse until he pays the cost of damage done.

General duties and instructions to Meat Inspectors

78. It shall be the duty of the Meat Inspector appointed by the local authority in this behalf (a) to attend at the slaughterhouse during the hours fixed, (b) to inspect animals ante-mortem according to the provisions of these bye-laws, (c) to inspect animals post-mortem according to the provisions of these bye-laws, (d) to keep a record of the number and kind of animals slaughtered along with the number and kind of carcasses, parts and organs condemned for different diseases, (e) at the close of each day's work to see that the

slaughterhouse or the slaughterhouses under him are thoroughly cleansed and disinfected and the condemned parts and organs duly destroyed and the offal removed to such places as may be appointed by the local authority, (f) generally to enforce the provisions of these bye-laws.

79. Every effort shall be made to inspect the carcasses and viscera of all animals slaughtered. This examination shall be methodical and as complete as possible in all cases as given in Appendix I to these bye-laws.

80. (a) The Meat Inspector shall have his own knife, wipes and instruments for examining carcasses and parts and organs thereof.

    (b) Knives and other instruments that have been used for cutting and examining any diseased organ, gland or tissue shall not again be used for any purpose until they have been disinfected in boiling water or other suitable disinfectants.

81. The carcass of an animal that is free from disease and the carcasses and organs which are well nourished, shall be passed without any undue mutilation, as fit for human consumption.

82. When all portions unfit for human food have been removed from a carcass under the supervision of the Meat Inspector the remainder of the carcass shall be passed as fit for human consumption.

83. If disease is found in any part of a carcass or in any organ, the whole carcass and all the organs thereof shall be examined for evidence of any repetition of the local conditions or modification of the same in other parts, according to the plan outlined in the Appendix referred to above.

Meat Marking

84. A local authority may authorize the use of abbreviations of marks of inspection, and such abbreviations shall have the same force and effect as the respective marks for which they are so authorized to be used. This marking shall be made on the spine of the animals and not

on the thigh. No meat shall be auctioned or sold without the mark referred to above and such mark or marks shall specify the grade (when prescribed) and the class of the animal slaughtered.

85. No person shall affix or place or cause to be affixed or placed, the inspection marks, copy or representation thereof, to any meat or meat product except the Meat Inspector authorized by the local authority.

86. The ink used for the purpose of meat marking shall be indelible and non-poisonous, and all instruments and marking articles shall be used only by the Meat Inspector himself, and when not in use shall be kept in the safe custody of the Meat Inspector under lock and key.

87. Carcass or parts and organs thereof found by the Meat Inspector on examination to be fit for human consumption be marked "Passed" along with an identifying mark for the kind of meat, such as (a) G for goat flesh, (b) M for mutton (c) H for horseflesh, (d) P for pork, (e) F for buffalo beef; and (f) any carcass, or part or organ thereof found by the Meat Inspector on examination to be diseased or otherwise unfit for human consumption shall be marked "Condemned".

88. All "Condemned" carcasses, parts or organs shall be seized by the Meat Inspector and denatured with crude carbolic acid or other prescribed agent, or destroyed by incineration or by burying.

89. If the Meat Inspector deems it necessary to hold any carcass or part thereof for further examination, he shall mark the same "Held". Should the subsequent inspection show the carcass or any part thereof to be in any way unfit for food, the Meat Inspector shall at the time of such subsequent inspection, mark such a carcass or portion thereof as "Condemned" and deal with the same in accordance with the provisions of bye-law 88.

90. No butcher or other person shall remove, deface or alter any seal or brand impressed in accordance with bye-law 33 above or any stamp or seal impressed upon or affixed to any piece of meat in accordance

with bye-law 87 above.

Transport and Handling

91. Every carcass or part or organ thereof, on removal from the slaughterhouse, shall, if conveyed in or along a public street or other public place, be suitably and completely covered so as not to be open to the public eyes. The conveyance shall be such that the meat is well ventilated, but at the same time invisible. The carcass should be hung on hooks and not dumped. The conveyance, if closed, shall be sealed after loading and the seal broken by the authorities of the local body before unloading.

92. Every person who conveys or causes to be conveyed any meat in a vehicle (a) shall cause to be kept clean the inside and the covering of the vehicle, the receptacles in which the meat is placed, and such parts of any slings or other implements or apparatus used for loading or unloading as come into contact with the meat or its covering; and (b) if the vehicle is open at the top, back or sides, shall cause the meat to be adequately protected by means of clean cloth or other suitable material; (c) shall not permit any live animal or any other article to be conveyed in the vehicle at the same time as meat.

93. A person engaged in the handling or transport of meat (a) shall not permit any part of the meat to come into contact with the ground and (b) shall take such other precautions as are necessary to prevent the exposure of the meat to contamination.

Sale of meat, meat shops and stalls

94. No carcass, portions or organs thereof other than those duly inspected and found fit for human food and bearing the mark "Passed" given by the Meat Inspector shall be sold to the public or exposed for sale at any meat shop or stall.

95. No meat shall be sold or exposed for sale within the limits of a local area except at the shops and stalls or other premises and except by persons licensed for the purpose by the local authority.

96. All meat shops and stalls in which it is intended to sell or expose for sale meat of any kind shall be licensed by the local authority. on the payment of the fee to be fixed by the local authority.
97. The licences for meat shops and stalls shall hold good till March 31. An application for renewal shall be made at least one month before the expiry of the licence. A renewal fee shall be charged by the local authority.
98. A person selling meat or exposing or offering meat for sale from any shop or stall (a) shall keep his name and address legibly painted or written on such shop or stall in some conspicuous position, along with the kind of meat in which he may be dealing, (b) shall cause such shop or stall, If not placed in an enclosed and covered market place, to be suitably covered over and to be screened at the sides and back thereof in such manner as to prevent mud, filth or other contaminating substances being splashed or blown from the ground upon any meat in the shop or stall, (c) shall cause every counter, slab, vessel or other articles on or in which meat is placed for sale and all knives and other implements used in connexion with the meat to be thoroughly cleansed after use and to be kept at all times in a clean condition, (d) shall take all such steps as may be reasonably necessary to guard against the contamination of the meat by flies, (e) shall not place or cause to be placed any meat on or within 18 inches of the ground or floor, unless the meat is placed in a closed cupboard or other adequately protected space not less than 9 inches from the ground or floor, (f) shall cause all trimmings, refuse and rubbish to be placed in properly covered receptacles, kept for the purpose apart from any meat intended for sale.
99. The occupier of any room in which any meat is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale, and any person who knowingly lets any room or suffers any room to be occupied for such purpose, shall cause the floors, walls and ceilings of such rooms to be whitewashed

and cleansed as often as provided in these bye-laws and to keep it in a clean and proper state.

100. The occupier of any stall or shop in which meat is sold or exposed for sale shall not supply to any purchaser any meat that is not of the nature, denomination, quality and type demanded by the purchaser.

101. No meat sold at shops or stalls licensed for the purpose shall contain any deleterious substance, drug, dye or preservative.

102. "Halal"' meat and "Jhatka" meat shall not be put together for sale or exposed for sale in the same shop or stall.

103. The Medical Officer of Health shall be the licensing officer for the purposes of these bye-laws. Where there is no Medical Officer of Health the Sanitary Inspector or a Veterinary Officer may be appointed licensing officer for the purpose of these rules.

104. A licence granted under these bye-laws shall be subjected to the following conditions.

(1) No one shall sell or expose for sale the flesh of any animal which has died from a natural cause, or any meat which has been blown up or artificially stuffed.

(2) No one shall place any meat intended for sale in or on a dirty basket or board or expose such meat without covering it with a clean cloth.

(3) The shop for the sale of meat shall have '*chicks*' or wire gauze screen hung up on all the open sides so that the meat kept for sale may not be seen by the passers-by.

(4) The floor of the shop shall be paved with bricks plastered all over, and it shall be thoroughly washed every day before the shop is closed.

(5) The shop itself must be whitewashed once a month.

(6) The licensee shall not sell meat at any place other than that mentioned in the licence.

A breach of any of these conditions shall involve forfeiture of the licence.

105. On receipt of an application for a licence the licensing officer shall either grant the licence or, for reasons to be recorded, may refuse to grant it.

106. The licensing officer may cancel or suspend a licence for breach of any of the conditions specified in bye-law 104.

107. An appeal shall lie to the local authority (or Health Committee) from an order of the licensing officer refusing to renew or cancelling or suspending a licence; provided that the appeal is made within 10 days of the date of the receipt of the order. No appeal shall, however, lie against an order refusing to allow the establishment of a new private market or shop, except to the District Magistrate under Section 318 of the Municipal Act.

Hawking of Meat

108 (a). No carcass, portions or organs thereof other than those duly inspected and found fit for human food and bearing the mark "Passed" marked by the Meat Inspector, shall be sold to the public or offered for sale by hawking.

(b) (1) No person shall be allowed to carry on the business of hawking meat unless he has obtained a licence for the sale from the licensing officer.

(2) The Medical Officer of Health will be the licensing officer for the purpose of this bye-law. Where there is no Medical Officer of Health, the Sanitary Inspector or a Veterinary Officer may be appointed.

(3) All hawkers of meat shall wear the badge issued to them by the local authority along with the licence, showing clearly the licence number, the nature of meat and the area within which he is licensed to sell.

109. Meat shall be carried in covered baskets or vessels of a pattern to

be approved by the Medical Officer of Health, and the Meat Inspector or the Sanitary Inspector shall daily inspect the baskets or vessels and see that they are kept clean and in good order. He shall not allow any meat to be offered for sale in baskets or vessels which are not clean or in good order.

110. Any person who carries meat in or about a market or other place in which meat is sold by wholesale or retail, shall take all reasonable precautions to prevent the exposure of meat to contamination by dust and flies and to see that no part of the meat shall come into contact with the ground.

111. The hawker of meat shall wear a clean, washable head covering.

Appointment of Meat Inspectors

112. No person shall be appointed a permanent Meat Inspector unless he is a veterinarian, who has had not less than a year's course of training in meat inspection in a recognized Veterinary College and passed the examination prescribed thereof, or in the absence of a veterinarian a duly qualified Sanitary Inspector having a certificate granted by the Public Health Department, Uttar Pradesh.

Penalty

113. In exercise of the powers conferred by Section 299(1) of the Act and with the sanction of the State Government, the Board hereby directs that any breach of bye-laws 25, 28, 29, 30, 38, 39, 41, 42, 47, 48, 52 to 62, 64, 67 to 76, 90, 95, 98, 100 to 102 and 108 to 110, shall be punishable with fine which may extend to five hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Importation of meat for sale into the municipality

114. No person shall introduce, within the municipal limits, for the purpose

of sale the flesh (other than cured or preserved meat) of any cattle, sheep, goats or swine unless it has been inspected and passed by an officer appointed by the Board in this behalf.

115. In exercise of the powers conferred by Section 299 (1) of the Act and with the sanction of the State Government the Board hereby directs, that a breach of the provisions of the above bye-law shall be punishable with fine which may extend to five hundred rupees.

Imported meat

116. No meat, meat product or edible offal shall be imported from foreign countries into India or from places outside the limits of a local area unless it is accompanied by an official meat inspection certificate issued by a qualified Meat Inspector, duly appointed for the examination of meat in the exporting country or province, showing that the meat has been examined and found by ante and post-mortem examination to be free from disease and suitable for human consumption.

117. All imported meat shall be open to re-inspection by the Meat Inspector appointed by the local authority or the State Government on payment of such import fee and/or examination fee as may be prescribed by such local authority or State Government.

118. Carcasses and parts and organs thereof offered for importation into India from which such tissues as the peritoneum, pleura, lymph glands or the portal glands of the liver have been removed, shall be condemned.

119. Any meat offered for importation into India, which is found upon inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, or to contain any dye, chemical preservative or ingredient (other than common salt) shall be condemned.

120. Nothing in these bye-laws shall affect the provisions of the U.P. Prevention of Cow Slaughter Act, 1955 or the rules made thereunder.

Meat of dead animals

Animals dead of natural causes or diseases show fullness of blood vessels and their meat is dark red due to lack of proper bleeding. Such carcasses undergo decomposition very quickly and as a rule should not be allowed for human consumption.

Meat of emergency-slaughtered animals

Animals are subjected to emergency-slaughter because of accidents, mechanical injuries or diseases, that may render its future life useless, such as acute respiratory distress due to tympanitis, asphyxia due to mechanical obstruction. Such animals, may be permitted for emergency-slaughter and the meat may be allowed for human consumption, after thorough examination.

Detection of adulteration (falsification) of meat

Providing wholesome meat to the public is one of the primary responsibilities of public health authorities and the Meat Inspector. In India, people belonging to different castes and religions differ in their dietary habits. Consequently, the non-vegetarian diet includes meats of different species of animals. Meat identification is important to detect possible substitution of inferior quality of meat for that of good quality, to find out adulteration of meat and meat products with non-meat proteins and in vetero-legal cases where positive identification of the species of animal to which the meat belongs is required.

The common methods used for the identification of meats of various species of animals are as follows :

1. Physical and Chemical Methods

(a) Physical characteristics of meats of different species of animals:

Meat	Colour	Consistency	Fat
Beef	Red	Fairly firm	Yellowish white
Camel meat	Red	Fairly firm	Pale yellow
Buffalo meat	Dark red	Firm	Pale white
Goat meat	Light red	Very firm	Pure white
Pork	Light red	Very soft	Grey white
Horse flesh	Dark red	Soft	White or yellow

(b) Rigor mortis (or post-mortem muscular rigidity): Rigor mortis is due to disappearance of ATP (adenosine triphosphate) from the muscle and in absence of ATP, actin and myosin combine to form rigid chains of actomyosin. It has been found that the onset time of rigor mortis in the longissimus dorsi varies in the meat of different species of animals.

Species	Time taken for rigor mortis in min (after death at room temperature)
Pig flesh	50
Lamb	60
Sheep	80
Ox	163
Horse	238

(c) Refractive index : The refractive index of different meats is as follows:

Species	Refractive index
Horse fat	53.5
Ox fat	40.0
Pig fat	51.9

The refractive indices of body fats of ox and buffalo, show a significant difference viz. ox , 0.4289 ± 0.0041 and buffalo, 0.4440 ± 0.0045.

(d) Iodine number: Since the amount of iodine absorbed by unsaturated fatty acids present in the body fat varies in different animals, determination of the iodine number can be used as one of the methods of detection of the meat.

Species	Iodine number
Horse	71-86
Ox	34-46
Pig	50-70
Sheep	35-46

Generally the iodine number of the fat of pig is higher than that of ruminants.

(e) Carotene content : The white colour of buffalo fat is due to absence (traces) of carotene in it. Carotene in the body fat of the cow ranges from 0.14 to 0.225 microgram per gram of fat while no carotene is found in buffalo fat.

(f) Fatty acid content : The fatty acid composition of body fats of cattle, sheep and pig is as under:

Fatty acid	Formula	Per cent in fat		
		Cattle	Sheep	Pigs
Palmitic	$C_{15}H_{31}COOH$	29	25	28
Stearic	$C_{17}H_{35}$ COOH	20	25	13
Hexadecenoic	$C_{15}H_{29}COOH$	2	-	3
Oleic	$C_{17}H_{33}$ COOH	42	39	46
Linoleic	$C_{17}H_{31}$ COOH	2	4	10
Linolenic	$C_{17}H_{29}$ COOH	0.5	0.5	0.7
Arachidonic	$C_{19}H_{31}$ COOH	0.1	1.5	2.0

In pig fat the linoleic acid content is higher than in cattle and sheep.

2. Meat Constituents

The composition of meat varies according to the species of animal from which the meat is obtained. The percentage composition of different meats are as follows:

	Beef muscle	Buffalo meat	Goat meat	Mutton muscle	Sheep liver	Pork muscle
Moisture	74.3	78.8	74.2	71.5	70.4	77.4
Protein	22.6	19.4	21.4	18.5	19.3	18.7
Fat	2.6	0.9	3.6	13.3	7.5	4.4
Minerals	1.0	1.0	1.1	1.3	1.5	1.0

The intramuscular fat in sheep is higher than in other animals and could be used as a method of identification. Calcium and potassium contents are higher in mutton muscle. Vitamin A is present in beef and mutton but not in buffalo, goat or pig meat.

3. Anatomical and Histological methods

(a) Bone percentage of carcasses: The proportion of bones in dressed carcasses are as follows:

Species	Per cent of bone
Mutton	25
Bobby calves	50
Veal calves	25
Pork	12-20
Bull	15

(b) Ribs on the thorax: Ribs on the thorax vary in number in different species of animals:

Species	Ribs in pairs	Sternal	Asternal
Horse	18	8	10
Ox	13	8	5
Pig	14-15	7	7-8
Dog	13	9	4
Sheep & goat	13	8	5

(c) Size of muscle fibres and their number : The structural unit of the muscle is muscle fibre. Fibres are long, narrow, multinucleated cells which may stretch from one end of the muscle to the other and may attain a length of long as 34 cm. although they may be only 10-100μ in diameter. In animals the diameter of muscle fibres differs from one muscle to another and between species, breeds and sexes also.

Name of muscle	Diameter of muscle fibre		Number of fibres per mm^2	
	Ox	Buffalo	Ox	Buffalo
M. biceps femoris	40±7	25±5	440±152	902±302
M. serratus vent ralis cervices	34±14	24±8	1381±1154	2157±1132
M. triceps brachii	37±7	26±5	662±350	1568±665
M. gluteus medius	34±5	30±6	844±242	1195±508
M. semitendinous	38±6	25±3	619±226	1836±662
M. longissimus thoracis	29±9	32±5	1281±688	959±33

It appears that in general the diameter of muscle fibre of buffalo is smaller than that of ox, while the number of fibres per mm^2 in buffalo is more than in ox. The muscle fibres in buffalo are smaller and polygonal in cross-

section in contrast to the somewhat larger and comparatively irregular muscle fibres of ox.

The study of morphological differences of L. dorsi muscle in longitudinal sections of pig, buffalo and poultry showed that in buffalo the striations are somewhat angular and in poultry they are horizontal and nuclei more marked while in pig the striations are only slightly angular. Quantitative studies on the average fibre cross-sectional area, average fibre diameter, number of fibres per unit area, fascicle size and number of fascicles per unit area in L. dorsi muscle of pig, buffalo, sheep, goat and poultry showed that the size of muscle fibre decreases in the following order: pig, buffalo, sheep, goat and poultry. In poultry the muscle fibres are thinner and density values are greater in comparison to those of other species. The fibres are extremely coarse in the pig. A slight difference in the fascicle size of different species may be seen, pig fascicles being generally large.

(VII) MODEL BYE-LAWS FOR PROHIBITING THE THROWING OF DEAD BODIES OF ANIMALS IN THE RIVERS UNDER SECTION 298(2)-LIST I-I(H) OF THE U.P. MUNICIPALITIES ACT, 1916

1. No person shall throw or cause to be thrown the dead body of any animal in any river within the limits of a Municipality.
2. In exercise of the powers conferred by Section 299(1) of the Act, and with the sanction of the State Government, the Board hereby directs that a breach of bye-law No.1 shall be punishable with fine which may extend to five hundred rupees.

Method of Examination of Carcasses

The following instructions indicate the order and method of inspection of all carcasses:

I

General principles to be observed.

1. ***Viscera*** – (a) All viscera shall be examined as they are removed from the carcass or in such circumstances as will ensure that they are the viscera of a particular carcass.

   (b) Every organ and the associated lymph glands shall be examined by the eye and by palpation.. When any abnormal condition is observed the nature and significance of which cannot be determined by such examination, the organ or gland shall be incised and the incision shall be made in such manner as to avoid soiling or contaminating or unnecessarily depreciating the value of any part of the carcass or other organs that may be passed fit for human food.

   (c) The efficient examination of lymph glands shall be by multiple incisions into their substance.

2. ***Carcass*** — (a) The carcass shall be examined for:

(i) Evidence of bruising haemorrhage or discolouration;

(ii) Local or general dropsy (oedema); and

(iii) Swellings or deformities of bones or joints or swellings or other abnormality in the musculature.

(b) The serous membranes (pleura and peritoneum) shall be examined in every case and in no case shall they be removed nor shall any evidence of disease be modified or obliterated by washing, rubbing, stripping or in any other manner before examination.

In case of 'back bleeding" stripping of the pleura is permissible provided the pleura is not entirely detached before it has been examined by the Meat Inspector.

(c) After the carcass is split, the sternum, ribs, vertebrae and spinal cord shall be examined.

(d) Incision to be made on each quarter in the musculature near the shoulder joint and near the pubic bone, without mutilating the carcass, for detection of cysts. (Cysticercus bovis and cellulosae).

II

Detailed instructions for routine inspection of carcasses of cattle and swine.

1. ***Head*** — The head, including (a) the surface and substance of the tongue (which should be loosened but not detached before examination), (b) the palate or roof of the mouth, and (c) the lymph glands of the throat (retropharyngeal, sub-maxillary and parotid) shall be examined by the eye and palpation, and the cheek muscles shall be examined on both sides by a linear incision parallel to the branches of the lower jaw.

Note :- In the case of calves, lymph gland of the head shall only be cut in cases of suspicion.

2. ***Abdominal Cavity*** — (a) Stomach, Intestines and Spleen: The outer and when necessary the inner surfaces of the stomach and intestines,

and the surface and substance of the spleen shall be examined, together with the glands of the stomach and bowel (gastrosplenic and mesenteric) and the web (omentum). The spleen shall be cut where necessary for the examination of the substance (pulp).

(b) Liver: The surfaces and substance of the liver shall be examined. The associated lymph glands (hepatic) shall also be examined and the bile ducts incised where necessary.

The thick end of the liver of cattle should be incised.

Note: In the case of calves, the cutting of bile ducts may be omitted.

(c) Kidneys: The lymph glands of the kidneys (renal) and the adrenal glands shall be examined before the removal of the kidneys. Thereafter the kidneys shall be exposed and the surface examined and, if necessary, the kidneys shall be split by incision and the substances examined.

(d) Uterus and Ovaries: The inner and outer surfaces of the uterus and the substancs of ovaries shall be examined. Where necessary the uterus shall be cut transversely through both horns and also longitudinally.

(e) Urinary bladder: The outer and inner surfaces of the urinary bladder shall be examined by observation and by cutting only if it shows a diseased condition.

Note :- In reporting upon lesions included in paragraphs 2(a), 2(b), and 2(d) special attention shall be paid as to whether the lesions affect the peritoneal surface or the organ itself. Unless care is taken statistical records become misleading.

3. ***Thoracic Cavity*** — The contents of the thoracic cavity shall be examined before the various organs are separated from other and the following examination shall be made:

(a) Lungs: The lungs shall be examined by the eye and by palpation and unless obviously diseased they shall be incised at the base. The

associated lymph glands (bronchial) and (mediastinal) shall also be examined and unless obviously diseased shall be incised.

Note:- In reporting upon lesions included in paragraph 3(a) distinction shall be made between lesions affecting the pleura and those affecting the lung parenchyma.

(b) Heart: The heart sac (pericardium) shall be opened and the heart examined and if necessary incised.

Note :- In reporting upon lesions in paragraph 3(b) distinction shall be made between lesions of the pericardium, myocardium and endocardium.

4. ***Udder:*** The udder shall be examined by observation and palpation. Incisions shall be made at the base of the teats and also into any indurated region in the substance of the gland; the associated lymph glands (supra-mammary) shall also be incised.

5. ***Testicles and Penis:*** The outer surface and the substance of the testicles and penis and the superficial inguinal lymph glands shall be examined.

6. ***Serous Membranes:*** (1) The lining (serous) membranes of the chest and abdomen (pleura and peritoneum) shall be examined in every case.

Note :- In all cases the following lymph glands must be examined as a matter of routine, viz. (1) retropharyngeal (in bovines) and submaxillary (in swine), (2) bronchial and mediastinal, (3) hepatic and (4) mesenteric.

(2) In the case of a calf, special attention shall be paid to the navel and to the joints of the carcass.

III

Detailed instructions for routine inspection of carcasses of sheep and goats

The examination is conducted on the same lines as for calves in

section II. The cutting of the heart, head, pulmonary lymph glands and body lymph glands shall be undertaken only in cases of suspicion.

IV

Detailed instructions for routine inspection of carcasses of horses, mules and donkeys

The inspection is conducted on the same lines as for cattle in section II, but a thorough examination of the nasal mucous membranes shall be made and the head split up longitudinally, and the septum nasi taken out in every case.

V

Instructions as to additional inspection where evidence of tuberculosis has been discovered in cattle and swine

Where, as a result of inspection in accordance with section II, evidence of tuberculosis has been detected, the carcass and viscera shall be examined in accordance with the following instructions:

1. The viscera and the associated lymph glands shall be examined for evidence of tuberculosis both in the substance and in the covering membrane capsules. The existence of tuberculosis in the lymph gland of an organ shall be held to be evidence of the disease in the organ.
2. All the usual lymph glands are examined in meat inspection work (other than those already enumerated), viz., the lower cervical, pre-sternal, subdorsal, prescapular, supra-mammary or superficial inguinal, iliac and sub-limbar glands; and if considered necessary the precrural and popliteal glands shall be exposed, excised and examined:
   (a) if a tuberculous lesion is found in any carcass lymphatic gland,
   (b) if the pleura and peritoneum are affected,
   (c) if the liver and hepatic glands are affected, and

(d) if tuberculous lesions are present in the bone and joints.

Those glands which, having regard to visible evidence, are least likely to be infected shall be examined first, e.g., if evidence of tuberculosis is found on the pleura the glands of the hindquarter shall be examined before those of the forequarter.

3. The carcass of a pig in which lesions of tuberculosis are found in any situation or in any degree shall be split and the vertebrae examined. The kidneys in such a carcass shall be freed, but not, necessarily detached from the enclosing fatty tissue, the surface shall be carefully examined, and if lesions are obvious or suspected, incisions shall be made into the substance.

VI

Instructions as to the action to be taken in the event of evidence of tuberculosis in cattle and swine

A. ***Organs*** – An organ shall be seized when tuberculosis exists on its capsule, or in its substance, or in the associated lymph glands.

B. ***Head*** – The head, including the tongue shall be seized:

(a) When retropharyngeal gland, parotid and submaxillary lymphatic glands or any two of these are affected.

(b) When the retropharyngeal gland alone in bovines or the submaxillary gland alone in swine is affected, unless the lesions are small and calcareous, when the head may be passed after the removal of neighbouring structures.

C. ***Carcass*** – (1) The entire carcass and organs and parts thereof shall be seized when the following conditions are found:

(a) Tuberculosis with emaciation.

(b) Generalized tuberculosis.

Note : In determining whether the disease is generalized or not, the judgment

shall be based on the sum of the evidence of disease throughout the entire carcass and organs. The following conditions shall be regarded as evidence of generalization :

(i) Miliary tuberculosis of both lungs.

Note: This is subject to the following qualifications. In a minor instance of miliary tuberculosis of the lungs, without evidence of the tuberculosis elsewhere and provided the lesions of miliary tuberculosis are not numerous and not of recent origin, it may be possible to pass the carcass. But miliary tuberculosis in the lung even in such a case is evidence of previous systemic infection, and the decision as to whether such carcass should be condemned shall devolve upon the Veterinary Surgeon or the Medical Officer of Health.

(ii) Where lesions are multiple, acute and actively progressive.

(iii) Where there is multiple and widespread infection of the carcass glands.

(iv) Where there are diffused acute lesions of both serous membranes (pleura and peritoneum) and any of the carcass lymph glands are enlarged or contain visible tuberculous lesions.

(v) Where in addition to the presence of tuberculous lesion in the respiratory or digestive tracts, there are also lesions present in the substance of any two of the following: spleen, kidney, udder (or uterus or ovary), testicle, brain and spinal cord or their membranes.

Note : Notwithstanding this instruction instances may be found where it would be justifiable to pass the carcass after condemnation of the affected organ. Absence of signs of activity, such as calcification or definite encapsulation would be favourable indications. The decision as to whether such a carcass should be condemned shall devolve upon the Veterinary Surgeon or the Medical Officer of Health.

(vi) Congenital tuberculosis in valves.

(2) All cases of tuberculosis not included in the immediately foregoing

instruction shall be regarded and treated as localized lesions, and the parts containing the lesions and contagious thereto shall be condemned.

(3) If an organ or portion of a carcass becomes contaminated by tuberculous material, it shall be treated as if it were a case of localized tuberculosis.

VII

Instructions as to the action to be taken in the event of evidence of other diseases being found in carcasses of cattle, sheep, goats, horses or swine

A. The entire carcass and all the parts and organs and also the blood thereof shall be condemned and seized if evidence of any of the following conditions is found:

(1) Actinomycosis (generalized);

(2) Anaemia (if pronounced);

(3) Anthrax;

(4) Blackleg;

(5) Bruising, general, extensive and severe, with or without gangrene;

(6) Cysticercus bovis (measly beef) if generalized in the meat substance,

(7) Cysticercus cellulosae (measly pork) if generalized in the meat substance;

(8) Decomposition (general);

(9) Dourine:

(10) Dropsy (general);

(11) Emaciation, general, pathological (associated with disease);

(12) Epizootic lymphangitis;

(13) Erysipelas, acute;

(14) Fever (acute);

(15) Foot-and-mouth disease (acute);

(16) Glanders (or Farcy);

(17) Haemorrahagic septicaemia;

(18) Immature, stillborn or unborn carcasses;

Note: Carcass shall be considered too immature to produce wholesome meat if (a) the meat has the appearance of being water-soaked, is loose, flabby, tears easily, or can be perforated with the fingers; or (b) its colour is greyish-red; or (c) good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small oedematous patches are sometimes present between the muscles; or (d) the tissue which later develops as the fat capsule of the kidneys is oedematous, dirty yellow or greyish-red, tough and intermixed with islands of fat.

(19) Jaundice (pronounced);

(20) Johne's disease (accompanied by emaciation or anaemia);

(21) Lymphadenitis, caseous;

(22) Malignant catarrhal fever;

(23) Malignant neoplasma unless localized, in situation and effect, to one organ;

(24) Mammitis, acute and septic or gangrenous;

(25) Melanosis, generalized or any generalized pigmentation;

(26) Metritis, acute septic;

(27) Pericarditis, septic;

(28) Pneumonia, gangrenous or septic;

(29) Pyaemia, including joint-ill or umbilical pyaemia;

(30) Rabies;

(31) Rickets with malnutrition;

(32) Rinderpest;

(33) Sarcocysts, if generalized in the musculature and visible to the naked eye;

(34) Septicaemia or septic intoxication;

(35) Swine fever;

(36) Surra;

(37) Tetanus;

(38) Trichinosis;

(39) Tumours, multiple in musculature, and

(40) Uraemia (carcass having a urinous odour).

B. In all cases in which evidence of disease not enumerated in section VII-A above is found, the organ or portion of the carcass affected by the disease, and the organs or portions contagious thereto shall be condemned.

C. Flesh or organs or carcasses falling under one or more of the following conditions which render them unwholesome, unsound or otherwise unfit for human consumption, shall be condemned:

(1) Diseased conditions caused by bacteria which are pathogenic to the human subject;

(2) Diseased conditions caused by animal parasites (resident in edible parts) that are pathogenic to the human subject;

(3) The presence of poisonous substances in the flesh. Such poisons may be (i) bacterial poisons or toxins generated in the living body by pathogenic bacteria, or produced post-mortem by putrefactive bacteria; or (ii) mineral or vegetable poisons introduced into the living animal, or added to the flesh as a preservative after death;

(4) Structural alterations that render the flesh, organs or the carcass unsightly or otherwise repulsive in appearance;

(5) Conditions that render the flesh non-nutritious.

(VIII) CERTIFICATES

1) Health Certificate for animals to be exported out of the country or state

I, ...,a duly qualified Veterinary Surgeon serving the Central/State Government/University/ engaged in veterinary practice, hereby certify that the animal/animals belonging to Sri..... S/o.....have been examined by me on this day.....and I am satisfied that this animal/these animals do not show evidence of any infectious or contagious disease at the time of examination.

Description of animal/animals..... .....

....

1. Clinical examination:
2. Has passed tuberculin test with bovine and avian tuberculosis on date .....
3. Has passed complement fixation test for Johne's disease with negative results.
4. Has passed blood test for brucellosis on date.....
5. Has been vaccinated against foot-and-mouth disease on date.....with polyvalent vaccine obtained from.....
6. Has been/not been found pregnant on examination on date.....

Date..... Signature.....

Address..... Name of the Practising Veterinarian

.....

(Stamp)

2) Certificate of Identification

This is to certify that I have this day ..... examined the animal described at the request of Shri ..... S/o.....R/o....., said to be the property of Shri..... R/o.....,for the purpose of identification. Details of the examined animal.....Breed..... Colour.....Age.....(date of birth of animal, if available) Sex..... Height.....

Identification marks (Natural)

Brand marks (Acquired)

Date..... Signature.....

Address..... Name of Practising Veterinarian

.....

(Stamp)

3) Certificate of Soundness

This is to certify that I have this day.....examined the animal whose particulars are given below for soundness at the request of Sri.....S/o ..... (said to be the owner of this animal) R/o.....

Animal.....Breed. .....Age..... (date of birth, if avaliable) Sex..... Height..... Identification marks (Natural) Brand Marks (Acquired)

In my opinion, the abovesaid animal described is sound/unsound. (If unsound mention the form of unsoundness).

Date..... Signature.....

Address..... Name of the Practising Veterinarian

....

(Stamp)

4) Request for Euthanasia

Owner's Name.....

S/o.....

R/o..... ....

Animal.....Breed.....Sex.....

Age.....Colour and markings.....

I, the undersigned, do hereby certify that I am the owner (or duly authorised agent of the owner) of the animal described above, that I do hereby give to Veterinary Surgeon/his representative .....a complete authority to put to sleep the said animal in whatever manner the said Veterinary Surgeon/his representative shall deem fit and I do hereby undertake to put the animal to sleep at my sole risk and by these presents for ever absolve the said Veterinary Practitioner/his representative from any and all liabilities for so putting to sleep the said animal.

I do also certify that the said animal has not bitten any person or animal during the last fifteen days and to the best of my knowledge has not exposed to rabies.

Date..... Signature of the owner

5) Surgical Risk Note

Name of the Hospital.....

I, ...S/o Sri..... resident of Village/ City..... P.O. ..... Distt.....hereby declare that the (Buffalo/Cattle/Goat/Sheep/Dog) presented for treatment belongs to me. All the complications and the risk involved in anaesthesia/ surgery have been fully explained to me. I, therefore, willingly record my consent for the operation to be performed on my animal and will not hold the doctor/departmental authorities responsible for any mishap.

Dated..... Signature of owner.....

Address.....

.....

6) Wound Certificate

No..... Dated.....

This is to certify that at the request of Sri..... ..... I have this day ..... examined..... .....having the following identification marks belonging to Sri.....S/o.....resident of ..... The said animal has got the following injuries on its body..... .....I am of opinion that ....

Signature.....

Place..... Name of the Practising Veterinarian (Seal)

7) Certificate for Slaughter of Animal

This is to certify that I have this day.....examined the animal whose description is given below and that I consider the animal to be fit for slaughter.

Name of the owner .....S/o Sri.....

Address..... ....

Animal.....Species.....Breed.....

Sex.....Age.....Colour.....

Identification mark.....

Reasons for certifying the animal as fit for slaughter.....

Date ..... Signature.....

Address..... Name of the Practising Veterinarian

....

(Stamp)

(IX) Euthanasia

Euthanasia, as applied to animals, is the bringing about a gentle and painless death for humane reasons. The term is usually applied to dogs, cats and other pets, although the humane slaughtering of animals for food purposes, and the humane destruction of horses or other animals kept for working purposes, should also fall within the meaning of the word. Euthanasia is performed in hopeless cases when treatment would be ineffective and the animal is suffering with severe pain, or shows behavioural problems. The decision to euthanise an animal is the ultimate responsibility of the owner and a veterinarian must obtain the written consent of the owner or his authorised agent. Failure to obtain the owner's permission may invite a lawsuit. Before euthanasia is performed, it has to be ascertained that the animal is indeed the one to be euthanised. Method of euthanasia should cause painless death, time to produce death should be short, reliable, economically feasible, safe for the veterinarian, and should have minimum emotional effect upon owner, observers and veterinarian.

Methods of achieving euthanasia in animals are as follows:

Injection of drugs

This is the method usually preferred by most veterinarians. Barbiturates which depress the respiratory centre are widely used. They are generally given intravenously for the purpose of euthansia, although intrathoracic, intracardiac or intraperitoneal injection may be employed. Sodium pentobarbitone solution (200 mg per ml) is often used in small animals. The dose is 1 ml per kg body weight given intravenously. Pentobarbitone sodium is quite satisfactory for sheep, goat and young cattle, while for adult cattle and horses, where restraint is difficult, the rapid injection of a small volume of sodium thiopentone solution, to cause collapse and loss of consciousness within a few seconds, followed by injection of a secondary agent to cause cardiac arrest may be better.

Saturated solution (1:1) of magnesium sulphate can be used to produce euthanasia in both small and large animals. The magnesium ion depresses

the central nervous system and unconsciousness occurs prior to respiratory paralysis. Warm saturated solution of magnesium sulphate should be injected intravenously or intracardially at dose of 2.5 to 4 mg per kg body weight. If an intravenous injection is not practicable, anaesthetics such as ketamine can be used which have the advantage of acting very rapidly following intramuscular injection. They must, however, be followed by a lethal injection of another agent.

Chloral hydrate, which depresses the respiratory centre, is used for large animals only. In horses, dose of 2 mg per 10 kg body weight is given intravenously.

Some people use strychnine to euthanise dogs, but this should not be used, as it increases excitability and produces violent muscular contraction.

In case of animals which cannot be handled, tranquilliser/anaesthetic mixtures (etorphine) may be administered intramuscularly by means of a projectile syringe.

Inhalation of anaesthetics

Inhalant aneasthetics, which include chloroform, ether and halothane can be used for the euthanasia of pups and kittens. The animals are confined in a small, closed chamber into which cotton or gauze saturated with the anaesthetic liquid is placed. The vapours are inhaled by the animal until death ensures. Inhalant anaesthetics are well suited to euthanise young animals when venipuncture is difficult. But struggling and excitement caused by irritant vapours and the stimulation of the central nervous system during the induction stage of anaesthesia are undesirable.

Inhalation of pure carbon monoxide (CO) causes rapid and painless death. It converts the haemoglobin to carboxyhaemoglobin and causes anaemic anoxia. Carbon monoxide can be effectively used for the euthanasia of small animals including dogs and cats. The animals are placed in a closed chamber. Six per cent carbon monoxide concentration gives the quickest results. Carbon monoxide gas can be produced by the reaction of Sodium

formate with sulphuric acid. Exhaust fumes from engines combusting petrol or cylinder gas can also be used.

Carbon dioxide has been used to euthanise small laboratory animals such as puppies, mice, rats, guinea pigs and rabbits. A combination of 40 per cent carbon dioxide and 3 per cent carbon monoxide is relatively cheap, non-inflammable, non-explosive and odourless and presents no hazard to the operator.

Physical Methods

Electrocution can be a humane method of canine euthanasia, provided that the dog is first stunned by passing an adequate electric current through the brain and then allowing the current to go through the body to cause stoppage of the heart.

Shooting is the most humane and rapid methods of euthanasia. A captive bolt pistol or any gun that fires a projectile can be used for shooting. For horses and cattle the point aimed at is not the middle of the forehead, between the eyes; a shot so placed passes into the nasal chambers or air sinuses, down into the mouth and throat, and misses the important vital centres. The correct spot is higher up than this. If two imaginary lines are drawn, each running from one eye to the opposite ear across the front of the forehead, the point of their intersection is the most vital spot. A shot aimed almost parallel with the ground and directed at this spot enters the brain cavity, destroys the brain and the beginning of the spinal cord, and passes on into the neck, where its momentum is expended. Otherwise, if for some reason this part is not accessible, the next best place to aim at is the base of one ear, the direction being again parallel with the ground. In the case of horned cattle, the presence of the horn may deflect the shot, and it is better to shoot into the base of the brain from behind, directing the charge downwards and forwards. When pigs have to be shot the middle line of the head is not the best place, because there is a strong crest of bone running downwards in this position; the shot should be placed a little above and nearer the centre of the skull than the eye. In case of

dogs and cats the centre of the forehead should be aimed at, for in these animals the brain is relatively large, and more easily accessible.

Request Form for Euthanasia

Owner's Name .....S/o.....
R/o.....Animal..... Breed.....
Sex..... Age.....Colour and markings.....

I, the undersigned, do hereby certify that I am the owner (or duly authorised agent of the owner) of the animal described above, that I do hereby give to Veterinary Surgeon/his representative .....complete authority to put to sleep the said animal in whatever manner the said Veterinary Surgeon/ his representative shall deem fit and I do hereby undertake to put the animal to sleep at my sole risk and by these presents forever absolve the said Veterinary Practitioner/his representative from any and all liabilities for so putting to sleep the said animal.

I do also certify that the said animal has not bitten any person or animal during the last fifteen days and to the best of my knowledge has not been exposed to rabies.

Date..... Signature of the owner

(X) INDIAN VETERINARY COUNCIL ACT, 1984

The Indian Veterinary Council Act presented by the Ministry of Law, Justice and Company Affairs was approved by the President of India on 18th August, 1984, after which it is known as "*The Indian Veterinary Council Act, 1984*".

Object of IVC Act

This Act came into force with the object to regulate veterinary practice and to establish the Veterinary Council of India and State Veterinary Councils which will maintain the register of registered practitioners and

will regulate all other matters related to them. This Act will be adopted by other States of the Indian Union once it is passed by the respective Houses of the Legislatures of the States i.e. Vidhan Sabha. This Act was passed by Madhya Pradesh Vidhan Sabha on 4th July, 1985 in exercise of powers under Article 252 (1) of the Constitution of India. By a similar procedure it was adopted by the States of Haryana, Orissa, Himachal Pradesh, Rajasthan and other states.

THE INDIAN VETERINARY COUNCIL ACT, 1984

(No. 52 of 1984) *(18th August, 1984)*

An Act to regulate veterinary practice and to provide, for that purpose, for the establishment of a Veterinary Council of India and State Veterinary Councils and the maintenance of registers of veterinary practitioners and for matters connected therewith.

Whereas it is expedient to make provision for the regulation of veterinary practice and to provide, for that purpose, for the establishment of a Veterinary Council of India and State Veterinary Councils and the maintenance of registers of persons qualified to engage in veterinary practice for the whole of India and for matters connected therewith or ancillary thereto;

And whereas Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in Articles 249 and 250 of the Constitution;

And whereas in pursuance of clause (1) of Article 250 of the Constitution resolutions have been passed by all the Houses of the Legislatures of the States of Haryana, Orissa, Himachal Pradesh and Rajasthan to the effect. The matters aforesaid should be regulated in those States by Parliament by law.

Be it enacted by Parliament in the thirty-fifth year of the Republic of India as follows:

CHAPTER I

SHORT TITLE, EXTENT AND COMMENCEMENT

Preliminary

1(1) This Act may be called the Indian Veterinary Council Act, 1984.

(2) It extends, in the first instance, to the whole of the States of Haryana, Bihar, Orissa, Himachal Pradesh and Rajasthan, other states and to all Union Territories; and it shall also extend to such other States as may adopt this Act by resolution passed in that behalf in pursuance of clause (1) of Article 252 of the Constitution.

(3) It shall come into force in a State or Union Territory to which it extends, or may become extended in future, 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 or for different States or Union Territories.

Definitions

2. In this Act, unless the context otherwise, requires:

(a) Council means the Veterinary Council of India established under Section 3.

(b) "member" means a member of the Council.

(c) "prescribed" means prescribed by rules made under this Act.

(d) "President" means the President of the Council.

(e) "recognised veterinary qualification" means any of the veterinary qualifications included in the First Schedule or the Second Schedule.

(f) "register" means a register maintained under this Act.

(g) "registered veterinary practitioner" means a person whose name is for the time being duly registered in a register.

(h) "regulation" means a regulation made under this Act.

(i) "State Veterinary Council" means Veterinary Council established under Section 32 and a Joint State Veterinary Council established in accordance with an agreement under Section 35.

(j) "Veterinary Institution" means any University or other institution within or outside India which grants degrees, diplomas or licences in veterinary Science and animal husbandry.

(k) "Veterinary medicine" means modern scientific veterinary medicine in all its branches and includes veterinary surgery and obstetrics.

(l) "Vice-President" means the Vice-President of the Council.

CHAPTER II

Indian Veterinary Council

Establishment and Composition of the Councils

3.(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 a Council to be called the Veterinary Council of India

(2) The Council 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 in the said name sue or be sued.

(3) The Council shall consist of the following members, namely:-

(a) Five members to be nominated by the Central Government from amongst Directors of Animal Husbandry (by whatever name called) of those States to which this Act extends.

(b) Four members to be nominated by the Central Government from amongst the heads of Veterinary Institutions in the States to which this Act extends.

(c) One member to be nominated by the Indian Council of Agricultural Research.

(d) The Animal Husbandry Commissioner, Government of India, ex officio.

(e) One member to be nominated by the Central Government to represent the Ministry of the Central Government dealing with animal husbandry.

(f) One member to be nominated by the Indian Veterinary Association.

(g) Eleven members to be elected from amongst themselves by persons enrolled in the Indian Veterinary Practitioners' Register.

(h) One member to be nominated by the Central Government from amongst the Presidents of the State Veterinary Councils of those States to which this Act extends.

(i) One member to be nominated by the Central Government from amongst the Presidents of the State Veterinary Associations of those States to which this Act extends.

(j) Secretary, Veterinary Council of India, ex officio.

(4) The President and Vice-President shall be elected by the members from amongst themselves in such manner as may be provided by regulation.

(5) Whenever there is a vacancy in the office of the President, the Vice-President shall discharge the functions of the President.

(6) The names of persons nominated or elected as members shall be notified by the Central Government in the official Gazette.

(7) A person shall not be qualified for nomination or election to the Council unless he holds a recognised Veterinary qualification.

Mode of election of members

4.(1)An election under clause (g) of sub-section (3) of Section 3 shall be conducted by the Central Government in accordance with such rules as may be made by it in this behalf and any rule so made may provide that pending the preparation of the Indian Veterinary Practitioners' Registers in accordance with the provisions of this Act, the members referred to in that clause may be nominated by the Central Government instead of being elected as provided therein.

(2) Where any dispute arises regarding any election to the Council, it shall be referred to the Central Government for its decision which shall be final.

Term of Office of President, Vice-President and members

5.(1)The President and Vice-President shall hold office for a term not

exceeding three years and not extending beyond the expiry of his term as member.

(2) Subject to the provision of this section, a member other than an ex-officio member, shall hold office for a term of three years from the date of his election or nomination to the Council or until his successor shall have been duly elected or nominated, whichever is longer.

(3) Members of the Council shall be eligible for renomination or re-election.

(4) Where the term of three years is about to expire in respect of any member, a successor may be nominated or elected at any time within three months before the said term expires, but he shall not assume office until the said term has expired.

Cessation of Membership

6. (1) A member shall be deemed to have vacated his office:

(a) if he is absent without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council;

(b) if he ceases to hold the post from which he has been nominated;

(c) in the case of a member elected under clause (g) of sub-section (3) of Section 3, if he ceases to be a person enrolled in the register;

(d) if he has been convicted of an offence involving moral turpitude and punishable with imprisonment;

(e) if he is an undischarged insolvent;

(f) if he is of unsound mind and stands so declared by a competent court.

(2) On the occurrence of a vacancy referred to in sub-section (1), the President shall forthwith report the fact of such vacancy to the Central Government and thereafter that Government may, subject to the provision to Section 7, take necessary steps to fill such vacancy.

Casual vacancies

7. A casual vacancy in the Council shall be filled by nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated or elected. Provided that no such casual vacancy occurring within three months of the date of expiry of the normal term of office of a nominated or an elected member need be filled under this section.

Resignation

8. (1) The President or Vice-President may at any time resign his office by notice in writing addressed to the Council and delivered to the Secretary and the resignation shall take effect from the date on which it is accepted by the Council or on the expiry of ninety days from the date of receipt of the resignation by the Secretary whichever is earlier.

(2) A member may at any time resign his office by notice in writing addressed to the President and every such resignation shall take effect from the date on which it is accepted by the President or on the expiry of ninety days from the date of receipt of the resignation by the President whichever is earlier.

Meeting of the Council

9. (1) The Council shall meet at least twice in a year at such time and place as may be appointed by the Council.

(2) The quorum necessary for the transaction of business at a meeting of the Council shall be nine.

(3) The President when present shall preside at every meeting of the Council and in his absence, the Vice-President and in the absence of both any other member elected by the members present from amongst themselves shall preside at such meeting.

(4) Save as otherwise provided in this Act, all questions which come up

before any meeting of the Council shall be decided by a majority of the members present and voting.

(5) In the case of an equality of votes, the President shall have a casting vote.

(6) Subject to the provisions of sub-sections (a) to (e) the Council shall observe such rules of procedure in regard to transaction of business at its meeting as may be provided by regulations.

10. No act or proceeding of the Council shall be invalid by reason only of the existence of a vacancy in the Council or on account of any defect or irregularity in its constitution.

Vacancies in the Council not to invalidate acts, etc. Appointment of Secretary and other officers or servants

11.(1) The Council may, with the previous sanction of the Central Government, appoint a Secretary (who shall also act as Treasurer unless the Council appoint any other person as Treasurer) and may appoint such other officers and employees as it may deem necessary to carry out the purpose of this Act.

(2) The terms and conditions of service of the Secretary, and other officers and employees appointed by the Council, shall be such as may be provided by regulations.

(3) The Secretary, officers and other employees of the Council shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

(4) All orders and decisions and other instruments of the Council shall be authenticated by the signature of the Secretary or any other officer of the Council duly authorised by it in this behalf.

Executive Committee and other Committees

12.(1) The Council shall appoint from among its members an Executive Committee and may constitute other committees for such general or specific purposes as the Council considers necessary and may co-

opt any person or persons specially qualified to advise on any matter to any committee other than the Executive Committee.

(2) A committee constituted under this section shall meet at such time and at such place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations.

Fees and Allowances

13. The President and other members of the committee (other than the members of the Council) shall be paid such fees and allowances for attending the meeting of the Council and the committee as may be provided by regulations.

Information to be furnished by the Council and publication thereof

14.(1) The Council shall furnish such reports, copies of its minutes, abstract of its accounts and other information to the Central Government as that Government may require.

(2) The Central Government may publish in such manner as it may think fit, report, any copy, abstract or other information furnished to it under this section.

Recognition of veterinary qualifications granted by Veterinary Institutions in India

15.(1) The veterinary qualifications granted by any veterinary institution in India which is included in the First Schedule shall be a recognised veterinary qualification for the purposes of this Act.

(2) Any veterinary institution in India which grants a veterinary qualification not included in the First Schedule may apply to the Central Government to have such qualification recognised and the Central Government, after consulting the Council, may, by notification in the official Gazette, amend the First Schedule so as to include such

qualification therein and any such notification may also direct that an entry shall be made in the last column of the First Schedule against such veterinary qualification declaring that it shall be a recognised veterinary qualification only when granted after a specified date.

Recognition of veterinary qualifications granted by Veterinary Institutions in countries with which there is a scheme of reciprocity

16.(1) The veterinary qualifications granted by veterinary institutions outside India which are included in the Second Schedule shall be recognised veterinary qualification for the purpose of this Act.

(2) The Council may enter into negotiation with the authority in any country outside India, which in the law of such country is entrusted with the maintenance of a register of veterinary practitioners, for setting up of a scheme of reciprocity for the recognition of veterinary qualifications, and in pursuance of such scheme, the Central Government may, by notification in the official Gazette, amend the Second Schedule so as to include the veterinary qualification which the Council has decided should be recognised, and any such notification may also direct that an entry shall be made in the last column of the Second Schedule against such veterinary qualification declaring that it shall be a recognised veterinary qualification only when granted after a specified date.

(3) The Central Government, after consultation with the Council, may, by notification in the official Gazette, amend the Second Schedule by directing that an entry be made therein in respect of any veterinary qualification declaring that it shall be a recognised veterinary qualification only when granted before a specified date.

(4) Where the Council has refused to recommend any veterinary qualification which has been proposed for recognition by any authority referred to in sub-section (2) and the authority has applied to the

Central Government in this behalf, the Central Government, after considering such application and after obtaining from the Council a report, if any, as to the reasons for any such refusal, may, by notification in the official Gazette, amend the Second Schedule so as to include such qualification therein and the provisions of sub-section (2) shall apply to such notification.

Special provisions in certain cases for recognition of veterinary Qualification

17.(1) The Central Government, after consultation with the Council, may, by notification in the official Gazette, declare that the veterinary qualifications granted by veterinary institutions in any country outside India in respect of which a scheme of reciprocity for the recognition of veterinary qualifications is not in force shall be a recognised veterinary qualification for the purposes of the Act or shall be so only when granted after a specified date.

Qualifications granted by veterinary institutions in countries

Provided that veterinary practice by persons possessing such qualifications:-

(a) shall be permitted only if such persons are enrolled as veterinary practitioners in accordance with the law regulating the registration of veterinary practitioners for the time being in force in that country;

(b) shall be limited to the institution to which they are attached for the time being for the purpose of teaching, research work, charitable work, and with which there is no scheme of reciprocity; and

(c) shall be limited to the period specified in this behalf by the Central Government by general or special order.

(2) In respect of any such veterinary qualification, the Central Government, after consultation with the Council, may, by notification in the official Gazette, direct that it shall be a recognised veterinary

qualification only when granted before a specified date.

Power to require information as to courses of study and examinations

18. Every veterinary institution in a State which grants a recognised veterinary qualification shall furnish such information as the Council may from time to time require as to the course of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

Inspection of veterinary institutions and examination

19.(1) A committee constituted under Section 12 may, subject to regulations, if any, made by the Council, appoint such number of veterinary inspectors as it may deem requisite to inspect any veterinary institutions or any college or other institution where veterinary education is given or to attend any examination held by any veterinary institution for the purpose of recommending to the Central Government recognition of veterinary qualification granted by that veterinary institution.

(2) The veterinary inspectors shall not interfere with the conduct of any training or examination, but shall report to the committee on the adequacy of the standards of veterinary education including staff, equipment, accommodation, training and other facilities prescribed by regulations for giving veterinary education or on the sufficiency of every examination which they attend.

(3) The committee shall forward a copy of any such report to the veterinary institution concerned and shall also forward a copy with remarks, if any, of the said institution thereon, to the Central Government.

Appointment of Visitors

20.(1) The Council may appoint such number of visitors as it may deem requisite to inspect any veterinary institution or any college or other institution where veterinary education is given or attend any examination held by any veterinary institution for the purpose of granting any recognised veterinary qualification.

(2) Any person, whether he is a member or not, may be appointed as a Visitor under this section, but a person who is appointed as an inspector under Section 19 for any inspection or examination shall not be appointed as a Visitor for the same inspection or examination.

(3) The Visitors shall not interfere with the conduct of any training or examination, but shall report to the President on the adequacy of the standards of veterinary education including staff, equipment, accommodation, training and other facilities prescribed by regulations for giving veterinary education or on the sufficiency of every examination which they attend.

(4) The report of a Visitor shall be treated as confidential unless in any particular case the President otherwise directs :

Provided that if the Central Government requires a copy of the report of the Visitor, the Council shall furnish the same.

Withdrawal of recognition

21.(1) When upon report by the Committee or the Visitor, it appears to the Council:

(a) That the courses of study and examinations to be undergone in, or the proficiency required from candidates at any examination held by, any veterinary institution are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or

(b) that the staff, equipment, accommodation, training and other

facilities for instruction and training provided in such veterinary institution or in any college or other institution affiliated to it do not conform to the standard prescribed by the Council,

The Council shall make a representation to that effect to the Central Government.

(2) After considering such representation, the Central Government may send it to the State Government of the State in which the veterinary institution is situated and the State Government shall forward it along with such remarks as it may choose to make to the veterinary institution, with an intimation of the period within which that institution may submit its explanation to the State Government.

(3) On receipt of the explanation or where no explanation is submitted within the period fixed, then on the expiry of that period, the State Government shall make its recommendation to the Central Government.

(4) The Central Government, after making such inquiry, if any, as it may deem fit, may, by notification in the official Gazette, direct that an entry shall be made in the appropriate Schedule against the said veterinary qualification declaring that it shall be a recognised veterinary qualification only when granted before a specified date or that the said veterinary qualification if granted to students of a specified college or institution affiliated to any veterinary institution shall be a recognised veterinary qualification only when granted before a specified date or as the case may be, that the said veterinary qualification shall be a recognised veterinary qualification in relation to a specified college or institution affiliated to any veterinary institution only when granted after a specified date :

Provided that before issuing such notification the Central Government may consult the Indian Council of Agricultural Research.

Minimum standard of veterinary education

22.(1) The Council may, by regulations, specify the minimum standards of veterinary education required for granting recognised veterinary qualification by veterinary institutions in those States to which this Act extends.

(2) Copies of the draft regulations and of all subsequent amendments thereof shall be furnished by the Council to the State Government concerned and the Council shall, before submitting such regulations or any amendments thereof, as the case may be, to the Central Government for approval, take into consideration the comments of the State Government received within three months from the furnishing of the copies as aforesaid.

(3) The Central Government may, before approving such regulations or any amendments thereof, consult the Indian Council of Agricultural Research.

(4) The Committee constituted under Section 12 shall from time to time report to the Council the efficacy of the regulations and may recommend to the Council such amendments thereof as it may think.

CHAPTER III

Indian Veterinary Practitioners' Register

Indian Veterinary Practitioners' Register

23.(1) The Council shall, as soon as may be after the commencement of this Act, cause to be maintained in such form and in such manner as may be provided by regulations a register of veterinary practitioners to be known as the Indian Veterinary Practitioners' Register which shall contain the names of all persons who possess the recognised veterinary qualifications and who are for the time being enrolled in a State Veterinary Register of the State to which this Act extends.

(2) It shall be the duty of the Secretary of the Council to keep the Indian Veterinary Practitioners' Register in accordance with the provisions of this Act and of any orders made by the Council, and from time to time to revise the register and publish it in the Gazette of India or in such other manner as may be provided by regulations.

(3) Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a copy published in the Gazette of India.

(4) Each State Veterinary Council shall furnish to the Council six printed copies of the State Veterinary Register as soon as may be after the 1st day of April of each year and each State Veterinary Council shall inform the Council without delay of all additions to, and other amendments in, the State Veterinary Register made from time to time.

Registration in the Indian Veterinary Practitioners' Register

24. The Secretary of the Council may, on receipt of the report of registration of a person in a State Veterinary Register or on an application made in such form and in such manner, as may be provided by regulations, by any such person enter his name in the Indian

Veterinary Practitioners' Register:

Provided that the Secretary is satisfied that the person concerned possesses a recognised veterinary qualification.

Issue of certificate of registration

25.(1) Any person whose name has been entered in the Indian Veterinary Practitioners' Register shall, on an application made in this behalf in such form and in such manner and on payment of such fees, not exceeding fifteen rupees, as may be provided by regulations, be entitled to a certificate or registration.

(2) On receipt of an application under sub-section (1), the Council shall grant to the applicant a certificate of registration in such form as may be provided by regulations:

Provided that on the removal of his name from a register, such certificate shall cease to be valid.

(3) Where it is shown to the satisfaction of the Secretary of the Council that a certificate of registration has been lost or destroyed, the Secretary may, on payment of such fees, not exceeding ten rupees, as may be specified by regulation, issue a duplicate certificate in such form as may be specified in the regulations.

Registration of additional qualifications

26.(1) If any person whose name is entered in the Indian Veterinary Practitioners' Register obtains any post-graduate degree or diploma in veterinary science, in addition to his recognised veterinary qualification, he shall, on an application made in this behalf in such form and in such manner and on payment of such fees, not exceeding fifteen rupees, as may be provided by regulation, be entitled to have an entry stating such degree or diploma made against his name in such register in addition to any entry previously made.

(2) The entries in respect of any such person in a State Veterinary Register

shall be altered in accordance with the alteration made in the Indian Veterinary Practitioners' Register.

Removal of names from the Indian Veterinary Practitioners Register

27. If the name of any person enrolled on a State Veterinary Register is removed therefrom in pursuance of any power conferred under this Act, the Council shall direct the removal of the name of such person from the Indian Veterinary Practitioners' Register.

Person enrolled on Indian Veterinary Practitioners' Register to notify change of place of residence or practice

28. Every person registered in the Indian Veterinary Practitioners' Register shall notify any transfer of the place of his residence or practice to the Council and the State Veterinary Council within ninety days of such transfer, failing which his right to participate in the election of members of the Council or a State Veterinary Council shall be liable to be forfeited by order of the Central Government either permanently or for such period as may be specified therein.

CHAPTER IV

PRIVILEGES OF REGISTERED VETERINARY PRACTITIONERS

Privileges of persons who are enrolled in the Indian Veterinary Practitioners' Register

29. Subject to the conditions and restrictions laid down in this Act, every person whose name is for the time being borne on the Indian Veterinary Practitioners' Register shall be entitled according to his qualifications to practice as a veterinary practitioner and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments and other appliances or any fees to which he may be entitled.

Rights of persons who are enrolled on the Indian Veterinary Practitioners' Register

30. No person, other than a registered veterinary practitioner, shall:

(a) hold office as veterinary physician or surgeon or any other like office (by whatever name called) in Government or in any institution maintained by a local or other authority.

(b) practice veterinary medicine in any State:

Provided that the State Government may, by order, permit a person holding a diploma or certificate of veterinary supervisor, stockman or stock assistant (by whatever name called) issued by the Directorate of Animal Husbandry (by whatever name called) of any State or any veterinary institution in India, to render, under the supervision and direction of a registered veterinary practitioner, minor veterinary services.

Explanation: Minor veterinary services" means the rendering of preliminary veterinary aid, like vaccination, castration, and dressing of wounds, and such other type of preliminary aid or the treatment of such as the State Government may, by notification in the official Gazette, specify in this behalf.

(c) be entitled to sign or authenticate a veterinary health certificate or any other certificate required by any law to be signed or authenticated by a duly qualified veterinary practitioner.

(d) be entitled to give evidence at any inquest or in any court of law as an expert under Section 45 of the Indian Evidence Act of 1872, on any matter relating to veterinary medicine.

CHAPTER V

DISCIPLINE

Professional conduct

31. (1) The Council may, by regulations, specify standards of professional

conduct and etiquette and a code of ethics for veterinary practitioners.

(2) Regulations made by the Council under sub-section (1) may specify which violations thereof shall constitute infamous conduct in any professional respect, that is to say, professional misconduct, and such provision shall have effect notwithstanding anything contained in any other law for the time being in force.

CHAPTER VI

STATE VETERINARY COUNCIL

Establishment and composition of State Veterinary Councils

32. (1) Except where a joint State Veterinary Council is established in accordance with an agreement made under Section 33, the State Government shall establish a State Veterinary Council consisting of the following members, namely:-

(a) four members selected from among themselves by veterinary practitioners registered in the State Veterinary Register;

(b) the heads of veterinary institutions, if any, in the State, ex-officio;

(c) three members nominated by the State Government;

(d) the Director of Veterinary Services of the State (by whatever name called), ex officio;

(e) one member to be nominated by the State Veterinary Association, if any; and

(f) Registrar of the State Veterinary Council, ex officio.

(2) The names of persons nominated or elected as members shall be notified by the State Government in the official Gazette.

(3) A person shall not be qualified for nomination or election as a member of a State Veterinary Council unless he holds a recognised veterinary qualification.

Inter-state agreements

33. (1) Two or more State Governments may enter into an agreement, to be in force for such period and to be subject to renewal for further periods, if any, as may be specified in the agreement, to provide:

(a) for the establishment of a Joint State Veterinary Council for all participating States; or

(b) for the State Veterinary Council of one State to serve the needs of the other participating States.

(2) In addition to such matters as are in this Act specified, an agreement under this section may:-

(a) provide for the apportionment between the participating States of the expenditure in connection with the State Veterinary Council or Joint State Veterinary Council;

(b) determine which of the participating State Governments shall exercise the several functions of the State Government under this Act and the reference in this Act to the State Government shall be construed accordingly;

(c) provide for consultation between the participating State Governments either generally or with reference to particular matters arising under this Act; and

(d) make such incidental and ancillary provisions not inconsistent with this Act, as may be deemed necessary or expedient for giving effect to the agreement.

(3) An agreement under this section shall be published in the official Gazettes of the participating States.

Composition of Joint State Veterinary Councils

34. (1) A Joint State Veterinary Council shall consist of the following members, namely:

(a) two members elected from among themselves by veterinary practitioners registered in the register of each of the participating

States;

(b) the heads of veterinary institutions, if any, in the participating States, ex officio;

(c) two members nominated by each participating State Government;

(d) the Director of Veterinary Services of each of the participating States, (by whatever name called) ex officio;

(e) one nominee of the State Veterinary Association, if any, of each of the participating States; and

(f) Registrar of the Joint State Veterinary Council, ex officio.

(2) The names of the persons nominated or elected as members shall be notified by the State Governments in the official Gazettes of the States.

(3) A person shall not be qualified for nomination or election as member of the Joint State Veterinary Council unless he holds a recognised veterinary qualification.

Incorporation of State Veterinary Councils

35. Every State Veterinary Council shall be a body corporate by such name as may be notified by the State Government in the official Gazette or in the case of a Joint State Veterinary Council, as may be determined in the agreement, having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and shall by the said name sue or be sued.

President

36. The President of the State Veterinary Council shall be elected by the members of that Council from among themselves in such manner as may be prescribed.

Mode of Election

37. The election under this chapter shall be conducted in the prescribed manner and where any dispute arises regarding any such election, it

shall be referred to the State Government for its decision.

Term of office and casual vacancies

38. (1) Subject to the provision of this section, a member of the State Veterinary Council, other than an ex officio member, shall hold office for a term of three years from the date of his election or nomination to the State Veterinary Council or until his successor has been duly elected or nominated, whichever is longer:

Provided that a member of the State Veterinary Council nominated under clause (c) of sub-section (1) of Section 32 or clause (c) of sub-section (1) of Section 34, shall hold office during the pleasure of the authority nominating him.

(2) Member of the State Veterinary Council shall be re-elected or re-nominated, as the case may be.

(3) An elected or nominated member of the State Veterinary Council shall be deemed to have vacated his office:

(a) if he is absent without excuse, sufficient in the opinion of the State Veterinary Council, from three consecutive meetings of the State Veterinary Council;

(b) if he ceases to hold the office from which he has been nominated;

(c) in the case of a member whose name is required to be included in any State Veterinary Register, if his name is removed from the register;

(d) if he has been convicted of an offence involving moral turpitude and punishable with imprisonment;

(e) if he is an undischarged insolvent; and

(f) if he is of unsound mind and stands so declared by a competent court.

(4) No act done by the State Veterinary Council shall be called in question on the ground merely of the existence of any vacancy, or defect, in the establishment of the State Veterinary Council.

(5) A casual vacancy in the State Veterinary Council shall be filled by fresh election or nomination, as the case may be, and the person elected or nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he has taken was elected or nominated.

(6) The State Veterinary Council shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.

Resignation

39. (1) The President of the State Veterinary Council may at any time resign his office by notice in writing addressed to the State Veterinary Council and delivered to the Registrar and the resignation shall take effect from the date on which it is accepted by that Council or on the expiry of ninety days from the date of receipt of the resignation by the Registrar, whichever is earlier.

(2) A member of the State Veterinary Council may at any time resign his office by notice in writing addressed to the President of the State Veterinary Council and every such resignation shall take effect from the date on which it is accepted by the President or on the expiry of ninety days from the date of receipt of the resignation by the President, whichever is earlier.

Executive and other Committees

40. Subject to such conditions and restrictions as may be prescribed, the State Veterinary Council may constitute an Executive Committee and other Committees for exercising any power or discharging any duty of the State Veterinary Council or for inquiring into, reporting with respect to, or advising on, any matter which the State Veterinary Council may refer to them.

Fees and Allowances

41. The President and other members of the State Veterinary Council

and the members of the Committees (other than the members of the State Veterinary Council) shall be paid such fees and allowances for attending the meetings of the State Veterinary Council and the Committees as may be prescribed.

Appointment of Registrar and other officers or servants

42. (1) The State Veterinary Council may, with the previous sanction of the State Government, appoint a Registrar, who shall also act as Treasurer, unless the State Veterinary Council appoints any person as Treasurer, and may appoint such other officers and employees as it may deem necessary to carry out the purposes of this Act.

(2) The terms and conditions of service of the Registrar, and of the other officer and employees appointed by the State Veterinary Council, shall be such as may be prescribed.

(3) The Registrar and other officers and employees of the State Veterinary Council, shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code 45 of 1860.

(4) All orders and decisions and other instruments of the State Veterinary Council shall be authenticated by the signature of the Registrar or any other officer of the State Veterinary Council duly authorised by it in this behalf.

(5) Notwithstanding anything contained in sub-section (1), for the first two years from the first constitution of the State Veterinary Council the Registrar of the State Veterinary Council shall be a person appointed by the State Government who shall hold office during the pleasure of the State Government.

Information to be furnished by State Veterinary Council

43. (1) The State Veterinary Council shall furnish such reports, copies of its minutes and of the minutes of the Executive Committee and abstract of its accounts to the State Government as the State

Government may from time to time require and shall forward to the Council copies of all materials so furnished to the State Government.

(2) The State Government may publish in such manner as it thinks fit any report, copy or abstract furnished to it under this section.

CHAPTER VII

REGISTRATION

Preparation and maintenance of State Veterinary Practitioners' Register

44. (1) The State Government, as soon as may be, cause to be prepared in the manner hereinafter provided a register of veterinary practitioners to be known as the State Veterinary Register for the State.

(2) The State Veterinary Council on its establishment shall assume the duty of maintaining the State Veterinary Register in accordance with the provisions of this Act.

(3) The State Veterinary Register shall contain the names of persons possessing the recognised veterinary qualifications.

(4) The State Veterinary Register shall include the following particulars, namely:

(a) the full name, nationality and residential address of the registered person;

(b) the date of his admission in the State Veterinary Register,

(c) his qualification for registration and date on which he obtained such qualification and authority which conferred it;

(d) his professional address; and

(e) such further particulars as may be prescribed.

First preparation of Register

45. (1) For the purpose of first preparation on of the State Veterinary

Register, the State Government shall, by notification in the official Gazette, constitute a Registration Tribunal consisting of three persons holding recognised veterinary qualifications and shall also appoint a Registrar who shall act as Secretary or of the Tribunal.

(2) The State Government shall, by the same or a like notification, appoint a date on or before which application for registration, which shall be accompanied by the prescribed fee, not exceeding twenty-five rupees, shall be made to the Registration Tribunal.

(3) The Registration Tribunal shall examine every application received on or before the appointed date, and if it is satisfied that the applicant is qualified for registration under Section 46, shall correctly enter the name of the applicant in the Register.

(4) The Register so prepared shall thereafter be published in such a manner as the State Government may direct, and any person aggrieved by a decision of the Registration Tribunal, expressed or implied in the Register as so published, may, within sixty days from the date of such publication, appeal to an authority appointed by the State Government in this behalf by notification in the official Gazette.

(5) The Registrar shall prepare the Register in accordance with the decision of the authority appointed under sub-section (4) and shall thereupon issue to every person whose name is entered in the Register a certificate of registration in the prescribed form.

(6) Upon the establishment of the State Veterinary Council, the Register shall be given into its custody, and the State Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the State Veterinary Council.

Qualification for entry on preparation of register

46. A person shall be entitled, on payment of the prescribed fee not exceeding twenty-five rupees, to have his name entered in the State

Veterinary Register if he resides in the State and if he holds a recognised veterinary qualification.

Scrutiny of applications for registration

47. (1) Once the date is appointed for the receipt of applications for registration under sub-section (2) of Section 45, all applications for registration shall be addressed to the Registrar of the State Veterinary Council and shall be accompanied by the prescribed fee not exceeding twenty-five rupees.

(2) if upon such application, the Registrar of the State Veterinary Council is of the opinion that the applicant is entitled to have his name entered in the State Veterinary Register, he shall enter therein the name of the applicant:

Provided that no person, whose name has under the provisions of this Act been removed from the State Veterinary Register of any State, shall be entitled to have his name entered in the State Veterinary Register of another State except with the approval of the State Veterinary Council from whose register his name was removed.

(3) Any person whose application for registration is rejected by the Registrar of the State Veterinary Council may, within three months from the date of such rejection, appeal to the State Veterinary Council.

(4) A person aggrieved by the decision of the State Veterinary Council under sub-section (3) may, within sixty days from the communication to him of such decision, appeal to the State Government.

(5) Upon entry in the State Veterinary Register of a name under this section, the Registrar of the State Veterinary Council shall issue a certificate of registration in the prescribed form.

Renewal fees

48. (1) The State Government may, by notification in the official Gazette, direct that for the retention of a name in the State Veterinary Register,

fee shall be paid every five years to the State Veterinary Council, such renewal fee, not exceeding fifteen rupees, as may be prescribed and where such direction has been made, such renewal fee shall be due to be paid before the 1st day of April of the year to which it relates.

(2) Where a renewal fee is not paid within the said period, the Registrar of the State Veterinary Council shall remove the name of the defaulter from the State Veterinary Register:

Provided that a name so removed may be restored to the said register on payment of renewal fee in such manner as may be prescribed.

(3) On payment of the renewal fee, the Registrar of the State Veterinary Council shall issue a certificate of renewal and such certificate shall be proof of renewal of registration.

Removal of names from the State Veterinery Register

49. (1) Subject to the provision of this section, the State Veterinary Council may order that the name of any person shall be removed from the State Veterinary Register where it is satisfied after giving that person a reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit to make:

(a) that his name has been entered in the State Veterinary Register by error or an account of misrepresentation or suppression of a material fact, or

(b) that he has been convicted of an offence involving moral turpitude and punishable with imprisonment or has been guilty of any infamous conduct in any professional respect or has violated the standards of professional conduct and etiquette or the code of ethics, which in the opinion of the State Veterinary Council, rendered him unfit to be kept in the said register.

(2) An order under sub-section (1) may direct that any person whose name is ordered to be removed from the State Veterinary Register

shall be ineligible for registration under this Act, either permanently or for such period of years as may be specified.

(3) An order under sub-section (1) shall not take effect until expiry of three months from the date thereof or until an appeal, if any, on such order is finally disposed of, whichever date is later.

(4) A person aggrieved by an order under sub-section (1) may, within sixty days from the communication to him of such order, appeal to the Council

(5) A person aggrieved by the decision of the Council under sub-section (4) may, within sixty days from the communication to him of such decision, appeal to the Central Government.

(6) A person whose name has been removed from the register under this section or under sub-section (2) of Section 48 shall forthwith surrender his certificate of registration and certificate of renewal, if any, to the Registrar of the State Veterinary Council and the name so removed shall be published in the official Gazette.

(7) A person whose name has been removed from the State Veterinary Register under this section or sub-section (2) of Section 48 shall not be entitled to have his name registered in the State Veterinary Register or in any other State Veterinary Register, except with the approval of the State Veterinary Council from whose register his name has been removed.

Restoration of name to State Veterinary Register

50. The State Veterinary Council may at any time for reasons appearing to it sufficient and subject to approval of the Council, order that upon payment of the prescribed fee not exceeding twenty-five rupees, the name of a person removed from a State Veterinary Register shall be restored thereto.

Printing of State Veterinary Register

51. As soon as may be after the 1st day of April each year, the Registrar

of the State Veterinary Council shall cause to be printed copies of the State Veterinary Register as it stood on the said date and such copies shall be made available to persons applying therefor on payment of the prescribed charge not exceeding ten rupees and shall be evidence that on the date the person whose names are entered therein were registered veterinary practitioners.

CHAPTER VIII

MISCELLANEOUS

Transfer of registration

52. Where a registered veterinary practitioner of one State is practising veterinary medicine in another State he may, on payment of prescribed fee which shall not exceed the renewal fee for registration in such other State, make an application in the prescribed form to the Council for the transfer of his name from the State Veterinary Register to the State in which he is practising veterinary medicine, and on receipt of any such application the Council shall, notwithstanding anything contained elsewhere in this Act, direct that the name of such person be removed from the first mentioned State Veterinary Register and entered in the State Veterinary Register of the second mentioned State and the State Veterinary Council concerned shall comply with such direction:

Provided that such a person shall be required to produce a certificate to the effect that all dues in respect of his registration in the former State have been paid:

Provided further that where any such application for transfer is made by a veterinary practitioner against whom any disciplinary proceeding is pending or where for any other reason it appears to the Council that the application for transfer has not been made *bona fide* and the transfer should not be made, the Council may, after giving the veterinary practitioner a reasonable

opportunity of making a representation in this behalf, reject the application.

Bar of jurisdiction

53. No order refusing to enter a name in a register or removing a name from register shall be called in any court.

Issue of duplicate certificate

54. Where it is shown to the satisfaction of the Registrar of the State Veterinary Council that a certificate of registration or a certificate of renewal has been lost or destroyed, the Registrar may, on payment of the prescribed fee, not exceeding ten rupees, issue a duplicate certificate in the prescribed form.

Penalty for falsely claiming to be registered

55. If any person whose name is not for the time being entered in a register falsely represents that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable on first conviction with fine which may extend to five hundred rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one thousand rupees, or with both.

Misuse of titles

56. If any person–

(a) not being person registered in a register, takes or uses the description of a veterinary practitioner, or

(b) not possessing a recognised veterinary qualification uses a degree or a diploma or a licence or abbreviation indicating or implying such qualification;

he shall be punishable on first conviction with fine which may extend to one thousand rupees, and on any subsequent conviction with imprisonment

which may extend to six months or with fine not exceeding five thousand rupees or with both.

Practice by unregistered persons

57. (1) After the expiry of one year from the date appointed under sub-section (2) of Section 45, no person other than a registered veterinary practitioner or a person permitted by the State Government under the provision to clause (b) of Section 30 shall practice veterinary medicine or render minor veterinary services, as the case may be, in the State.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable on first conviction with fine which may extend to one thousand rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding five thousand rupees, or with both.

Failure to surrender certificate of registration

58. If any person whose name has been removed from a register fails without sufficient cause forthwith to surrender his certificate of registration or certificate of renewal, or both, he shall be punishable with fine which may extend to five hundred rupees and in case of a continuing offence with an additional fine which may extend to ten rupees per day after the first day during which the offence continues.

Cognizance of offence

59. No court shall take cognizance of any offence punishable under this Act except upon complaint made by order of the State Government or State Veterinary Council.

Bar of suit and other legal proceedings

60. No suit or other legal proceedings shall lie against the Central

Government or the State Government or the Council or a State Veterinary Council in respect of anything which is in good faith done or intended to be done in pursuance of this Act, or of any rules, regulations or orders made thereunder.

Payment of part of fees to Council

61. The State Veterinary Council shall, before the end of June in each year, pay to the Council a sum equivalent to one-fourth of the total fees realised by the State Veterinary Council under this Act during the period of twelve months ending on the 31st day of March of that year.

Accounts and Audit

62. (1) The Council shall maintain appropriate accounts and other relevant records and prepare an annual statement of accounts including the balance sheet, in accordance with such general directions as may be issued and in such form as may be specified by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of Council shall be audited annually by the Comptroller and Auditor-General of India or any person appointed by him in this behalf and any expenditure incurred by him or any person so appointed in connection with such audit shall be payable by the Council to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Council shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and in particular, shall have the right to demand the production of books of accounts, connected vouchers and other documents and papers and to inspect the office of the Council.

(4) The accounts of the Council as certified by the Comptroller and Auditor-General of India or any 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 each House of Parliament.

(5) A copy of the accounts of the Council as so certified together with the audit report thereon shall be forwarded simultaneously to the Council.

Appointment of Commission of Inquiry

63. (1) Whenever it appears to the Central Government that the Council is not complying with any of the provisions of this Act, the Central Government may appoint a Commission of Inquiry consisting of three persons, two of whom shall be appointed by the Central Government, one being the Judge of High Court, and one by the Council and refer to it the matter on which the inquiry is to be made.

(2) The Commission shall proceed to make inquiry in a summary manner and report to the Central Government on the matters referred to it together with such remedies, if any, as the Commission may like to recommend.

(3) The Central Government may accept the report or remit the same to the Commission for modification or reconsideration.

(4) After the report is finally accepted, the Central Government may order the Council to adopt the remedies so recommended within such time as may be specified in the order and if the Council fails to comply within the time so specified, the Central Government may pass such order or take such action as may be necessary to give effect to the recommendations of the Commission.

(5) Whenever it appears to the State Government that the State Veterinary Council is not complying with any of the provisions of this Act, the State Government may likewise appoint a similar Commission of

Inquiry in respect of the State Veterinary Council to make inquiry in like manner and pass such orders or take such action as specified in sub-sections (3) and (4).

Powers of Central Government to make rules

64. (1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of chapters II, III, IV and V.

(2) Every rule 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 rules, 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.

Power of State Government to make rules

65. (1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of chapters VI, VII and VIII.

(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 manner in which the President of the State Veterinary Council shall be elected under Section 36;

(b) the manner in which election under Chapter VI shall be conducted;

(c) the procedure to be observed by the State Veterinary Council at its meetings under sub-section (6) of Section 38;

(d) the conditions and restrictions with respect to the constitution of Executive Committee and other Committees under Section 40;

(e) the fees and allowances for attending the meeting of the State Veterinary Council and the Committees under Section 41;

(f) the terms and conditions of appointment of the Registrar, other officers and employees of the State Veterinary Council under sub-section (2) of Section 42;

(g) the particulars to be included in the State Veterinary Register under clause (e) of sub-section (4) of Section 44;

(h) the fees shall accompany an application for registration under sub-section (2) of Section 45 and sub-section (1) of Section 47;

(i) the form of certificate of registration under sub-section (5) of Section 45 and sub-section (5) of Section 47;

(j) the fee payable under Section 46, Section 52 and Section 54;

(k) the renewal fee under sub-section (1) of Section 48;

(l) the manner of payment of renewal fee under the provision to sub-section (2) of Section 43;

(m) the charge for supplying printed copies of the State Veterinary Register under Section 51;

(n) the form of duplicate certificate under Section 54; and

(o) any other matter which is to be or may be prescribed under chapters VI, VII & VIII.

(3) Every rule made 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.

Power to make regulations

66. (1) The Council may, with the previous approval of the Central Government, make regulations, not inconsistent with the provisions of this Act and the rules made under Section 64, to carry out the purposes of chapters II, III, IV and V.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:

(a) the manner in which the President and Vice-President shall be elected under sub-section (4) of Section 3;

(b) the procedure to be observed respectively by the Council and the Committee at their meetings under sub-section (6) of Section 9 and sub-section (2) of Section 12;

(c) the terms and conditions of appointment of the Secretary, other officers and employees of the Council under sub-section (2) of Section 11;

(d) the fees and allowances for attending the meetings of the Council and the committees under Section 13;

(e) the form and manner in which the Indian Veterinary Practitioners' Register shall be maintained under sub-section (2) of Section 23;

(f) the manner of keeping the Indian Veterinary Practitioners' Register under sub-section (2) of Section 23;

(g) the form and manner in which an application may be made under Section 24;

(h) the form of application and the fee payable under sub-section (1) of Section 25;

(i) the form of certificate of registration under sub-section (2) of Section 25;

(j) the fee payable under sub-section (3) of Section 25;

(k) the form of duplicate certificate under sub-section (3) of Section 25;

(l) the form and manner in the which an application may be made and the fee payable under sub-section (7) of Section 25;

(m) the standards of professional conduct and etiquette and code of ethics to be observed by veterinary practitioners under sub-section (1) of Section 31; and

(n) any other matter for which under this Act provision may be made by regulations.

(3) Every regulation shall, as soon as may be after it is made by the Council, be forwarded to the Central Government and that Government shall cause a copy of the same to be laid 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 of the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the 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 regulation.

Repeal and savings

67. As from the commencement of this Act in any State, every other Act relating to any matter contained in this Act and in force in that 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 and the provisions of Section 6 of the Central Clauses Act, 1897 shall apply to such repeal as if such other Act were a Central Act of 1897.

THE FIRST SCHEDULE
(See Section 2 (E) and Section 15)
RECOGNISED VETERINARY QUALIFICATIONS GRANTED BY UNIVERSITIES OR VETERINARY INSTITUTIONS IN INDIA

	University or Veterinary Institution	Recognised Veterinary Qualification	Abbreviation for Registration
	1	2	3
	Degrees		
1.	Agra University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
2.	Andhra Pradesh Agricultural University	Bachelor of Veterinary Science	B.V.Sc.
		Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
3.	Assam Agricultural University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
4.	Bidhan Chandra Krishi Viswa Vidyalaya	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
5.	University of Bihar	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.

	1	2	3
6.	University of Bombay	Bachelor of Science (Vety.)	B.Sc. (Vety.)
		Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
		Bachelor of Veterinary Science	B.V.Sc.
7.	University of Calcutta	Bachelor of Veterinary Science	B.V.Sc.
		Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
8.	University of Calicut	Bachelor of Veterinary Science	B.V.Sc.
9.	Chandra Shekhar Azad University of Agriculture & Technology	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
10.	Gauhati University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
11.	Govind Ballabh Pant University of Agriculture and Technology	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
12.	Gujarat Agricultural University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
13.	Haryana Agricultural University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
		Bachelor of Veterinary Animal Science	B.V.A.Sc.

1		2	3
14.	University of Jabalpur	Bachelor of Veterinary Science	B.V.Sc.
		Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
15.	Jawaharlal Nehru Krishi Vishwa vidyalaya	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
16.	Kerala Agricultural University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
		Bachelor of Veterinary Science	B.V.Sc.
17.	University of Kerala	Bachelor of Veterinary Science	B.V.Sc.
18.	Konkan Krishi Vidyapeeth	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
19.	University of Madras	Bachelor of Veterinary Science	B.V.Sc.
20.	Magadh University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
21.	Maharasthra Agricultural University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
22.	Mahatma Phule Krishi Vidyapeeth	Bachelor of Veterinary Science	B.V.Sc.
		Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.

	1	2	3
23.	Marathwada Krishi Vidyapeeth	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
24.	University of Mysore	Bachelor of Veterinary Science	B.V.Sc.
25.	Nagpur University	Bachelor of Veterinary Science	B.V.Sc.
		Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
		Bachelor of Science (Vety)	B.V.Sc. (Vety.)
26.	Orissa University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
27.	Osmania University	Bachelor of Veterinary Science	B.V.Sc.
		Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
28.	Punjab University Lahore (1942 Aug. to 1947)	Bachelor of Veterinary Science	B.V.Sc.
29.	East Punjab University Solan (1948-54)	Bachelor of Veterinary Science	B.V.Sc.
30.	Punjab University, Chandigarh (1954-62)	Bachelor of Veterinary Science	B.V.Sc.
		Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
31.	Punjab Agriculture University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.

	1	2	3
32.	Punjab Krishi Vidyapeeth	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
33.	Rajasthan Agricultural University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
34.	University of Rajasthan	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
35.	Rajendra Agriculture University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
36.	Ranchi University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
37.	Sardar Patel University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
38.	University of Sagar	Bachelor of Veterinary Science	B.V.Sc.
39.	Sri Venkateswara University	Bachelor of Veterinary Science	B.V.Sc.
40.	Tamil Nadu Agricultural University	Bachelor of Veterinary Science	B.V.Sc.
41.	University of Udaipur	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
42.	University of Agricultural Science, Hebbal	Bachelor of Veterinary Science	B.V.Sc.

	1	2	3
43.	Uttar Pradesh Agri. Univ. Pant Nagar	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
44.	Utkal University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
45.	Vikram University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
46.	Mohanlal Sukhadia University	Bachelor of Veterinary Science and Animal Husbandry	B.V.Sc. & A.H.
	Diplomas		
1.	Assam Veterinary College	Graduate in Veterinary Science	G.V.Sc.
		Graduate in Veterinary Science and Animal Husbandry	G.V.Sc. & A.H.
2.	Bengal Veterinary College	Graduate of Bengal Veterinary College	G.B.V.C
		Graduate in Veterinary Science	G.V.Sc.
3.	Bihar Veterinary College	Graduate of Bihar Veterinary College	G.B.V.C
4.	Bombay Veterinary College	Graduate of Bombay Veterinary College	G.B.V.C
5.	Madras Veterinary College	Graduate of Madras Veterinary College	G.M.V.C
6.	Punjab Veterinary College	Licensed Veterinary Practitioner (Conferred before 15-8-1947)	L.V.P

THE SECOND SCHEDULE
(See Section 2 (e) and Section 16)

RECOGNISED VETERINARY QUALIFICATIONS GRANTED BY INSTITUTIONS OUTSIDE INDIA

	Country and Institution	Recognised Veterinary Qualification	Abbreviation for Registration
	UNITED KINGDOM		
1.	Royal College of Veterinary Surgeons	Member of the Royal College of Veterinary Surgeons	M.R.C.V.S
2.	University of Bristol	Bachelor of Veterinary Science	B.V.Sc.
3.	University of Cambridge	Bachelor of Veterinary Science	B.V.Sc.
4.	University of Edinburgh	Bachelor of Veterinary Science	B.V.Sc.
5.	University of Glasgow	Bachelor of Veterinary Science	B.V.Sc.
6.	University of Liverpool	Bachelor of Veterinary Science	B.V.Sc.
7.	University of London	Bachelor of Veterinary Medicine	B.Vet.Med.
	REPUBLIC OF IRELAND		
8.	University of Dublin	Bachelor of Veterinary Medicine	B.V.M
9.	National University of Ireland	Bachelor of Veterinary Medicine	B.V.M

VETERINARY COUNCIL OF INDIA (STANDARD OF PROFESSIONAL CONDUCT, ETIQUETTE AND CODE OF ETHICS FOR VETERINARY PRACTITIONERS) REGULATIONS, 1992

G.S.R. 395 (E). -In exercise of the powers conferred by Section 66 read with Section 31 of Indian Veterinary Council Act. 1984 (52 of 1984) the Veterinary Council of India, with previous approval of the Central Government, hereby makes the following regulations, namely :-

1. Short title and commencement.- (1) These regulations may be called, the Veterinary Council of India (Standard of Professional Conduct, Etiquette and Code of Ethics, for Veterinary Practitioners) Regulations, 1992.

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

2. Definitions.- (1) In these regulations, unless the context otherwise require:

(a) 'Veterinarian' means a registered veterinary practitioner as defined in the Act,

(b) 'Act, means the Indian Veterinary Council Act, 1984 (52 of 1984).

(c) 'Regulations' means the Standard of Professional Conduct, Etiquette and Code of Ethics Regulations. This definition limits its meaning to the terms used within the said regulations.

(d) 'Patient' shall mean an animal, bird or a group of them being treated or managed or advised to be treated or managed by a veterinarian.

(e) 'Client' means the legal owner of the patient or his representative or the person or persons directly assigned responsibility of the patient.

(f) 'Profession' means veterinary profession covering all its branches, namely, animal health, animal production and technology, and shall include

any sister profession wherein veterinary service is extended or is sought or is made use of, namely, laboratory animal medicine, animal experimentation and vaccine production.

3. Declaration and oath by a Veterinarian.- Being admitted to the profession of veterinary medicine, " solemnly swear to use my scientific knowledge and skills for the benefit of society through the protection of animal health, the relief of animal suffering, the conservation of livestock resources, the promotion of public health, and the advancement of knowledge in veterinary science.

I shall practice my profession conscientiously, with dignity, and in keeping with the principles of veterinary medical ethics.

I accept as a lifelong obligation the continuous improvement of my professional knowledge and competence.

GENERAL PRINCIPLES

4.Character of the veterinarian.- The primary object of the veterinary, profession is to render service to humanity by facilitating better animal production, ensuring veterinary public health as also caring for the sick animals and alleviating their suffering; financial reward is always a subordinate consideration. Whosoever chooses the profession, assumes the obligation to conduct oneself in accordance with the noble ideals of serving the dumb and mute creatures, The veterinarian shall be an upright person and shall be sincere and diligent in caring for the sick and managing the healthy animals. He/she shall be modest, sober and prompt in discharging his/her duties.

He/she shall conduct himself/herself with propriety in his/her profession and in all actions of his/her life.

5. Standards of character and morals.- The veterinary profession expects from its members the highest level of character and morals. Every veterinarian owes to the profession and the public a duty to achieve such a level. It shall be incumbent on veterinarians to be temperate in all matters

of practice of the profession and to exercise clear and vigorous application of mind.

6. Veterinarian's responsibility.- A veterinarian shall merit the trust and confidence of his/her clients, rendering their animals full measure of service with devotion. The honoured ideals imply that responsibilities of a veterinarian extend not only to one client and the animals he brings but also to the entire society.

7. Advertising.- Solicitation of clients by a veterinarian directly or indirectly through an advertisement in newspapers. circular cards, placards, or handbills in a manner projecting himself/herself to be in a position of superiority which he/she himself/herself has not achieved, is unethical.

A veterinarian should not make use of or let others make use of him/her or his/her name as a subject of any form or manner of advertising or publicity through lay channels which shall be of such a character as to invite attention to him/her or his/her professional position or skill or as would ordinarily result in his/her self aggrandisment, provided that a practitioner is permitted formal announcement in press about the following matters namely:

(1) Starting of his/her practice.

(2) Change of type of practice.

(3) Change of address,

(4) Temporary absence from duty,

(5) Resumption of practice.

(6) Succeeding to another's practice.

He/she shall further not advertise directly or indirectly through price lists or publicity materials of manufacturing firms or traders with whom he/she may be connected in any capacity, nor shall he/she publish cases, operations or letters of thanks from patients in non-professional newspapers or journals; provided that it shall be permissible for him/her to publish his/her name in connection with a technical expert's report or publication in a professional journal.

8. Fee for professional service.- A veterinarian engaged in practice/ advisory service/consultancy, shall limit the source of his/her income to the fee received for services rendered to the client. Remuneration received for such services shall be in the form and amount specifically announced to the client at the time the service is rendered.

9. Patent and Copyrights.- A veterinarian may patent surgical instruments, appliances and medicine or copyright applications of methods and procedure.

10. Running an Open Shop.- (Dispensing of drugs and appliances by veterinarians).

A veterinarian shall not run an open shop for sale of medicine for dispensing prescriptions by doctors other than himself.

11. Rebates, gifts and commissions.- A veterinarian shall not give, solicit or receive nor shall he/she offer to give, solicit or receive, any gift, gratuity, commission or bonus in consideration for the referring or procuring of, any client for specialist expert service or exclusive treatment advice thereof: nor shall he/she receive any commission or other benefit from a professional colleague, trader of medicine or appliances or from a technologist.

12. Secret Remedies.- The prescribing or dispensing by a veterinarian of secret medicines or other secret remedial agents, of which he/she does not know the composition or the manufacture or promotion of their use, is unethical.

13. Evasion of Legal Restrictions.- A veterinarian shall observe the laws of the country in regulating the practice of veterinary medicine and will not assist others to evade such laws. He/she should cooperate in the observance and enforcement of sanitary laws and regulations in the interest of public health. A veterinarian shall observe the provisions of the State Acts like Drugs Act, Pharmacy Act, Rules and Regulations made by the Central Government, State Governments or Local Self Governments and Administrative Bodies for protection and promotion of veterinary public health.

Duties of Veterinarians to their Clients and Patients

14. Obligation to the patient.- Though a veterinarian is not bound to treat cases of each and everyone asking for his/her service, except in emergencies, he/she shall for the sake of humanity and the noble tradition of the profession, not only be ever ready to respond to the need of the sick and injured animals/birds, but shall also be mindful of the high character of his/her mission and the responsibility he/she incurs in the discharge of his/ her professional duties.

15. Patient not to be neglected.- A veterinarian is free to choose whom he/she will serve, provided that he/she shall respond to any request for his/her assistance in an emergency or whenever temperate public opinion expects the service.

Once having undertaken a case, a veterinarian shall not neglect the patient nor shall he/she withdraw from the case without giving notice to the client sufficiently in advance to allow him secure another professional veterinarian.

16. Termination of service.- (a) A veterinarian shall withdraw his/her service under the following valid reasons:-

(i) Where he/she finds another veterinarian in attendance.

(ii) Where remedies/advice other than those prescribed by him/her are being used.

(iii) Where his/her remedies/advice and instructions are refused.

(iv) Where he/she feels that the illness or the need of his/her service is an imposture and that he/she is being made a party to a false presence.

(v) Where a client is resorting to the use of intoxicating drugs, means of quackery or witchcraft against medical advice; and

(vi) Where complete information/history concerning the fact and circumstances of the case are not supplied by a client.

(b) The discovery that the malady is incurable/the client's problems are unsolvable, is no excuse to discontinue attendance by a veterinarian as

long as his/her client desire the service.

17. Act of negligence.- (1) No veterinarian shall willfully commit an act of negligence that may deprive patient of the care that is absolutely necessary.

(2) A veterinarian is expected to show such diligence and skill in service as would be expected of another veterinarian of similar qualifications, experience and attainments.

(3) His/her acts of commission or omission shall not be judged by any non-veterinary standards but as those expected from a veterinarian of his/her training, standing and experience.

(4) A veterinarian shall use any drug prepared under standard pharmacological principles and shall adopt all necessary preparations/precautions, like sterilization and verification of doses as are normally prescribed for that drug.

18. Behaviour to patients.- The demeanour of a veterinarian towards his/her patient shall always be kind, tender and full of patience. Every patient shall be treated with attention, consideration and concentration.

19. Visit.- Notwithstanding the fact that a veterinarian is not bound to visit his/her patient/client, he/she shall make it at the indicated hour, once he/she had committed to do so.

20.Prognosis.- (a) A veterinarian shall neither exaggerate nor minimize the gravity of a patient's condition. He/she shall ensure that the legal owner of the patient has such knowledge of the patient's condition as will serve the best interest of the patient and its owner (client).

(b) In case of dangerous manifestations, or when grave and highly communicable diseases are encountered he/she shall not fail to inform the client and those to whom the disease can be of potent danger.

Duties of Veterinarians to the Profession

21. Upholding the honour of the profession.- A veterinarian is expected to uphold the dignity and honour of his profession.

22. Membership of Societies.- For the advancement of his/her profession a veterinarian may affiliate himself/herself with professional societies and contribute his/her time, means and energy to their progress, so that they may represent and promote the ideals of the profession better.

23. Safeguarding the profession.- Every veterinarian shall laid in safeguarding the profession against admission to it of whose who are deficient in moral character or education. He/she should not employ in connection with his/her professional practice any unqualified personnel to treat or perform operation upon patients.

24. Exposure of unethical conduct.- Exposure of unethical conduct on the part of any member of the profession shall be done without fear or favour.

The incompetent, corrupt, dishonest or unethical conduct on the part of any member of the profession shall be discouraged at any cost.

25. Appointment of substitute.- Whenever a veterinarian (thereinafter mentioned as absent veterinarian) requests another veterinarian to attend to his/her patient/clients during his/her temporary absence from practice professional courtesy requires the acceptance of such an appointment by the latter, if consistent with his/her other duties. The veterinarian under such appointment shall give utmost consideration to the interest and reputation of the 'absent' veterinarian. He/she shall not charge either the patient or the absent veterinarian or his/her services, except in case of special arrangement between them. All such patients shall be restored to the care of the absent veterinarian upon his/her return.

26. Professional services of veterinarian to one another.

(1) There is no rule that a veterinarian shall not charge another veterinarian

or a member of a sister profession for service rendered. But a veterinarian shall consider it a pleasure and privilege to render gratuitous service to his/her professional brethren, if they are in his/her vicinity, or to a veterinary student.

(2) When a veterinarian is called from a distance to attend to a case of fellow veterinarian or a member of a sister profession, reimbursement shall be made for travelling and other incidental expenses.

(3) A veterinarian called in any emergency to visit a patient under the care of another veterinarian, shall when the emergency is over, retire in favour of the latter; but shall be entitled to charge the client for his/her services.

(4) When a veterinarian is consulted at his/her own residence, it is not binding on him/her to enquire if the patient has been under the care of another veterinarian. But in the interests of the patient he/she shall, while ascertaining history, go through the treatment followed if any. However, it is unethical that his information be used to malign or instigate against, directly or indirectly, the veterinarian who happened to attend on the patient previously, when a veterinarian sees a patient at the request of another veterinarian, it shall be the duty of the first veterinarian to write a letter to the veterinarian making the request stating his/her opinion of the case with the modes of treatment he/she thinks proper to be adopted.

27. (1) If a veterinarian is engaged to attend on a patient of dystokia or a similar distress he/she shall do so. Refusal to do so under excuse of another engagement is unethical except when he/she is already engaged in similar or another serious case (s).

(2) When a veterinarian engaged to attend a serious case is absent and another veterinarian is sent for, the latter shall be entitled to legitimate fees; provided that he/she shall secure the client's consent to withdraw on arrival of the former at a mutually consented or logical phase.

28. When it becomes the duty of a veterinarian occupying an official position to see and report on an illness or injury or any other professional

problems concerning a patient, he/she shall do so, but communicate to the veterinarian in attendance, so as to give him/her an option to be present. The former shall avoid remarks on the diagnosis or treatment that has been adopted. This does not prevent him/her from discussing the matter with the latter in isolation.

Duty of Practitioners in Consultation

29. Consultation shall be encouraged: In case of serious illness/ doubtful or difficult conditions, a veterinarian shall always request consultation; he/she shall also do so in the case of major surgical interventions, outbreak of herd diseases, poisoning, endemics or undiagnosible situations.

30. Punctuality in consultations: Punctuality shall be observed by a veterinarian in attending a consultation if a consultant veterinarian does not arrive within reasonable time, keeping in view the distance he/she has to travel and other relevant factors the consulting veterinarian shall be at liberty to see the patient; provided that he/she leaves his/her conclusion in writing in a closed envelope. The same rule is applicable if the consulting veterinarian fails to turn up in time.

31. Patient referred to another veterinarian: (1) When a patient is referred to another veterinarian, a statement of the history, observation, clinical and laboratory examination as well as the tentative treatments undertaken shall be given.

(2) On receipt of the above statement the veterinarian receiving the referred case shall communicate his/her opinion to the attending veterinarian and either shall continue the treatment as per his/her opinion or return the case along with his/her opinion communicated

32. Consultation for patient's benefit: In every consultation the benefit of the patient shall be of prime importance, it should not be done with an ulterior motive of evasion of responsibilities or on monetary considerations.

33. Conduct of consultation: (1) In consultation there shall be no place

for insincerity, rivalry or envy. All due respect shall be shown to the veterinarian in charge of the case and no statement or remark shall be made which would impair the confidence reposed in him/her by the client. For this purpose no such discussion shall, therefore, be made before the client.

(2) All statements to the client shall be made in the presence of consulting veterinarian, except as otherwise agreed. Announcement to the client also shall be made by the consulting veterinarian to the extent possible. (3) Difference of opinion shall not be divulged unless both feel that it would be in the interest of the patient or dignity of the profession.

(4) It shall be open to the client to take further advice and the consulting veterinarian with the consent of the client may consult yet another veterinarian, the rules of ethics remaining the same.

34. Cessation of consultation: Attendance of consulting veterinarian shall cease when consultation is concluded; unless another appointment is arranged by the attending veterinarian.

35. Treatment after consultation: (1) No decision shall restrain the attending veterinarian from making such subsequent variation in the treatment as any unexpected change or development may demand, provided that at the next consultation, reasons for variations are stated.

(2) The same privilege, with its obligations, belongs to the consultant when sent for in an emergency during the absence of attending veterinarian. The attending veterinarian may prescribe at any time; but the consultant only in case of emergency or instant need. All treatments by both shall be stated to each other.

36. Consultant not to take charge of the case: When a consultant veterinarian is called upon to be consulted, none but the rarest and most exceptional circumstances shall justify the consultant taking charge of the case. He must not do so merely on solicitation of the client or his representative.

37. Bar on consulting non-registered veterinary practitioners: No veterinarian shall have consultation with a veterinary practitioner who is not registered.

Duties of Veterinarians to the Public

38. Veterinarian as citizen:

Veterinarians as good citizens possessed of special training, shall advise concerning the health and husbandry of the animals, in the localities wherein they dwell. They shall play their part in enforcing the laws of the community (not favouring any communal overtones or prejudices) and in substantiating the institutions that advance the interests of humanity. They shall cooperate with the authorities in the observance and enforcement of sanitary laws and the laws relating to drugs, poisons and pharmacy, made for the protection of health.

39. Public health:

A veterinarian engaged in public health work shall enlighten the public concerning, quarantine regulations and measures for the prevention of epizootic, zoonotic and food-borne diseases and intoxications and communicable diseases. At all times. the veterinarians shall notify the respective authorities of every case of communicable diseases under their care in accordance with the laws, rules and regulations of the authorities.

When an epidemic prevails, the veterinarian shall continue his/her labour without regard to the risk to his/her own health. He/she shall endeavour to ensure hygienic handling of animal products and wastes thereof and educate the public of food-borne diseases and intoxications.

40. Livestock production and technology:

A veterinarian shall strive for the betterment of animal production through timely advice/propaganda on scientific management involving economically viable and hygienic housing, adoption of scientific breeding schedule, disease prevention of routines, reproduction health monitoring, hygienic

and systematic care before, at and following parturition, care of new born, hygienic collection of farm products and proper disposal of animal products and wastes thereof.

He/she should strive to educate the public and paraveterinary staff personnel regarding timely insemination and aseptic handling during A.1. and discourage the unscientific, unhygienic inseminations.

Disciplinary Action

41. The Veterinary Council of India brings to the notice of the registered veterinary practitioners the following:

In matters regarding offences and form of professional misconduct, which may be brought before the appropriate Veterinary Council for disciplinary action, in view of the authority conferred by Section 31 of the Act, the appropriate Veterinary Council may award such punishments as deemed necessary or may direct the removal altogether, or for a specific period, from the register, the name of any registered veterinary practitioner, who has been convicted of any such offence as implies in the opinion of the Veterinary Council (s), a defect of character or who after an enquiry at which opportunity has been given to such registered veterinary practitioners to be heard in person or through a pleader, has been held by the appropriate Veterinary Council to have been guilty of serious professional misconduct. The appropriate Veterinary Council may also direct that any name so removed shall be restored.

It must be clearly understood that the instances of offences and of professional misconduct which are given do not constitute and are not intended to constitute a complete list of the infamous acts which may be punished by erasure from the register and that by issuing this notice the Veterinary Council of India and/or State Veterinary Council (s) is/are in no way precluded from considering and dealing with any professional misconduct on the part of a registered veterinary practitioner. Circumstances may and do arise from time to time in relation to which

may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violation in letter or spirit. In such instance, as in all others the Veterinary Council of India and/or State veterinary Council(s) has/have to consider and decide upon the facts brought before the Veterinary Council of India and/or State Veterinary Council(s).

42. Professional Misconduct:

The following actions shall constitute professional misconduct: 1. Improper conduct with a patient or maintaining an improper association with a client.

2. Conviction by a court of law of offences involving moral turpitude.

3. Tampering with or falsely providing professional certificates, reports and other documents. The registered veterinary practitioners are in certain cases bound by law to give or may from time to time be called upon or requested to give signed certificates, reports and other documents of kindred character by courts, administrative offices, bank as part of veterinary services. (See section 30 of the Act.}

(1) Notwithstanding the existence of other similar and/or kindred documents, such documents shall include:

(a) A vaccination certificate for licensing of pets.

(b) A vaccination certificate for transport across border from one state to another.

(c) A vaccination certificate for export of animals.

(d) A soundness certificate for a horse or health certificate for cattle for the purpose of insurance, registration, etc.

(e) A certificate indicating result of test (diagnostic) like tuberculin test.

(f) Post-mortem reports in vetrolegal cases, for purposes of insurance claims etc.

(g) Trauma certificate indicating the extent and nature of damage and/or deterioration, in veteolegal cases involving accidents, cruelty or vindication.

(h) Birth certificate required at times for purposes of insurance, registrations, loans etc.

(i) A certificate indicating, reproductive defects. diseases and other conditions rendering an animal uneconomic (fit for culling}.

(j) A certificate for euthanasia where treatment is unlikely to be rewarding and a certificate of performance of euthanasia.

(k) Quarantine clearance certificate for having cleared quarantine at places of disembarkation of animals/birds/livestock products.

(2) Any registered veterinary practitioner who shall be proved to have signed or given under his/her name and authority any such certificate, report or document of a kindred character which is untrue, misleading or improperly relating to the several matters, some of which are specified above, is liable to have his/her name erased from the Indian Veterinary Practitioners' Register.

(3) A registered veterinary practitioner shall maintain a Register of Veterinary Medical Certificates given full details of certificates issued.

(4) When issuing such a certificate the identification mark of the patient, name or number, if any, age and other details including owner's name and keep a copy of the certificate for record with him. The client's signature and/or thumb impression and a declaration that he is the genuine owner of the patient or is his authorized representative shall invariably be obtained.

4. Contravention of the provisions of law relating to drugs and regulations made thereunder.

5. Selling a drug or poison regulated by law to the public or his/her clients, save as provided by that law.

6. Performing or enabling an unqualified person to perform, any illegal

operation for which there is no medical, surgical or psychological indication.

7. Affixing a signboard on a chemist's shop or in places where the veterinarian does not reside or work. This should not be construed to mean announcement, boards or direction indicators.

8. While displaying a board or a name plate, to write anything other than his/her name, qualifications obtained from a university or a statutory body, titles and names of his/her specialty if any (such name being the content of his/her prescription papers), and the registration number.

9. Before euthanasia or before performing an operation not obtaining in writing the consent from the client.

10. Using touts or agents for procuring patients.

43. Disciplinary Committees

There shall be a Disciplinary Committee charged with the duty of considering and determining:

(a) Any case of indiscipline referred to them by State Veterinary Council or appeal by aggrieved registered veterinary practitioners.

(b) Any other case of which the Disciplinary Committee has cognizance

44. The State Veterinary Council shall investigate, through Committee(s)/ sub committee(s) (by fact-finding and receiving complaints), regarding:

(a) Registered veterinary practitioners being convicted of any criminal offence which in the opinion of the committee renders unfit to practice veterinary profession.

(b) Any such veterinarian detected/judged to have been guilty of disgraceful conduct in any professional respect. .

(c) Any person whose name is fraudulently entered in the register.

45. The State Veterinary Council(s) shall on receipt of complaints regarding any unregistered individual and individuals who while rendering minor

veterinary services described under sub section (b) of Section 30 of the Act undertaken unsupervised treatment/veterinary service assuming himself/ herself to be a veterinarian shall make necessary investigations and advise the concerned State Government to take appropriate action or shall themselves initiate action under the law.

(XI) THE INDIAN PENAL CODE

Veterinarians as public servants are bound by law and they are expected to be well acquainted with important sections of Indian Penal Code as applicable to the veterinary professions. Some of the sections are as follows:

Section 44. The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

Section 47. The word "animal" denotes any living creature other than a human being.

Section 51. The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorised by law to be made before a public servant or to be used for the purpose of proof, whether in a court of justice or not.

Section 52. Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention.

Section 53. The punishments to which offenders are liable under the provisions of this code are :

Firstly – Death;

Secondly – Transportation;

Thirdly – The words "penal servitude" were omitted by Act XVII of 1949, S. 2(I)

Fourthly – Imprisonment, which is of two descriptions, namely;

(1) Rigorous, that is, with hard labour,

(2) Simple;

(3) Fifthly – Forfeiture of property;

(4) Sixthly – Fine.

Section 80. Nothing is an offence which is done by accident or misfortune, and without any criminal intention of knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Section 81. Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Section 162. Taking gratification by corrupt or illegal means to influence public servant, shall be punished with imprisonment for up to three years or fine, or both.

Section 163. Taking gratification for exercise of personal influence with public servant shall be punished with simple imprisonment up to one year or fine, or both.

Section 169. Public servant unlawfully buying or bidding for property shall be punished with simple imprisonment extending up to two years or fine, or both, and confiscation of property purchased.

Section 170. Personating a public servant shall be punished with two years rigorous imprisonment or fine, or both.

Section 172. Whoever absconds in order to avoid being served with

a summons, notice or order proceeding from any public servant, legally competent, as such public servant, to issue such summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

or, if the summons or notice or order is to attend in person or by agent, or to produce a document in a court of justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 173. Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or orders, or intentionally prevents the lawful affixing to any place of any such summons, notice or order, or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant to direct such proclamation to be made, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

or, if the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document in a court of justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 178. Whoever refuses to bind himself by an oath or affirmation to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 192. Whoever causes any circumstance to exist or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence".

Section 193. Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Section 197. Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence as per Section 204. Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a court of justice, or in any proceeding lawfully held before a public servant, as such, or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 269. Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Section 270. Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

Section 271. Whoever knowingly disobeys any rule made and

promulgated by the Government for putting any vessel into a state of quarantine or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Section 272. Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 273. Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 274. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with

imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 275. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 276. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 284. Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person, or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 289. Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 326. Whoever, except in the case provided for by Section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with transportation for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section 377. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with transportation for life, or with

imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

Section 415. Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat".

Section 420. Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Comment: Simple cheating is punishable under Section 417. But where there is delivery or destruction of any property or alteration or destruction of any valuable security resulting from the act of the person deceiving, this section comes into operation.

Section 427. Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards,

shall be punished with imprisonment of either desciption for a term which may extend to two years, or with fine, or with both.

Section 428. Whoever commits mischief by killing, poisoning, maiming or rendering useless, any animal or animals of the value of ten rupees or upwards, shall be punished with imprisonment of either dscription for a term which may extend to two years, or with fine, or with both.

Section 429. 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.

Comment: This section provides for enhanced punishment owing to the greater value of the animals mentioned therein.

1) 'Horse': The word 'horse' includes a mare.

2) "Bull, Cow or Ox': According to the Madras High Court, a 'calf does not come within the terms bull, cow or ox, but the Calcutta High Court has held that the words 'bull' and 'cow' in this section include the young of those animals. The section specifies the more valuable of the domestic animals, without any regard to age; but in respect of other kinds of animals not so specified, the section will not apply unless the particular animal in question is shown to be of the value of fifty rupees or upwards. **A bull set at large according to religious practice** : Such bull is not the subject of ownership by any person, as the original owner surrenders all his rights as its proprietor and gives it freedom to go whithersoever it chooses. It is therefore *nullius proprietas*, and as such, cannot be the subject of mischief. But if there is not a total abandonment of control and

property, the animal would not cease to be the private property of the owner. There is also a material distinction in principle between the case of an animal property which is wholly renounced or abandoned and allowed, in accordance with superstitious or religious belief, to roam at large, free from control, and that of such an animal so abandoned and at large after dedication to a temple.

Section 430. Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Part 5

Livestock Insurance in India

A majority of the population of our country lives in villages. These include farmers, livestock owners, landless labour etc. The landless labourers and marginal farmers have tended towards taking up dairying as a profession and main source of earnings. It has been observed that livestock owners often suffer heavy losses due to the death of their valuable animals such as exotic and crossbred cows, buffaloes, sheep, goats, camels, horses, dogs and poultry. In view of this it was considered necessary to give them proper protection by extending the services of livestock insurance to keep livestock owners free from a sense of insecurity.

Under the 20-point programme, various government organisations are trying to elevate the living standard of people who are below poverty line. In the States, different government schemes have been introduced to assist farmers by providing loans for purchasing milch animals, bullocks, horses, cows and poultry. The various schemes under which the farmers receive such help are DRDA, IRD, SFAP, SFDA, ICDP etc. Insurance of livestock guarantees return of money to the bank in case of death/disability of financed animals. Beacuse of this reasons insurance is necessary for getting financial assistance from government agencies and banks for the purchase of livestock in urban, rural and tribal areas.

Objects of Livestock Insurance

1. To guarantee to the farmer and livestock owner compensation for loss due to the death of the insured animal.
2. To enable the livestock owner to repay to the bank the loan given to him for purchase of animals.
3. In case of permanent or total or disability of draught animals or the permanent loss of quarters in milch cows, 75% of the insured value is paid to the animal owner.
4. To enable livestock owner to get fresh loans again for purchasing similar type of animals.

Conditions for Insurance

Livestock owners are required to fulfil the following conditions in regard to the animals intended to be insured:

1. Provide suitable housing accommodation having byres with sufficient space for manger, water troughs and suitable housing for poultry.
2. Offer good and balanced feed to the animal(s).
3. Animals must be free from ecto and endo-parasites and be treated periodically for parasites.
4. Animals must be protected against bacterial and viral diseases like anthrax, blackquarter, haemorrhagic septicaemia and foot-and-mouth disease.

Requirements for Livestock Insurance

Health Certificate: It is obligatory on the part of the owner to produce a certificate from a qualified veterinarian to the effect that his animal is healthy and free from any disease. The owner is required to pay a fee for this certificate as per prevailing rates or as prescribed by government/ insurance company.

Identification of Animals : The identification of the insured animal is of great importance and must be done thoroughly and faithfully. Emphasis

has to be given to the breed, age, sex, body colour, shape of horns, height, identification marks, (natural or acquired by branding, tattooing and tagging). Tagging must be done by a veterinarian.

i. The animal owner should note the ear tag number of his animal.

ii. If the ear tag falls or is lost due to tearing of ears while rubbing, the fallen tag should be preserved and this must be reported to the bank or insurance company in writing.

iii. When an insured animal dies its ear tag is valuable proof and must be preserved carefully. While claiming compensation for the loss of a deceased insured animal a piece of its ear along with tag must be submitted to the insurance company for verification.

Principle of No tag-No claim : Nowadays insurance companies have adoped the principle of 'No tag-No claim' i.e. no claim is paid if the specific ear tag is not submitted. Thus, timely retagging of the animal is very important whenever its tag is lost or falls off.

Insurance Policy

Livestock can be insured through two types of policies: (i) proposal-cum-policy and (ii) master policy agreement.

1. **Proposal-cum-Policy:** The owner is required to fill the proforma called "proposal-cum-policy with receipt and veterinary certificate" after obtaining the health certificate. This proforma may be filled by the authorised agent of the insurance company and by a qualified veterinarian. The proforma contains information about:

1. Owner – his name, address and occupation.
2. Period of insurance, from ..... to .....
3. Particulars of animal-species, breed, sex, colour, age, identification marks, height, purpose for which used, total number of calvings, date of last calving, present market value and sum for which to be insured.

4. Location of dairy farm.
5. Premium amount.
6. Cause of loss and number of animals lost during past three years.
7. Special remarks if any.

There is a declaration in this form by the owner stating that all information given by him is true to the best of his knowledge and belief. There is also a certificate by a qualified veterinarian indicating that the animal mentioned is in good and sound health, free from any vice, and has been vaccinated against prevailing contagious diseases. The lower part of this form has a detachable receipt showing that the premium amount has been received by an authorised agent of the company.

After payment of the premium and completion of the above formalities the animal is deemed as insured from this date.

2. **Master Policy Agreement:** Since financed animals have to be insured in large numbers and as a day-to-day practice, a Master Policy Agreement is generally entered into by the DRDA or various banks with an insurance company. Under this agreement the bank or the DRDA agrees to insure all its finance cases through one particular insurance company for an agreed period. Only one master policy is issued at the inception. The various animals financed during the period of this policy agreement, which may range from three to five years, are covered under the policy through individual insurance certificates. Certificate books are provided to different banks or DRDA by the company. Whenever a case is financed, they issue a certificate of insurance giving all particulars and send it to the company along with the health certificate and premium amount. The advantage here is that owner does not have to wait for the insurance agent for insurance and also, under the agreement, the animals are covered right from the date and place of purchase.

Rate of Premium

The rate of premium varies from species to species and from company to

company. Usually the companies charge 5% of the insured amount in case of cattle.

Non-Scheme animals

- 5% of insured value.
- 1% extra for crossbred.
- 2% extra for exotic.
- 4% in case of cattle belonging to organised dairy farms and cooperative societies.
- 2.25% for cattle financed under government schemes.
- 2.75% for livestock other than cattle financed under schemes.

Generally scheme animals are insured for three years or more. In such case, there is a long term discount of 25% on the total premium.

Insured Value

The amount of insurance depends upon the prevailing market rates of animals, yield of milk, meat etc. However, certain insurance companies may fix a maximum amount for various species of animals.

Owner's duties in case of sickness/accident of insured animal

When the insured animal gets sick for one reason or the other, the owner must inform the concerned insurance company in writing. He must arrange for proper and timely treatment by a qualified veterinarian for early recovery. The treatment of an insured animal by a quack or Veterinary Field Assistant, Stockman or Compounder will not be accepted by an insurance company and will disqualify the claim in the event of death of an insured animal. Qualified veterinarian means a person holding a B.V.Sc./B.V.Sc. & A.H. degree from a University/statutory body constituted by the State Government or as prescribed by the Indian Veterinary Council Act of 1984.

As soon as the accident occurs the owner must report to the nearest police station and obtain a receipt for the same. This receipt is an important document to be included in claim papers. A certificate from an attending qualified veterinarian and the treatment chart indicating detailed treatment given to an insured animal must be obtained and attached with the insurance claim papers.

How to proceed for insurance claim

In the event of the death of the insured animal the owner must proceed systematically for making a claim. The following line of action is suggested:

1. The owner must intimate in writing to the concerned insurance company at once and get a receipt for this intimation.
2. In case purchase of the animal has been financed by a bank he must inform the bank concerned and get a receipt for the same.
3. If the insured animal dies on a Sunday/Holiday, the message must be sent telegraphically/personally to the Branch Manager. The receipt of the telegram must be preserved as proof.
4. The owner, after intimating the insurance company/bank, should wait for on the spot verification to be conducted by the representative of the insurance company and arrange for post-mortem.
5. The carcass should be removed for post-mortem either by a Khadi Gramodyog/locally available chamar with the instruction that post-mortem will be conducted by a veterinarian and to collect a piece of the ear having ear tag, which will be submitted to the insurance company.
6. Sometimes insured animal dies at such a place where it is not possible to get the post-mortem conducted by a qualified veterinarian. In such circumstances some insurance companies accept a joint certificate issued by any two of the following:
   i. Village sarpanch.
   ii. Manager of Milk Collection Centre.

iii. Officer of Cooperative Central Bank/Supervisor of DRDA or its Inspector.

Requirement of post-mortem has been waived in cases of animals financed under government schemes and in such cases if the post-mortem examination has not been conducted, then a death certificate signed jointly by any of the following two persons will be sufficient:

i. Attending veterinary doctor.
ii. Sarpanch/Pradhan.
iii. Official/Chairman of Milk Cooperative Society.
iv. Official of DRDA.
v. Manager of a bank other than the financing bank or other village cooperative.

However, post-mortem examination is a must for animals other than the above.

Claim forms

After the death of the insured animal the owner should approach the insurance company and obtain the claim forms which include the following:

i. **Cattle/other livestock claim form:** This form is to be filled by the owner. Care must be taken to fill the form and the details given should not differ from the particulars mentioned in the policy. It will be better if he consults his veterinarian and takes his help to fill up the form. In case of financed cattle, the form has to be countersigned by the bank.

ii. **Veterinary Death-cum-Valuation Certificate:** This is the second form in the claim papers and is to be filled by the attending veterinarian. It incorporates the physical features, date of illness/death and value before illness.

iii. **Treatment chart:** This is a date-wise account of the treatment given by a veterinarian to the sick insured animal. The treatment given should correspond to the symptoms noted and post-mortem findings. It is

required only for private or other non-scheme animals.

iv. **Post-mortem report:** The post-mortem report proforma is usually supplied by the insurance companies. The attending veterinarian must carefully mention the post-mortem findings in this form. It is advised that he should consult a standard text-book of Pathology or Medicine prior to writing the post-mortem report.

He should mention identification marks of the animal and its tag number as also whether the tag was duly fixed in the ear or not.

v. **Photograph of deceased animal:** The photograph of a dead insured animal constitutes good evidence of its death if taken correctly showing tag, if possible, and other identification marks and salient features.

vi. **Confirmation of the post-mortem:** Some insurance companies require a confirmation certificate from the attending veterinarian that he has really conducted the post-mortem of the deceased insured animal. The text of the certificate is given as below:

At the request of Sri.....S/o ..... R/o.....Village ..... Tehsil..... District.....I have actually conducted the post-mortem of..... (animal) on.....(date) at ..... (time). The details of the deceased animal were as follows:

Breed, sex, colour, horns, identification marks, tag No..... switch of tail, height, age etc. This certificate is being issued in confirmation of my having conducted the post-mortem of the said animal.

Date :

Signature

Designation

Seal

The total claim documents required by insurance companies in urban and rural areas are as follows:

In urban area

1. Livestock claim form
2. Veterinary certificate
3. Treatment chart
4. Post-mortem report
5. Valuation certificate
6. Photographs
7. Post-mortem confirmation certificate
8. Police report, if any.

In remote rural area

1. Livestock claim form
2. Two certificates signed by either
   i. Village Sarpanch
   ii. Chairman, Coopertive Society
   iii. Manager, Milk Collection Centre
   iv. Officer of Cooperative Central Bank/Supervisor of DRDA or Inspector.

In case of animals financed under government schemes, in order to help ignorant villagers in completing the various formalities for a cattle claim, insurance companies have come up with a single page claim form which incorporates all the certificates required from the owner, bank, veterinarian and others. No other form is required to be filled.

3. Panchnama
4. Valuation certificate
5. Police report, if any.

The above documents, after completion, should be submitted to the insurance company for necessary action for payment. Sometimes these

documents are sent through the financing bank which pursues the claim for payment.

Valuable advice for livestock owners to get claim

1. Look after the insured animal well by proper feeding and management.
2. Never shift the insured animal without intimating the insurance company in writing.
3. Never sell the insured animal or keep it away from the owner without informing the insurance company.
4. Never hide any fact or information regarding injury or death of the insured animal.
5. Never cause any injury to the insured animal nor show any disinterest or slackness in the treatment of a sick insured animal.
6. The treatment and post-mortem of an insured animal must be done by a qualified veterinarian and not by para-veterinary staff, as this would disqualify the claim.
7. In the event of the death of an insured animal immeditately inform the insurance company.
8. Keep the ear tag along with a piece of the ear in your custody and submit it to the insurance company.
9. When an accident occurs never forget to report to the nearest police station.
10. All the insurance claim forms must be completed in all respects and then submitted. Incomplete forms cause unnecessary delay.

Repudiation of Insurance Claims

There are many reasons for which claims are liable to be rejected/ repudiated. Some of these are:

i. When there is difference in the identification of the animal as given by

the owner and as mentioned by a veterinarian in various claim papers.

ii. If the period of insurance expires prior to the death of the insured animal.

iii. When fraud is suspected.

iv. In cases where the treatment and post-mortem are not done by a qualified veterinarian, with the exception indicated earlier in remote villages.

v. When the insurance claims are not submitted in time, or the death intimation is not given timely and the carcass is disposed of under suspicious circumstances, the company entertains the claim with doubts.

vi. In case the insured animal dies due to contagious disease for which vaccination can be done, the companies repudiate such claims. But under special circumstances and on the certificate of a qualified veterinarian that the insured animal died in spite of vaccination, the claims are paid.

vii. When there is change in location of animal and owner of an insured animal the claim is rejected.

viii. Where more than one veterinarians are involved in the treatment and post-mortem of an insured animal and there is no synchronization between the two, the claim is likely to be rejected on technical grounds.

Fees of the Veterinarian

The fee rate vary from State to State as per Veterinary Manuals. In most of the States fee rates have not been revised as per price index and pose a serious legal problem. Veterinarians can charge fees as per recommendations of the Veterinary Manual or as per prevailing market rates for issuing health certificates and for conducting post-mortems.

Common malpractices in insurance claims:

1. **Insurance of ill animals :** Sometimes animals in sick conditions

are insured in order to submit claims for obtaining benefits. Death of an insured animal soon after its insurance may lead to suspicion. Such claims are detected and disallowed.

2. **Wilful killing of an insured animal :** It has been observed that sometimes after getting the desired lactation, the animals are killed by some unscrupulous methods and claim is submitted for receiving benefit from the insurance.
3. **Claim for an uninsured animal:** Sometimes a livestock owner uses a tag from an insured animal to claim insurance on some other dead uninsured animal. This can be detected and claim rejected.
4. **Insurance of old and unproductive animals :** Many a time with the counivance of more than one agency, old and unproductive animals are insured. These animals die within the insurance period and claims are submitted for payment. A technical probe can detect such frauds and claims of this nature are liable to be disallowed.
5. **Tampering with ear tags:** At the time of issuing health certificate the veterinarian is required to certify that the tag has been fixed to the animal's ear. Therefore, a veterinarian should get the tag fixed in his presence to avoid any complications. Sometimes ineligible animals are insured by a an unscrupulous owner and this brings liability upon the veterinarian. Sometimes ear tags are fabricated by fraudulent owners who attach it to the ear of the dead animal. This can be detected by very careful examination which will indicate that:
   i. Recently fixed tag will show scratches due to stone or hammer used for fixing the tag.
   ii. There would be some hair growth around the tag hole in the case of a recent punch but this would be usually absent in an old tag hole.
   iii. Sometimes the tag is new and does not correspond to the time when the animal was insured.

iv. A fresh ear hole in which the tag has been put will not show the changes usually seen in an old hole. Histopathology in such cases will reveal the presence of fibrous connective tissue at the edge of the hole if the tag is put during life time but it would be absent in case the tag is put after death or just before death.

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Part 6

*Issues in livestock and livestock products trade and quality standards in International and domestic markets**

This chapter provides information regarding critical issues that have come into the forefront in the era of globalization, increased flow of information and quality consciousness among consumers of livestock food products. The issues identified -which have significant impact on international trade in livestock and livestock products are the World Trade Organization (WTO), Agreement on Agriculture (AoA), Technical Barriers to Trade (TBT), Sanitary and Phytosanitary (SPS) measures, Agreement on Anti-dumping, Trade Related Intellectual Property Rights (TRIPs) and animal welfare issues. Similarly some issues, agencies and organizations in the Indian context have also been identified which have significant bearing on the quality control and quality assurance to the consumers of livestock products. These are Bureau of Indian Standards, Directorate of Marketing and Inspection, Export Inspection Council of India, various laws, acts and bills regarding food safety and animal quarantine in India and quality standards for different livestock food products.

* Contributed by Dr. D. Bardhan, Asstt. Prof, (Veterinary Economics) Department of Veterinary and A.H. Extension,College ofVety and Animal Sciences, G.B. Pant Univ. of Agri. & Tech., Pant Nagar

WORLD TRADE ORGANIZATION (WTO)

WTO was created after a long and tedious negotiation, the Uruguay Round of Negotiations (URA), which started in September, 1986 and concluded in Marrakesh in April, 1994. The WTO is a single institutional framework encompassing the erstwhile General Agreement on Tariffs and Trade (GATT). On 15 December, 1993, 117 countries concluded a seven-year effort to negotiate improved rules and conditions for world trade under the auspices of GATT. GATT was stopped because its scope was limited, viz. trade in agriculture, services, textiles were not part of GATT. GATT was a temporary body and promoted trade largely through tariff reduction. On the other hand; WTO is broad based, permanent and member driven (all decisions taken by consensus). The GA TT regulations were not binding upon the members, however the regulations of WTO are binding, and in case of violation the defaulting country can face legal procedure.

The WTO oversees the implementation of more than 20 agreements which cover a vast range of trade issues, from agriculture to trade in services and Trade Related Intellectual Property Rights. Total twenty eight agreements were reached at the URA. The WTO document contained 500 pages, 38 articles codes and 28 agreements.

URA is of historical importance as much for the creation of WTO, as much it is for the attention that was devoted agriculture. It was in URA that substantial agreement was reached as regards to trade in agricultural goods and the terms and conditions which necessitate compliance from the member countries. The agreement which was reached to negotiate trade in agricultural products, including livestock and livestock products was the Agreement on Agriculture (AoA). This agreement includes the concessions and commitments the members are to undertake on market access (opening up of countries' borders); domestic support (concerned with subsidy support to domestic producers) and export subsidy (subsidy given to producers to encourage export). This agreement is to provide a framework for the long-term reform of agricultural trade and domestic

policies over the years to come. Other agreements reached which had far reaching implications for trade in agricultural commodities were:

i. Agreement of Sanitary and Phytosanitary measures

ii. Agreement on Technical Barriers to trade

iii. Agreement on Anti-dumping

iv. Agreement on Trade-related aspects of intellectual property rights

SANITARY AND PHYTOSANITARY (SPS) MEASURES

Trade in livestock and livestock products, and in crops, has always been associated with the risks of transmitting diseases and pests, of animals, plants and human, across national boundaries from one country to another. The main areas of risk are summarized under the headings of plant health, animal health, food safety and the natural environment. The first international agreement relating to measures for food safety, animal and plant health was the GATT agreement of 1947. More recent disputes between developed countries could not be resolved under the GATT settlement procedures. Eventually, the 1947 agreement was superseded by the Agreement on SPS measures finalized together with the establishment of the WTO with the aim of minimizing the adverse effects of SPS controls on trade. Thus, the Agreement on application of SPS measures entered into force on 1 January, 1995. The SPS measures ensure that the products come from disease free areas, right of inspection of the product, setting maximum level for pesticides and such other products and ascertaining that only permissible additives are added. The agreement recognizes that governments have the right to take SPS measures necessary for protection of human health. However, it does not permit a country to discriminate by applying different requirements to different countries where the same or similar condition exists, unless there is sufficient scientific justification for doing so. Within the agreement, SPS measures are defined as any, within the territory of the member state, applied to:

a) protect animal or plant life or health from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms

or disease-causing organisms;

b) protect human or animal life or health from risks arising from additives, contaminants, toxins or disease-carrying organisms in foods, beverages or feedstuffs;

c) protect the life or health from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or

d) prevent or limit other damage from the entry, establishment or spread of pests.

Salient features of the agreement are as follows:

1. This agreement applies to all SPS measures which may directly or indirectly affect international trade (Article 1.1).
2. WTO members have the right to take SPS measures necessary-to-protect human, animal or plant life or health, provided that such measures are not inconsistent with the provision of this agreement (Article 2.1). However, they should be applied only to the extent necessary to protect human, animal or plant life or health (Article 2.2). And they should not be arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail (Article 2.3). Thus there are two principles of this agreement: The principle of no-discrimination and the principle of scientific justification.
3. Harmonization: In pursuance of harmonization with regards to food safety, the SPS agreement has identified and chosen the standards, guidelines and recommendations established by: Codex Alimentarius Commission of FAO, (CAC), for human health and food safety standards; the Office International Epizooties (OIE) for animal health and International Plant Protection Convention (IPPC) for plant health. Thus, this agreement reduces unnecessary differences between countries' technical standards, which can often be the source of trade friction. The standards, guidelines and recommendations set by these organizations should be applied across all member states, although

individual countries are entitled to adopt measures giving a higher level of protection, provided that this can be justified scientifically. Lower standards are not officially acceptable under the SPS agreement although this is subject to the equivalent condition outlined below.

4. Equivalence: WTO members should accept other countries' SPS measures as equivalent, even if they differ from their own or from those used by other members trading in the same product, if the exporting member objectively demonstrates to the importing country that its measures achieve the importing members' appropriate level of SPS protection (Article 4.1)
5. Risk assessment for establishing the appropriate level of SPS protection: Risk assessment is defined as the evaluation of the likelihood of entry, establishment or spread of pest or disease within the territory of an importing member country according to the SPS measures which might be applied, and of the associated potential for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins or disease-causing organisms in food, beverages or feedstuff. Thus, under this agreement, an SPS measure has to be backed by a risk assessment that provides justification for the relationship between measure chosen and the level of protection the measure is aimed at. In the absence of sufficient scientific evidence, a member country is entitled to use SPS measures based on available pertinent information.
6. Adoption to regional conditions: It is recognized that SPS risks are not limited by national boundaries; they may be confined to specific areas within a country. More specifically, there may be low risk areas within a country. A good example is that of designated Foot and Mouth Disease (FMD) free areas within a country which does not have FMD free status for the whole country.
7. Transparency: A member country has to maintain transparency in its SPS measures and provide information on SPS measures in

accordance with the provisions of Annexure B of the agreement.

8. Dispute settlement: Settlement of disputes, regarding SPS measures, is subject to detailed and structured procedures. It operates under a two-tier system in which a panel assesses the facts and comes to a legal judgment. The panel consists of three trade lawyers or trade policy officials, specifically not originating from the disputing parties. Appeals are heard by another body. Decisions are then ratified by the Dispute Settlement Body.
9. The SPS agreement also provides special treatments to developing countries. Prominent among them are: technical assistance and special and differential treatment. The SPS agreement was effective from January 1,1995. However, relaxation of 5 years time for least developed countries and 2 years time for other developing countries has been given to enforce the agreement.

As mentioned above, the SPS agreement encourages the governments to base their national standards on the international standards, guidelines and recommendations developed by the following organization:

For food safety- Codex Alimentarius Commission (CAC)

For animal health- Office International des Epizooties (OIE)

For plant health -F AO International Plant protection Convention (IPPC)

Codex standards:

The Codex Alimentarius Commission (CAC) was created in 1963 by FAO and WHO to develop food standards, guidelines and related texts such as codes of practice under the joint FAO/WHO Food Standards Programme. It is an inter-governmental body that provides a common forum where scientists, technical experts, government regulators, international consumers and industrial organizations exchange their views and experiences to develop international standards and guidelines for protecting the human health and for ensuring fair practices in the food trade. The commission with membership of 163 countries, has so far

developed nearly 5000 standards. It has published the *Code of Ethics for International Trade in Food.* Its general principles are:

i. International trade in food should be conducted on the principle that all consumers are entitled to safe, sound and wholesome food and to protection from unfair trade practices.

ii. No food should be in international trade which: a) has in it or upon it any substance in an amount which renders it poisonous, harmful or otherwise injurious to health; or b) consists in whole or in part of any filthy, putrid, rotten, decomposed or diseased substance or is otherwise unfit for human consumption; or c) is adulterated; or d) is labelled or presented in a manner that is false, misleading or is deceptive; or e) is sold, prepared, packaged, stored or transported for sale under unsanitary conditions.

Codex standards are to be based on scientific justification. However, in some cases, this principle has been ignored. Moreover, most standards have been set without considering data from the developing countries. Therefore, the standards set, at times, are very strict from developing countries' point of view. Codex guidelines stipulate that the raw material should be produced in a way that minimizes bacterial load, growth and contamination. The CAC advocates measures to be taken from farmer to consumer to ensure that products are safe for human consumption. It recommends the application of the Principles of Hazard Analysis and Critical Control Points (HACCP) system as a model for food safety assurance system. It is expected that application of HACCP system and other codes, guidelines and recommendations would be made mandatory for the international trade in near future. The agreement on SPS and TBT both encourage the international harmonization of food standards as per Codex standards, guidelines and recommendations. As such, Codex standards have become the benchmarks against which national food measures and regulations are evaluated.

Office International des Epizooties (OIE)

The OIE, established in 1924, is recognized as the world organization for animal health. As on May, 2004, the OIE totalled 167 countries. It provides current information on disease occurrence, coordinates studies on disease surveillance and controls and harmonizes regulations for trade in animals and animal products. It has established International Animal Health Codes.

They are: a) to ensure the sanitary security of international trade in animal and animal products; b) to assist as a reference document Chief Veterinary Officers (CVOs) in establishing health regulations; c) to deal with matters relating to animal diseases of importance to international trade; and d) update of the Code by the Code Commission. The Commission believes in national sovereignty, i.e. each government to ensure the well being of its citizens in protecting them from any potential harm and to authorize the introduction on goods into its territory. The OIE maintains permanent relations with more than 20 other international organizations like FAO, WHO, etc. The WTO recognizes the OIE standards as reference international sanitary rules for animal health. The main normative works produced by OIE are:

i. The Terrestrial Animal Health Code

ii. The manual of Diagnostic Tests and Vaccines for Terrestrial Animals

iii. The Aquatic Animal Health Code

iv. The manual of Diagnostic Tests for aquatic Animals.

SPS agreement in India

India has managed to create a niche for itself in the global food market and is currently amongst the largest producers for some food products in world. These include production of grains like wheat and paddy, dairy, fruits and vegetables, marine products, etc. The size of the Indian food market is well above INR 250 billion and it exports goods worth INR 1250 million, contributing around 10% of the country's total export. A large domestic demand ensured that there was a ready market and thus

an incentive for the producers to employ efficient means of production resulting in larger quantity and better quality of output. The Indian economy is agrarian and the country earns revenue through exports of agricultural produces including live animals and livestock products. A recent study of the industry shows that the total turnover of this sector is approximately INR 250, 000 crores. Out of this, INR 80,000 crores was on account of value-added exports. This is bound to increase many folds. However, while increasing the efforts to augment exports, enforcing SPS measures assumes major significance. In situation, where the products fail to satisfy international standards in SPS measures, it will lead to heavy loss. The Government of India has taken initiatives to implement SPS Agreements in India. The government has identified the Department of Animal Husbandry and Dairying, Ministry of Agriculture as nodal agency for implementation of SPS agreement in animal health issues. The Departments of Agriculture and Health and Family Welfare have been identified for plant health and food safety, respectively. The Department of Animal Husbandry, Dairying and Fisheries is concerned with the application of SPS Agreement related to disease, which would be the threat for the human as well as animal life of India. Under the said agreement, the department has amended the Livestock Importation Act, 1898 and is allowing the import of all livestock products against sanitary import permit for the import of livestock products. The department allows the import after conducting risk analysis against Sanitary Import Permit (SIP) and the sanitary condition so framed are incorporated in the SIP.

Legislation and responsible agencies for the implementation in the context of SPS measures in India:

Ministry of Agriculture: Insecticide Act, Milk and Milk Product Control Order, Meat food product Order (1973), Livestock Importation Act (1898)

Ministry of Rural Development: Directorate of Marketing and Inspection (DMI) -Agriculture Produce (Grading and Marketing) Act

Ministry of Health and Family Welfare: Prevention of Food Adulteration Act (1954)

Ministry of food Processing Industries: Fruit and Vegetables (Control) Order- FPO (1955)

Ministry of Commerce: Export (Quality Control and Inspection) Act (1963)

Ministry of Civil Supplies, Consumer Affairs and Public Distribution: Standards of Weights and Measures (Enforcement) Act, Solvent Extracted Oils, De-oiled Meal and Edible Flour Control Order (1967), Vegetables Product Control Order (1976), Bureau of Indian Standards Act (1986)

Ministry of Environment and Forests: Aquaculture Authority Notification Act (1997 and 2002), Environment Protection Act (1986), Environment Protection (third) Amendment rule (2002), Coastal Regulation zone - Notification (2002)

TECHNICAL BARRIERS TO TRADE (TBT)

This agreement was to ensure that technical negotiations and standards, as well as testing and certification procedures, do not create unnecessary obstacles to trade. The most important aspect of the TBT agreement is to recognize countries' rights to adopt the standards they consider appropriate for protecting human, animal and plant life or health, for the protection of the environment or to meet other consumer's interests. However, in order to prevent too much diversity, the agreement encourages countries to use international standards where these are appropriate but it does not require them to change their levels of protection as a result. The TBT agreement covers all technical regulations, standards and procedures except those defined under the SPS agreement. The core objectives of both SPS and TBT agreements were to bring uniformity in respect of product regulations and standards; and to encourage WTO members to adopt international standards wherever these are in place. As a general rule, the measure is covered by the SPS agreement if it is designed to protect human, animal or plant health or life of a country from risks arising from entry and spread

of pests. The TBT agreement covers all the technical regulations, standards and procedures, except those defined under the SPS agreement. Thus, for example whereas labelling requirements related to food safety are usually SPS measures, labels related to nutritional characteristics or quality of a product will fall under the TBT disciplines. The agreement also specifies that the procedures used to decide whether a product conforms to national standards have to be fair and equitable. True to the spirit of globalization, the agreement discourages any methods that would give domestically produced goods an unfair advantage. To facilitate the manufacturers and exporters to know about the latest standards the agreement expects all member governments to establish enquiry points. The TBT agreement has five important areas of coverage:

i. Technical regulations and standards (including preparation, adoption and application by Central and local governments
ii. Conformity with technical regulations and standards (including procedures for recognizing and assessing the conformity)
iii. Information and assistance (including providing assistance to other members)
iv. Final provisions
vi. Annexure (including terms and conditions, technical expert groups and Code of practice for the preparation, adoption and application of standards).

AGREEMENT OF ANTIDUMPING (Implementation of Article VI)

Dumping refers to selling in other countries at unjustifiably low prices, generally below the domestic price of that commodity in the exporting country. The agreement provides detailed rules in relation to the method of determining that a product is dumped or not, the criteria to be taken into account in determination that dumped imports cause injury to a domestic industry, the procedures to be followed in initiating and conducting

anti-dumping investigations, and the implementation and duration of anti-dumping measures. In addition, the new agreement also clarifies the role of dispute settlement panels in disputes relating to anti- dumping actions taken by domestic authorities. In prima facie case of dumping, the host country can set investigation under this law and during this, market access cannot be provided for that good.

TRADE RELATED INTELLECTUAL PROPERTY RIGHTS (TRIPS)

What are intellectual property rights? A property created out of the intellectual efforts of an individual is known as 'intellectual property' .The rights conferred on an individual by the state for a specified period for the creation of IP are known as 'Intellectual Property Rights' (IPR). It includes patents, copyrights, trademark, industrial designs, geographical indications, layout design of integrated circuits and protection of undisclosed information (trade secrets). IPR usually gives the creator an exclusive right over the use of his/her creation for a certain period of time. Property rights are divided into two categories: Tangible and intangible. Intellectual property rights fall in the later category. If the inventors are not sufficiently rewarded for their inventions, either they will get discouraged and will stop inventing or keep them secret and not divulge. In view of the above, in the interest of the overall development of the human society, it is advisable to offer some incentives to the inventors. This is normally done by providing a right of exclusive economic use of the invention for a limited period to the inventor.

Why IPR ?

Encourage and reward creative work. The main social purpose of protection of copyright and relating rights is to encourage and reward creative work. This is also relevant to protection in other areas. *Technological innovation.* IPRs are designed to provide protection for the results of investment in the development of new technology, thus giving

the incentive and means to finance research and development activities.

Fair competition. The protection of distinctive signs and other IPRs aims to stimulate and ensure fair competition among producers.

Consumer protection. The protection of distinctive signs should also protect consumers by enabling them to make informed choices between various goods and services.

Transfer of technology. A functioning of intellectual property regime should also facilitate the transfer of technology in the form of foreign direct investment, joint ventures and licensing.

Balance of rights and obligations. While the basic social objectives of intellectual property protection are as outlined above, it should also be noted that the exclusive rights given are generally subject to a number of limitations and exceptions, aimed at fine-tuning the balance that has to be found between the legitimate interests of right holders and of users.

The **TRIPs agreement** came into force with the establishment of WTO on lst January, 1995. The TRIPs council administers the TRIPs agreement. Agreement on Trade related aspects of intellectual property rights is an international agreement on the subject of intellectual property. The agreement sets a minimum standard of agreement. Its members must conform to the minimum requirements established by the agreement. However, members may be free to provide a more extensive and customized protection within their legal systems. The minimum standards are based on main industrial countries.

Ideas and knowledge are increasingly an important part of trade. Most of the value of new medicines and other high technology products lies in the amount of invention, innovation, research, design and testing involved. Films, music recordings, books, computer software and on-line services are bought and sold because of the information and creativity they contain, not usually because of the plastic, metal or paper used to make them. Many products that used to be traded as low technology goods or

commodities now contain a higher proportion of invention and design in their value for example brand named clothing or new varieties of plants. Creators can be given the right to prevent others from using their inventions, designs or other creations and to use that right to negotiate payment in return for others using them. They take a number of forms. for example books, paintings and films come under copyright; inventions can be patented; brand names and product logos can be registered as trademarks; and so on. New internationally agreed trade rules for intellectual property rights were seen as a way to introduce more order and predictably, and for disputes to be settled more systematically. The TRIPs agreement is an attempt to bridge the gaps in the way these rights are protected around the world, and to bring them under common international rules. It establishes minimum levels of protection that each government has to give to the intellectual property of fellow members.

The agreement covers five broad issues:

- how basic principles of the trading system and other international intellectual property agreements should be applied;
- how to give adequate protection to intellectual property rights;
- how countries should enforce those rights adequately in their own territories;
- how to settle disputes on intellectual property between members of the WTO; and
- special transitional agreements during the period when the new system is being introduced.

World Intellectual Property Organization (WIPO): World Intellectual Property Organization (WIPO) is an inter governmental organization with headquarters in Geneva and is one of the 16 United Nations specialized agencies. WIPO is responsible for promoting intellectual property through cooperation among member states and for the administration of various unions, each founded by a multilateral treaty and dealing with the legal and administration aspects of intellectual property. WIPO was established

in 1970, but it origin goes back to 1883 and 1886 with the Paris and Berne conventions. Members are required to comply with the main conventions of the WIPO, Paris Convention.

Legislations covering IPRs in India:

Patents; The Patents Act, 1970 Amendment, 2002.

Design; The Designs Act, 1911. A New Designs Act, 2000 has been enacted superseding the earlier Designs Act, 1911.

Trademark; Trade Marks Act, 1999.

Copyrights; The Copyright Act, 1957 as amended in 1983, 1984, 1992, 1994 and the International Copyright Order, 1999; Information Technology Act, 2000.

Layout Design of Integrated circuits; Semiconductor Integrated Circuits Layout Design Act, 2000.

Protection of Undisclosed Information (trade secrets); No exclusive legislation exists, but the matter is generally covered under the civil laws.

Geographical indications; the Geographical indication of goods (Registration and Protection) Act, 1999.

Agencies responsible for administrations of IPRs in the country:

Patents, Designs, Trademarks and Geographical Indications; The Controller-General of Patents, Designs and Trademarks: It is under the control of the Department of Industrial-Development, Ministry o f Industry.

Copyright; Ministry of Human Resource Development

Layout design of integrated circuits; Ministry of Communication and Information Technology

Protection of undisclosed information; Ministry of Law and Company affairs.

IPR and trade in livestock and livestock products

An area of potential international disagreement regarding the effects of trade is subject to the Trade Related Intellectual Property Rights (TRIPS) agreement. Among other forms of intellectual property, genetic resources developed by plant breeders have been classified in this way. Although no record has been found of disputes regarding the ownership of animal genetic resources, there is a recognized need for a global strategy to conserve and make sustainable use of farm animal genetic resources.

Under the auspices of the Commission on Genetic Resources for Food and Agriculture and the FAO, an International Technical Working Group on Animal Genetic Resources for Food and Agriculture has been charged with developing a Global-Strategy for the Management of Farm Animal Genetic Resources. The aims are to provide a technical and operational framework for assisting countries, comprising:

- an inter governmental mechanism for direct government involvement and policy development;
- a country-based global infrastructure to help national strategies for managing animal genetic resources;
- a programme of technical support for sustainable intensification, conservation, characterization and access to animal genetic resources; and
- a reporting and evaluation system

Consideration of these proposals suggests that they are unlikely to conflict with the WTO objectives of trade liberalization, yet should contribute to the growth in productivity and sustainability of livestock production systems.

ANIMAL WELFARE ISSUES

Increasing public concerns, particularly in the high Income, Developed Countries, regarding animal welfare has led to the adoption of policies reflecting these concerns. Two main types of policies are used:

a) to support production methods which promote animal welfare (or control production methods which harm animals)

b) to impose requirements on imported products that acceptable standards of animal welfare are applied, in transport as in production.

The imposition of animal welfare requirements on imported products may be allowed under the so called 'green-box' measures of the WTO if there are no trades distorting effects. If trade distortion is likely, controls and compulsory labelling might be allowed under the TBT agreement. However, no clear test cases have arisen. Information is often lacking on the standards of animal welfare applied in the production and transport of imported livestock products. At the same time the costs, to domestic producers, of applying high standards of protection may disadvantage them economically. However, animal welfare issues are best dealt with, outside the auspices of the WTO through:

a) Multilateral Agreements dealing with protection of animal welfare;

b) the use of voluntary labelling schemes, supported by appropriate domestic policies, (possibly with more formal labelling schemes where allowed under the TBT agreement); and

c) international support for measures to protect animal welfare where appropriate.

Concerns over animal welfare in high income exporting countries may limit trade in live animals. This helps to account for the decline in exports of live sheep from Australia to the Middle East.

BUREAU OF INDIAN STANDARDS

The Indian Standrads Institution (ISI) gave the nation the standards it needed for nationalization, orderly industrial and commercial growth, quality production and competitive efficiency. However, in 1986 the government recognized the need for strengthening this national standards body due to fast changing socio-economic scenario and according it a statutory status. Thus came the Bureau of Indian standards Act 1986 and

on April 1987, newly formed BIS took over staff assets, liabilities and functions of erstwhile ISI. Through this changeover, the Government envisaged building of the climate of quality culture and consciousness and greater participation of consumers in formulation and implementation of National Standards. The objectives of the bureau were: Harmonious development of standardization, marking and quality certification; to provide new thrust to standardization and quality control; to evolve a national strategy for according recognition to standards and integrating them with growth and development of production and exports. There is a network of eight BIS laboratories, spread throughout the country, which provides conformity testing of BIS certified products against relevant Indian standards. Headquarter of BIS is located at New Delhi and 5 regional offices at Calcutta (now Kolkata) (Eastern), Madras (now Chennai) (Southern), Bombay (now Mumbai) (Western), Chandigarh (Northern) and New Delhi (Central) and branch offices at Ahmedabad, Bhopal, Bangalore, Bhubaneswar, Coimbatore, Faridabad, Lucknow, Patna and Trivandrum which act as effective links between BIS and industry, Central and state governments, consumer organizations and technical institutions.

Voluntary standards

There are two organizations dealing with the voluntary standardization and certification systems in food. Bureau of Indian Standards looks after standardization of processed foods and standardization of raw agricultural produce falls under the Directorate of Marketing and Inspection.

BIS: Activities of BIS are two folds; formulation of Indian standards in the processed food sector and their implementation by promotion and through voluntary and third party certification system. Manufacturers complying with the standards laid down by BIS can obtain an 'ISI' marks which can be exhibited on their product packages. BIS has identified certain items like food colours/additives, vanaspati and containers for their packing, milk powder and condensed milk for compulsory certification.

Directorate of Marketing and Inspection: The DMI enforces the Agricultural Produce (Grading and Marketing) Act, 1937. Under this Act, grade standards are prescribed for agricultural and allied commodities which are known as' Agmark' standards. Grading under the provisions of this Act is voluntary. Manufacturers who comply with standards laid down by DMI are allowed to put' Agmark' labels on their products.

Quality standards

Standards in Weight and measures (Packaged Commodities) Rules, 1977: These rules laid down certain obligatory conditions for all commodities in the packed form with respect to their quality declaration.

Prevention of Food Adulteration Act, 1954: The act is the basic statute intended to protect the common consumer against supply of adulterated food and specifies different standards on various articles of food. The standards are of minimum quality level intended for ensuring safety in the consumption of these food items and for safeguarding against harmful impurities, adulteration, etc.

Essential Commodities Act, 1954: A number of control orders have been formulated under the provisions of this act, main objectives of which are to regulate manufacture, commerce and distribution of essential commodities including food. The orders under this act relevant for livestock products are:

Meat Products Order, 1973: This order regulates manufacture, quality and sale of all meat products and is operated by the DMI.

Milk and Milk Products Order, 1992: This order provides for setting up an advisory board to advise the Government on the production, sale, purchase and distribution of milk powder. Units with an installed capacity for handling milk over 10, 000 1itres per day or milk products containing milk solids excess of 500 tonnes per year are required to obtain registration under this order from the Department of Animal Husbandry.

Export (Quality Control and Inspection) Act, 1963: Under Section 3 of the Act, the Central Government has established the **Export Inspection Council of India (EIC)** and under Section 4, the Union Ministry of Commerce appointed **Director (Inspection & Quality Control).** The Export Inspection Council is responsible for operation of this act under which a large number of exportable commodities have been notified for compulsory pre-shipment inspection. The quality control and inspection of various export products is administered through a network of more than fifty offices located around the important centres and ports of shipment. In addition, organizations may be recognized as agencies for inspection and/or quality control. Recently Government has exempted agriculture and food products, fruit products, fish and fishery products from the compulsory pre-shipment inspection, provided the exporter has a firm letter from the overseas buyer stating that the overseas buyer does not want pre-shipment inspection from any official inspection agencies.

The Act empowers the Government of India to:

- Notify commodities which should be subject to compulsory quality control and/or inspection prior to export
- Prescribe methods of Quality Control and Inspection;
- Establish, adopt or recognize standard specifications for notified products;
- Prohibit the export of notified items unless these are certified by agencies recognized for the purpose

Functions of EIC:

- To advise the Union Ministry of Commerce on measures to be taken for the enforcement of quality control and inspection on exports;
- To draw programmes for enforcement of quality control and inspection of exports;
- To have administrative and technical control over the Export Inspection Agencies;

- To perform such other functions as assigned by the Ministry of Commerce.

Methods of Export Inspection:

- Consignment-wise Inspection (CWI): Certification based on end product inspection by sampling and testing,
- In-process Quality Control (IPQC): This system lays emphasis on the responsibility of the manufacturer in ensuring consistent quality of production. Units are approved by EIA based on their infrastructural facilities and quality systems. Approved units are subject to periodic audit checks by EIA. Certification based on inspection and test results furnished by manufacturer and confirmed by official audit checks.
- Self Certification: Units having proper facilities for in-house quality control and also for in-house quality assurance/quality audit to the satisfaction of panel of experts constituted for the purpose are recognized as inspection agencies for their own products. These units can issue certificate of inspection for export of their own products.
- Food Safety Management System based Certification (FSMSC): In view of growing concern regarding health and safety parameters of food items, international standards on food safety management systems like Hazard Analysis and Critical Control Point/Good Management Practice/Good hygienic Practice have been developed. Based on such standards being prescribed by trading partners like the EU has introduced certification of product quality integrated with systems approach.

Animal Products under Food Safety Management System based Certification:

- Fish & Fishery Products;
- Egg Products;
- Milk Products;

- Poultry Meat and Poultry Meat Products.

Egg Products

- Notified under S.O. 2077 dated 4.8.1997
- The Export of Egg Products (Quality Control, Inspection and Monitoring) Rules, 1997 were issued under S.O. 2078 dated 4.8.1997
- Four units are approved under the Rules

Responsibility for Food Safety under FSMSC:

- The primary responsibility is that of the processor to ensure that the egg products intended for export are handled at all stages of production, storage and transportation under proper hygienic conditions so as to meet the health requirements prescribed under the Rules.
- The Competent Authority (EIA) ensures that the processors comply with the requirements by regular monitoring of plants as per the executive instructions issued by EIC.

Recognized Specifications for egg products meant for export

1. National and International Standards and standards of other bodies recognized by the EIC.
2. The specifications declared by the exporter to be the agreed specifications of the export contract between the buyer and the exporter provided the same are not below the standard specified above.

Milk Products

- Notified under S.O. 2719 dated 28.11.2000
- Specifications for Milk Products:

a) National standards of the importing countries or Codex standards of CAC; or

b) Contractual specifications agreed to between the foreign buyer and the exporter provided the same is not below the national standards.

c) In the absence of (a) and (b) above, the national standard specifications as notified shall apply.

'Milk Products' means milk products, namely products exclusively derived from milk, it being accepted that substances necessary for their manufacture may be added provided that these substances are not used to replace in part or in whole, any milk constituents and composite milk products of which no part replaces or is intended to replace any milk constituents and of which milk or a milk product is an essential part either in terms of quantity or for characterization of the product.

Microbiological Criteria for Milk Products:

- Pathogenic microorganisms: *Listeria monocytogenes*, Salmonella, Shigella: Absent
- *Staphylococcus aureus* and *E. coli* should be within permissible limits;
- Coliforms and Plate Count should be within permissible limits prescribed.

Fresh Poultry Meat and Poultry Meat Products

- Notified under S.O. 1337(E) dated 30.12.2002.

"Fresh Poultry Meat" means poultry meat, including meat which is vacuum-wrapped or wrapped in a controlled atmosphere, which has not undergone any preserving process other than chilling or freezing; and "poultry meat products" means any poultry meat products further processed by means of drying, curing, smoking, cooking, frying, seasoning, flavouring or by means of any other method of processing poultry meat akin to any of the above methods.

Specifications of fresh Poultry Meat and Poultry Meat Products:

a) National standards of the importing countries or International

standards laid down by CAC; or

b) Contractual specifications agreed to between the foreign buyer and the exporter provided the same is satisfying the health and other requirements of the importing countries;

c) In the absence of (a) and (b) above, the national standard specifications as notified shall apply.

The **Export of Raw Meat (Chilled/Frozen)** (Quality Control and Inspection) Rules, 1992:

- S.O. 203 and S.O. 204 dated 15.1.1993
- "Raw Meat (Chilled/frozen)" means

1) Meat and minced meat processed by chilling/quick freezing obtained from buffalo carcasses, veal/calf meat obtained from buffalo calves of above four months and up to one year of age; and

2) Indian goat and sheep raw chilled/frozen meat and minced meat of goat, sheep and processed by chilling/quick freezing obtained from goat and sheep.

Recognized Inspection Agencies for Raw Meat (Chilled/frozen):

- Export Inspection Agencies
- State Department of Animal Husbandry
- Directorate of Marketing & Inspection
- The establishments are registered by Agricultural Processed food Export Development Authority (APEDA)

Requirements have been laid down for:

- Slaughter house/ Abattoir
- Ante mortem and post mortem inspection
- Storage
- Processing unit
- Sampling and testing.

- Transportation (Temperature <6 °C for chilled/<-8°C for frozen)

Validity of Veterinary Health Certificate: 5 days in case of Chilled Meat; 90 days for frozen meat; 21 days for vacuum packed chilled meat from the date of passing the consignment.

ANIMAL QUARANTINE & CERTIFICATION SERVICES

Quarantine: It is the restraint placed upon the movements of persons, animals, plants or goods which are suspected of being carriers or vehicles of infections or of having been exposed to infection. It is the method intended to prevent the spread of pests or diseases. Quarantine is detention and segregation for observation and testing for prescribed period of livestock and livestock products, biological, pathogenic organisms or parasites imported or meant for export.

With the increase of international trade and WTO agreements, every country is becoming more and more exposed to the danger of introduction of known and unknown transmissible diseases. The quarantine measures are necessary for protecting the country from the exotic diseases, which have the potential for very serious and rapid spread, serious socio-economic and public health consequences. The strict quarantine measures protect the human and animal population of the country from dangerous exotic diseases.

The Government of India initiated the "Animal Quarantine and Certification Services" Scheme during the fourth Five Year Plan, 1969-70. As a member of WTO, every country ensures that its import policies and the procedures are in line with its international obligations under the agreement on the application of sanitary measures. This agreement governs the imposition of measures to protect animal and human life and health. The quarantine policies protect the natural fauna and flora of the country.

Objectives of quarantine

1. To prevent the ingress of any Exotic Livestock Diseases into India through importation of livestock & livestock products as per the

provisions of Livestock Importation Act (Act No.IX. of 1898) as amended by the Livestock Importation (Amendment) Act, 2001 (5.7.2001).

2. Implementation of the provision of the Act and Central Government orders in force on Importation and Exportation of Livestock and Livestock Products.
3. To act as defence force against ingress of exotic diseases of veterinary importance by regulating, restricting, prohibiting the import of Livestock and Livestock Products, Biologicals and Microorganisms.
4. To provide an internationally accepted certification service for augmenting export and to increase national exchequer.
5. To inspect and register the plants/mills exporting the animal by-products.

Act and Amendments

AMENDMENTS

In 1898, Livestock Importation Act was framed.

1. 'Livestock Importation (Amendment) Act', 1953.
2. 'Livestock Importation (Amendment) Act', 2001.

Insertion of words "and livestock products".

NOTIFICATIONS

1. July 2001-Restriction of Livestock Products.
2. Oct. 2001- Inclusion of aquatic animals & products.

AIM

To regulate, restrict or prohibit the Livestock/Livestock Products which may be liable to affect human or animal health.

Quarantine Measure

1. Detention, segregation, observation and testing of livestock and livestock products.

2. Disinfection, Disinsectization, fumigation and sterilization.
3. Destruction and disposal by Incineration.
4. Pre-shipment quality control.
5. Certification.

Role of OIE in quarantine:

1952- Agreement between OIE & FAO.

1960- Agreement between OIE & WHO.

1994- WTO created-SPS agreements related to trade risk.

1998- Agreement between OIE & WTO.

2001- Agreement between OIE & World Veterinary Association (WTA)

Objectives:

- To frame rules, regulations and procedures for international movement of livestock/livestock products.
- To notify the disease, which are communicable and have the potential for very serious and rapid spread with dangerous socio-economic or public health consequences.
- To frame terrestrial animal health codes as per OIE standards, guidelines and recommendations.

Food Laws in India

1. The Prevention of Food Adulteration Act, 1954 (37 of 1954).
2. The Fruit Products Order, 1955.
3. The Milk and Milk Products Order, 1992.
4. The Meat Food Products Order, 1973.
5. The Vegetable Oil Products (Control) Order, 1947.
6. The Edible Oils Packaging (Regulation) Order, 1998.
7. The Solvent Extracted Oil, Deoiled Meal, and Edible Flour (Control) Order, 1967.

8. The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992). .
9. Any other order issued under the Essential Commodities Act,1955 (10 of 1955) relating to Food.

Drawbacks of standardization systems in India

As per the McKinsey Report, there are more than 20 laws relating to food with responsibilities for their implementation divided amongst large number of ministries and departments, including the Ministries of Health, Food & Agriculture, Food Processing, Civil Supplies & Consumer Affairs, and Industry, etc. Health and Agriculture being the State subjects, the actual enforcement of food laws rest with the State Governments and Union Territories. We have, therefore, plethora of food legislation and enforcement agencies.

The standards developed by above mentioned several organizations are sometimes overlap and provide varying limits for different parameters with undefined methods of tests and sampling. Proliferation of such standards confuses the users of product and creates problems for producers of goods as well. Further, the conflicting domestic standards result in improper projection of quality of Indian product in international market. In order to ensure a coordinated mechanism for standardization and quality, shaping the standard formulation activity in line with national priorities is required.

THE FOOD SAFETY AND STANDARDS BILL, 2005

A Bill to bring about a single statute relating to food and to lay down science based standards for articles of food and regulates their manufacture, import, export, storage, distribution and sale. To ensure availability of safe and wholesome food for human consumption (including other matters relating thereto) and to establish in that behalf Food Safety and Standards Authority of India and for matters connected therewith or incidental thereto. BE it enacted by Parliament in the Fifty- fifth Year of the Republic of India

The Food Safety and Standards Bill, 2005 -XI chapters

- Preliminary
- Food safety and standards authority of India
- General principles of food safety
- General provisions as to articles of food
- Special responsibilities as to food safety
- Analysis of articles of foods & enforcement of the act
- General provisions relating to import, export
- Offences and penalties
- Adjudication and food appellate tribunal
- Finance, accounts, audit and reports
- Miscellaneous

Chapter-IV

General Provisions as to Articles of Food

- 18. Use of additives, colouring and flavouring agents
- 19. Crop contaminant, naturally occurring toxic substances,
- 20. Insecticides, pesticides, veterinary drugs residues
- 21. Labelling of foods
- 22. Manufacture of genetically modified foods, organic foods etc.
- 23. Restrictions on advertisements

Chapter V

Special Responsibilities as to Food Safety

- 24. Prohibition of manufacture, sale etc. of certain articles of food
- 25. Prohibitions on placing unsafe food in the market
- 26. Food safety & labelling requirements

- 27. Traceability
- 28. Special responsibilities of food business operators

Chapter VI

Analysis of Articles of Foods & Enforcement of the Act

- 29. Enforcement of the Act
- 30. Commissioner of food safety of the state
- 31. Licensing and registration of food business
- 32. Accreditation of laboratories, research institutions, food safety auditors etc.
- 33.Improvement notices
- 34. Prohibitions orders
- 35. Emergency prohibitions notices and orders
- 36. Designated officers
- 37. Food inspector
- 38. Powers of the food inspectors
- 39. Food analysts
- 40. Functions of food analysts
- 41. Sampling & analysis
- 42. Purchasers may have food analyzed
- 43. Obstruction etc. of officers
- 44. Powers of search, seizure, investigation, prosecution
- 45. Procedure for launching prosecution

Chapter VII

General Provisions relating to import, export

- 46. Import/export of articles of food
- 47. Prohibition of import of certain articles of food

- 48. Import of articles of food
- 49. Application of law relating to customs
- 50. Export of articles of food
- 51. Special provisions relating to registration of food business from citizens of convention countries.
- 52. Provisions as to reciprocity

Schedule -I (Section 108)

(A). Food Acts / orders which stand repealed on commencement of this Act

1. The Prevention of Food Adulteration Act, 1954 (37 of 1954).
2. The Fruit Products Order, 1955.
3. The Milk and Milk Products Order, 1992.
4. The Meat Food Products Order, 1973 .
5. The Vegetable Oil Products (Control) Order, 1947.
6. The Edible Oils Packaging (Regulation) Order, 1998.
7. The Solvent Extracted Oil, Deoiled Meal, and Edible Flour (Control) Order, 1967.
8. The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992).
9. Any other order issued under the Essential Commodities Act, 1955 (10 of 1955) relating to Food.

B). Food Laws from which sections relating to food are required to be deleted / modified on commencement of this Act

1. The Standards of Weights and Measure Act, 1976 (60 of 1976) (The Packaged Commodity Rules, 1977).

2. The Export (Quality Control and Inspection) Act, 1963 (22 of 1963).
3. The Environment Protection Act, 1986 and the Environment Protection Rules, 1989 (29 of 1986).
4. The Bureau of Indian Standards Act, 1986 (63 of 1986).
5. The Agricultural Produce (Grading and Marketing) Act, 1937 (1 of 1937).
6. The Customs Act, 1962 (52 of 1962).
7. The Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992).
8. Other Acts / Orders enacted or issued by the State Governments and Union territories.

CONSUMER PROTECTION

Ministry of Food and Consumer Affairs, Dept. of Consumer Affairs in the Central Government is the nodal Department to deal with consumer protection. Since 1986, the department has taken a number of measures to promote a consumer movement.

A few of them are:.

1. Enactment and enforcement of the Consumer Protection Act, 1986;
2. Amendment of various legislations such as Prevention of Food Adulteration (PF A) Act, 1954; and
3. Empowerment of consumers and registered consumer organizations to file complaints in the courts.

Objectives of the Consumer Protection Act, 1986

- A milestone in the history of socio-economic legislation in the country
- One of the most progressive legislations enacted for protection of consumers.
- Main objective is to provide better protection of consumers.
- Unlike existing laws, which are disciplinary or preventive in nature,

the provisions of this Act are compensatory in nature.

- Intended to provide simple, speedy and inexpensive redressal to the consumers' grievances and award of compensation wherever appropriate.

Coverage of the Act

1. The Act applies to all goods and services unless specifically exempted.
2. It covers all the sectors -private, public or cooperative.
3. The provisions of the Act are compensatory in nature.

The Act enshrines a few rights to consumers:

1. Right to be protected against marketing of goods/services, hazardous to life and property.
2. Right to be informed about quality, quantity, potency, purity and price of goods/services to protect consumer against unfair trade practices.
3. Right to be assured access to a variety of goods and services at competitive prices.
4. Right to be assured that consumers' interests will receive due consideration at appropriate fora.
5. Right to seek redressal against unfair trade practices and unscrupulous exploitation of consumers.
6. Right to consumer education.

The highlights of the amendments contained in Consumer Protection (Amendment) Bill, 2002 are:

1. Provision for creation of benches of National Commission and State Commission.
2. Time-frame prescribed for admission of complaint, issue of notice and disposal of complaint.
3. Ordinarily no adjournment.
4. Provision for service of notices by courier, fax, etc.

5. Monetary limits of cases to be disposed of by consumer courts at different levels substantially revised:

   District Forum -from Rs.5 lakhs to Rs.20 lakhs

   State Commission -from Rs.20 lakhs to Rs.1 crore

   National Commission- from above Rs.20 lakhs to above Rs.1 crore

6. Services utilised for commercial purpose excluded from purview of consumer courts.

Widening Scope of Act

1. Sale of spurious goods/services included in unfair trade practice.
2. Concept of unsafe goods widened to include services.
3. Complaint can also be made against service provider indulging in unfair/restrictive trade practice.

Strengthening Consumer Courts

1. Consumer Courts to have powers of First Class Judicial Magistrate to punish those not obeying order of court. (to remove any scope for challenging the constitutional validity of power of consumer courts to impose penalty of imprisonment).
2. Consumer courts can issue interim orders (complainant can get immediate relief in deserving cases).

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