

S.O. _____ :- Whereas the draft Prevention of Cruelty to Animals (Constitution of State Animal Welfare Board) Rules, 2018 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 Environment, Forest and Climate Change number S.O. _____ dated the _____ in the Gazette of India, Extraordinary, Part _____, Section _____, Sub Section _____ dated the _____ 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 _____;

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

Or

And whereas the objections / suggestions received from the public have been incorporated in the rules

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, extent and commencement :

- (a) These rules may be called the Prevention of Cruelty to Animals (Constitution of State Animal Welfare Board) Rules, 2018.
- (b) These shall come into force on the date of their publication in the Official Gazette

2. Definitions : In the rules, unless the context otherwise requires :

- (i) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
- (ii) "Animal" means any living creature other than a human being.
- (iii) "Animal Welfare Organization" means an organization recognized by the Animal Welfare Board of India or an organization recognized

under any legal provision under the State act by any institution of the state government.

- (iv) "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.
- (v) "Local Authority" means a municipal committee, district board, Cantonment Board, District Panchayat or other authority for the time being invested by law with the control and administration of any matters within a specified local area;
- (vi) "State Board" means the State Animal Welfare Board established by the State Governments
- (vii) "Society" means Society for Prevention of Cruelty to Animals (SPCA) established as per the PCA (SPCA) Rules 2001 made under the Act.

3. Establishment of State Animal Welfare Board :

- (1) For the promotion of animal welfare generally and for the purpose of protecting animals from being subject to unnecessary pain or suffering, in particular, there shall be established by the State Government and Union Territory, as soon as may be after the commencement of this Rules, a State Board to be called the 'State Animal Welfare Board'.
- (2) The State Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provision of this Act, to acquire, hold and dispose of property and may by its name sue and be sued.

4. Constitution of State Animal Welfare Board :

- (1) The State Animal Welfare Board shall consist of the following persons, namely -
 - (a) Additional Chief Secretary / Principal Secretary, Animal Husbandry Department;
 - (b) Additional Chief Secretary / Principal Secretary, Forest Department;

The Prevention of Cruelty to Animals (Constitution of State Animal Welfare Board)
Rules, 2018

- (c) Director, Animal Husbandry Department, who shall be the Member Secretary;
- (d) Additional Chief Secretary or Principal Secretary, Transport Department;
- (e) Additional Chief Secretary or Principal Secretary, Health Department;
- (f) Additional Chief Secretary or Principal Secretary or Commissioner of Local Self Government or Panchayati Raj Institutions (local and urban development);
- (g) Additional Chief Secretary or Principal Secretary, Education Department;
- (h) Additional Chief Secretary or Principal Secretary, Home Department;
- (i) Additional Chief Secretary or Principal Secretary, Development and Panchayat;
- (j) Additional Chief Secretary or Principal Secretary, Revenue;
- (k) Representative of the Police Department nominated by the State Government not below the rank of Director General of Police / Additional Director General of Police;
- (l) Commissioner of Municipal Corporation or Chairman of Municipal Committee nominated by the State Government;
- (m) The non-government members to be nominated by the State Government shall include 5 members from animal welfare organizations or SPCAs constituted in each District as per the provisions of the Prevention of Cruelty to Animals (Establishment and Regulations of Societies for the Prevention of Cruelty to Animals) Rules, 2001;
- (n) Two Members from recognized Gaushalas / Pinjarapoles to be nominated by the State Government;
- (o) One Member to be nominated by the Gauseva Ayog, if any;

- (p) Two other prominent persons concerned with animal welfare within the State to be nominated by the State Government;
- (q) Two MLA'S of Vidhan Sabha to be nominated by the State Government; and
- (r) Two members representing the Animal Welfare Board of India, to be nominated by the Board;
- (2) The State Government or Union Territory shall nominate one of the Member of the State Animal Welfare Board to be its Chairman and another member of the Board to be its Vice-Chairman.
- (3) The State Animal Welfare Board shall be constituted or reconstituted in terms of this Section if already in existence, not later than six months after this Act comes into force.
- (4) The members of the State Animal Welfare Board shall be nominated on a purely honorary basis and will not draw salaries from the State Board or by virtue of their appointment to the State Board, being a member of the State Board shall not be an office of profit.

5. Re-Constitution of the State Board –

- (1) The State Government or Union Territory may, by notification in the Official Gazette, reconstitute the State Animal Welfare Board after the enactment of these Rules within six months from the date of notification.
- (2) The State 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 State 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 State Board but such persons shall held 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 State Board shall be filled up as casual vacancies for the remaining period of the term of the State Board as so reconstituted.

6. Terms of office and conditions of service of members of the State Animal Welfare Board :

The term for which the State Animal Welfare Board may be reconstituted shall be three years from the date of the reconstitution and the Chairman and other Members of the State Board as so reconstituted shall hold office till the expiry of the term for which the State Board has been so reconstituted.

7. Casual vacancies :

- (1) Any casual vacancy arising in the office shall fill up the vacancy as per the requirement for proper and smooth functioning of the office.
- (2) A member appointed to fill a casual vacancy shall hold office so long as the member whose place he fills would have been entitled to hold office if the vacancy has not occurred.

8. Headquarter of the State Animal Welfare Board:

The Headquarter of the State Animal Welfare Board shall be the State / Union Territory Headquarters of the concerned State / UT.

9. Power and functions of Chairman:

- (1) The Chairman shall preside at meetings of the State Board.
- (2) The Chairman shall be responsible for the proper functioning of the State Board and the implementation of its decisions and the discharge of its duties under this Rules.
- (3) The Chairman shall –
 - (a) cause important papers and matters to be presented to the Board as early as practicable.
 - (b) issue directions as to the method of carrying out the decisions of the State Board;
 - (c) cause to be maintained on account of the receipt and expenditure of the State Board; and
 - (d) cause an annual report of the working of the State Board to be prepared which after being approved at its Annual

General Meeting shall be submitted to the State / Central Government.

- (4) The Chairman shall exercise administrative control over all the employees of the State Board.
- (5) The Chairman shall exercise such administrative and financial powers as required for the proper and smooth functioning of the State Board.

10. Power and functions of Secretary :

The Secretary shall work under the general control of the Chairman who may delegate to him all or any of the following powers and duties:-

- (a) convening of meetings of the State Board under the directions of the Chairman;
 - (b) drawing up agenda for each meeting under the Chairman's directions and supplying the same to each member of the State Board along with the notice of the meeting;
 - (c) maintenance of minutes of the meetings of the State Board;
 - (d) furnishing to the State Government copies of all reports, including annual reports and returns and necessary documents required under the Act or the rules;
 - (e) preparation of the annual budget of State Board.
- (2) The Chairman may with the permission of the State Board, delegate to the Secretary any other function of the State Board or of the Chairman.
 - (3) The Secretary shall exercise such administrative and financial powers as required for the proper and smooth functioning of the State Board under overall control and supervision of the Chairman.

11. Funds of the State Board :

The funds of the State Animal Welfare Board shall consist of grants made to it by the State Government, commensurate with the functions that it is required to perform. Any other grants, contributions, bequests, donations, gifts and the like made to the State Animal Welfare Board, shall also constitute its funds. The State Board shall have discretion to utilize its funds for the performance of its functions, in accordance with law.

12. Secretary, staff and infrastructure of the State Animal Welfare Board:

For the administration of the affairs of the State Animal Welfare Board, and the performance of its functions, the State Government shall appoint an officer not below the rank of Additional Director, Animal Husbandry as its Secretary, and such other staff as may be necessary, and shall provide adequate infrastructure for its proper functioning.

13. Removal of Chairman and Members from the Board: The State Government may remove from office any member of the State Board if he / she :

- (a) absents himself from three consecutive meetings of the Board without the leave of the Board; or
 - (b) has been adjudged an insolvent or;
 - (c) has been convicted of an offense involving moral turpitude;
 - (d) has become physically or mentally incapable of acting as such Member.
- (2) No person shall be removed from office as a Member except after being given an opportunity of showing cause against such removal

14. Functions of the State Animal Welfare Boards :

- (1) The State Animal Welfare Board shall ensure that the provisions of this Act and the Rules framed hereunder are given widespread publicity, and duly implemented in the State, and that due and adequate training is provided to all government officials who are required to enforce the provisions of this Rules and take all steps for the promotion of welfare of animals generally and for the protection of animals from being subjected to unnecessary pain or suffering.

- (2) The State Animal Welfare Board shall ensure that the applications of animal welfare organizations are forwarded to the State Board in time, regular inspections of the animal welfare organizations or SPCAs are conducted as required by the State Board, for disbursement of financial assistance to them, and provide reports regarding the same, including reports as to proper utilization of the funds disbursed.
- (3) The State Animal Welfare Board shall oversee the functioning of the animal welfare organizations and SPCAs within the State, to ensure that the provisions of this Act and the Rules framed thereunder are being duly implemented.
- (4) The State Animal Welfare Board shall engage with local authorities within the State to commence and continue sterilization and immunization of street dogs in the manner prescribed, and to facilitate the formation of animal welfare organizations, and provide them with the necessary infrastructure, and reimburse the expenses incurred by them, and set up monitoring committees and take all other steps as may be prescribed by Rules framed for the purpose. The State Animal Welfare Board shall also monitor animal birth control programme within the State and collect and collate data and submit it to the Board in such manner as may be prescribed.
- (5) The State Animal Welfare Boards shall also exercise such functions as may be delegated to it by the Board, or by the State Governments or Union Territories, and by any Rules made under the Act for furthering the objectives of these Rules.
- (6) To keep the law in force in India for the Prevention of Cruelty to Animals under constant study and to advise the Government on the amendments to be undertaken in any such law from time to time.
- (7) To advise the State Government on the making of such rules under the 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.

- (8) 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.
- (9) To take all such steps as the State Board may think fit (for amelioration of suffering of animals) by encouraging or providing for the construction of sheds, water troughs and the like and by providing for veterinary assistance to animals.
- (10) To advise the Government or any local authority or other person in the design of slaughter houses or the maintenance of slaughter houses 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.
- (11) To take all such steps as the State 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.
- (12) To encourage by the grant of financial assistance or otherwise, the formation or establishment Pinjarapoles, rescue homes, animals shelters, sanctuaries and the like, where animals and birds may find a shelter when they have become old and useless or when they need protection.
- (13) 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.
- (14) To give financial and other assistance to Animal Welfare Organizations functioning in any local area or to encourage the formation of Animal Welfare Organizations in any local area which shall work under the general supervision and guidance of the State Board.
- (15) 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.
- (16) 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.

- (17) To advise the Government on any matter connected with animal welfare or the prevention of infliction of unnecessary pain or suffering on animals.
- (18) The State Animal Welfare Board will take necessary action to make regulations for the welfare of animals and to prevent unnecessary pain and suffering to animals

15. Disposal of business :

- (1) All questions which the State Board is required to consider shall be considered either at its meeting or by circulation of papers, as the Chairman may direct.
- (2) When a question is referred by circulation of papers, any Member may request that the question be considered at a meeting of the State Board and thereupon the Chairman may direct that it to be so considered.

Provided that if three or more members make such a request, the Chairman shall direct that it be so considered.

16. Meetings of the State Board :

- (1) The State Board shall meet at least once in three months or more if the Chairman thinks it necessary for transaction of its business.
- (2) The meetings shall ordinarily be held at the headquarters of the State Board but Chairman may, if necessary, fix the venue of the meetings at places other than the headquarters of the State Board.

17. Annual General Meeting :

- (1) The State Board shall in each year hold in addition to any other meetings, a general meeting as its Annual General Meeting and not more than fifteen months shall elapse between the date of one Annual General Meeting of the State Board and that of the next.

Provided that in case of the Annual General Meeting, it shall be held within a period of six months, from the date of closing of the financial year.

- (2) In the Annual General Meeting, the Secretary shall submit the annual report and the yearly accounts of the State Board of the

preceding financial year and the budget for the next financial year for the approval of the State Board.

18. Special meetings :

- (1) The Chairman shall convene a special meeting of the State Board on the written requisition of not less than eight members of the State Board.
- (2) Any requisition made by the members of the State Board shall specify the object of the meeting proposed to be called and shall be left at the address of the Secretary or posted to his address.
- (3) Upon such requisition, the Chairman shall give notice of a meeting to be held within twenty days after the receipt of such requisition.

19. Form of notice of meetings :

Every notice calling a meeting of the State Board shall state the date, time and place at which such meeting will be held and shall be served upon every member of the State Board not less than seven clear days before the day appointed for the meeting, other than the Annual General Meeting in which case the period of notice shall not be less than fourteen days.

20. Quorum for meetings :

Nine (9) Members of the State Board shall form a quorum at every meeting of the Board.

Provided that at any meeting in which less than nine members are present, the Chairman may adjourn the meeting to a date not less than seven days later and inform the members present and notify other members that he proposes to dispose of the business at the adjourned meeting irrespective of the quorum and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending.

21. Procedure at meetings :

- (1) If the Chairman is not present at any meeting of the State Board, the Chairman may nominate one of its members to Chair the meeting.

- (2) In case the difference of opinion amongst the members at the meeting of the State Board, the opinion of the majority shall prevail.
- (3) Each member shall have one vote and if there shall be equality of votes on any question to be decided at a meeting of the State Board, the Chairman of the State Board shall have a casting vote.
- (4) No business which is not on the agenda shall be considered at any meeting without the permission of the Chairman.

22. Allowances and remuneration :

- (1) No remuneration shall be paid to any member of the State Board on account of his services as such.
- (2) A member of the State Board who is not an official shall be entitled to draw in respect of any journey performed for the purpose of attending a meeting of the State Board or of a committee or sub-committee thereof or any other association or society to which he is appointed or nominated as a representative of the State Board or any other journey in connection with the work of the State Board performed under the direction of the Chairman.
- (3) A member of the State Board who is an official shall be entitled to draw, in the circumstances mentioned under sub-rule (2) travelling and daily allowance in accordance with the travelling allowance rules applicable to him.
- (4) where a person who is not official or a member is asked by the Chairman of the State Board to perform any journey for the purpose of attending a meeting of the State Board or of a committee or sub-committee thereof or any other journey in connection with the work of the Board he shall in respect of such journey be entitled to the payment of travelling, conveyance, boarding, lodging allowance and daily allowance at the rates as per their entitlement by the Officials and for non-officials, as per the rates entitled to grade 1 Officers.

23. Power of the State Board to appoint Executive Committee and to co-opt persons therein :

- (1) For the administration of its affairs and for carrying out its functions, the State Board may by resolution appoint an Executive Committee consisting of such number of members as it may think fit to appoint

thereto, and may by regulations made in this behalf define their functions and duties.

- (2) The State Board may co-opt a person representing the Department of Finance to the State Government as a member of the Executive Committee and such person shall be entitled to attend the meeting of the Committee and to take part in its discussions but shall not have the right to vote.
- (3) In addition to the Executive Committee referred to in rule 19, the State Board may by resolution constitute such other committee or committees from amongst its members for the administration of its affairs and for carrying out its functions.
- (4) The State Board may co-opt such persons to the Committees or sub-committees appointed under sub-rule (3) as it considers necessary and suitable, and may permit them to attend the meetings of such committees or sub-committees.
- (5) A person co-opted under sub-rule (2) for any purpose shall have the right to take part in the discussions relevant to that purpose but shall not have the right to vote.

24. Power of entry, search, arrest and detention :

- (1) Notwithstanding anything contained in any other law for the time being in force, if a police officer not below the rank of the sub inspector, or any other person authorized in writing by the central government or state government, or authorized in writing by a Society for Prevention of Cruelty to Animals, or State Animal Welfare Board, or the Animal Welfare Board of India, has reasonable grounds for believing that any person has committed an offence against the Act and the Rules made there under, he may :
 - (a) require any such person to produce for inspection any animal, animal article in his control, custody or possession, or any license, or permit or any other document granted to him or required to be kept by him under the provisions of this Act, or the Rules framed thereunder;
 - (b) stop any vehicle or vessel or train in order to conduct search or inquiry or enter upon and search any premises, land, vehicle, or vessel or train in the occupation of such person,

The Prevention of Cruelty to Animals (Constitution of State Animal Welfare Board)
Rules, 2018

and open and search any baggage or other things or articles in his possession;

- (c) seize any animal, or animal article in respect of which an offence against this Act appears to have been committed, from 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.
- (2) It shall be lawful for any of the officers or authorized persons referred to in sub-rule (1) to stop and detain any person, whom he sees doing any act for which a license or permit or certificate of registration is required under the provisions of this Act, or the Rules framed thereunder, for the purpose of requiring such person to produce the license or permit or certificate of registration, and if such person fails to produce the license or permit or certificate of registration, as the case may be, to arrest him without warrant, unless he furnishes his name and address, and otherwise satisfies the officer or other authorized person arresting him that he will duly answer any summons or other proceedings which may be taken against him.
- (3) Any person detained, or articles seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law.
- (4) Any animal seized under the foregoing power shall forthwith be produced before a qualified veterinarian for examination, and shall then, pending orders passed by the Court or other actions taken in terms of Section 37 of the Prevention of Cruelty to Animals Act, 1960 be detained in an infirmary, Society for Prevention of Cruelty to Animals, Gaushala, Animal Welfare Organization, or pinjarapole.

Notwithstanding anything contained in any other law for the time being in force, the officers or other authorized persons referred to in sub-rule (1) shall have powers, for the purposes of investigating into any offence against any provision of the Act or the Rules framed thereunder,

- (a) to issue a search warrant;
- (b) to enforce the attendance of witnesses;

- (c) to compel the discovery and production of documents, articles, objects, etc.; and
 - (d) to receive and record evidence.
- (6) Any evidence recorded under clause (d) of sub-rule (5) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

25. General Power of seizure for examination :

Any police officer of the rank of sub inspector or above, or any other person authorized in writing by a Society for Prevention of Cruelty to Animals, or State Animal Welfare Board, or the Animal Welfare Board of India, in this behalf, who has reason to believe that an offence against the Act or the Rules made thereunder, 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 a qualified veterinarian, and such police officer or authorized person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.

26. Persons authorized to be public servants :

Every person authorized by the State Animal Welfare Board or Society for Prevention of Cruelty to Animals or Animal Welfare Board of India under this Rules shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

27. Co-ordination of State Animal Welfare Boards with AWBI :

- (1) Every State Animal Welfare Board shall submit its activity report to AWBI 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 after the end of every quarter during the financial year.
- (2) Directions / suggestions of the State Board shall be followed by the State Animal Welfare Board for the improvement and in the best interest of animal welfare.
