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.0 1166 (E) dated the 2611 December, 2000 in the Gazette of India, Extraordinary, Part 11, Section 3, Sub Section (ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public.

And, whereas, copies of the said Gazette were made available to the public on the 1 st January 2001.

And, whereas no objection or suggestion has been received from the public in respect of the said draft rules by the Central Government.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) the Central Government hereby makes the following rules, namely :

1. Short title and commencement - (1) These rules may be called the **Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - In these rules, unless the context otherwise requires.

(a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960)

(b) "Animal Welfare Organisation" means a Welfare Organisation for animals which is registered under the Societies Registration Act of 1860 (21 of 1860) or any other corresponding law for the time being in force and recognised by the Board or the Central Government.

(c) "Board" means the Animal Welfare Board of India established under the Act.

(d) "local authority, means a municipal board of municipal committee, a State Animal Welfare Board, district board or any local animal welfare organisation authorised by any law for the control and administration of any matter relating to animals within a specified local areas.

(e) "Society" means Society for Prevention of Cruelty to Animals (hereinafter referred to as SPCA) established in any district under the Societies Registration Act, 1860 (21 of 1860) or any other corresponding law applicable in a state and shall include the existing SPCA functioning in any district.

(f) "veterinary doctor" means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984).

3. Society for Prevention of Cruelty to animals in a district - (1) Every State Government shall by notification in the Official Gazette, establish, as soon as may be and in any event within six months from the date of commencement of these rules, a society for every district in the State to be the SPCA in that district.

Provided that any society for Prevention of Cruelty to Animals functioning in any district on the date of commencement of these rules shall continue to discharge its functions till establishment of the SPCA in that district under these rules.

(2) The Managing Committee of the Society shall be appointed by the State Government or the local authority of the district consisting of a Chairperson to be appointed by the State Government or the local authority of the district, as the case may be with the concurrence of the Board and shall consist of such number of other members as may be considered necessary by the State Government or the local authority of the district subject to the condition that

(i) at least two members shall be representatives of the Animal Welfare Organisations which are actively involved in the work of prevention of cruelty to animals and welfare of animals preferably from within the district; and

(ii) at least two members shall be the persons elected by the general body of members of the Society.

(3) The duties and powers of the Society shall be to aid the Government, the Board and local authority in enforcing the provisions of the Act and to make such bye-laws and guidelines as it may deem necessary for the efficient discharge of its duties.

(4) The Society, or any person authorized by it in this behalf, if it or he has reasonable grounds for believing that any person has committed an offence under the Act, it or such authorized person may require such person to produce forthwith any animal in his possession, control, custody or ownership, or any license, permit or any other document granted to such person or required to be kept by him under the provisions of the Act and may stop any vehicle or enter into any premises in order to conduct a search or inquiry and may seize an animal in respect of which it or such authorized person has reason to believe that an offence under the Act is being committed, and deal with it in accordance with law.

(5) In addition to the powers conferred by these rules, the State Government may, in consultation with the Board, confer such other powers upon any Society for exercising the powers and discharging the functions assigned to it under these rules.

4. Setting up of infirmaries and animal shelters - (1) Every State Government shall provide adequate land and other facilities to the Society for the purpose of constructing infirmaries and animal shelters.

(2) Every infirmary and animal shelter shall have -

(i) a full time veterinary doctor and other staff for the effective running and maintenance of such infirmary or animal shelter; and

(ii) an administrator who shall be appointed by the Society.

(3) Every Society shall, through its administrator or otherwise, supervise the overall functioning of the infirmaries and animal shelters under its control and jurisdiction.

(4) All cattle pounds and pinjrapoles owned and run by a local authority shall be managed by such authority jointly with the Society or Animal Welfare Organisations.

5. Regulation of SPCAs

(1) Every Society shall submit its annual report to the Board incorporating therein the activities undertaken by it for the welfare of animals and the steps or measures taken by it to implement various provisions of the Act and the rules made thereunder along with annual accounts duly audited by a chartered accountant or any other body authorised by law within a period of one month from the date of its accounts having been finalised by its managing committee.

(2) The Board shall examine such annual report and the annual accounts submitted by the Society and may give any directions to it for improvement of its functioning including the supercession of the managing committee of the Society with a view to give effect to the provisions of the Act and the rules made thereunder.

Provided that the Board shall give opportunity of personal hearing to the office bearers of the Society or any representative authorised by it before giving direction of its supercession and holding of fresh elections for electing a new managing committee as per bye-laws of the society.

(3) The Board shall give any direction to any Society in the interest of smooth and efficient functioning of the Society including the procedure for holding the election of the managing committee of the Society, utilisation of financial resources and management of assets of the Society with a view to give effect to the provisions of the Act and the rules made thereunder.

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

DHARMENDRA DEO, Jt. Secy.

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