

G-670

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. ____ OF 2020
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

GAURI MAULEKHI

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

VOLUME - I

Pages - A To 223

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATES FOR THE PETITIONER : M/S KARANJAWALA & CO.

RECORD OF PROCEEDINGS

S.NO.	DATE OF RECORD OF PROCEEDINGS	PAGES
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Dy. No. 389 / 2018

DECLARATION

All defects have been duly cured. Whatever has been added / deleted / modified in the petition is the result of curing of defects and nothing else. Except curing the defects, nothing has been done. Paper books are complete in all respects.

Signature:-----

Advocate on-Record/
KARANGAWALA & CO.
Contact No.: 9818392493

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LISTING PROFORMA

SECTION – PIL

The case pertains to (Please tick/check the correct box):

- Central Act: (Title); Prevention of Cruelty to Animal Act 1960
 Section : 5 & 9
 Central Rule : (Title); N/A
 Rule No(s); N/A
 State Act: (Title); N/A
 Section ; N/A
 State Rule : (Title) N/A
 Rule No(s);N/A
 Impugned Interim Order; N/A
 Impugned Final Order; N/A
 High Court; N/A
 Names of Judges; N/A
 Tribunal/Authority ;N/A
1. Nature of matter : Civil: Criminal
2. (a) Petitioners: Gauri Maviekh
(b) e-mail ID: gaurimaviekh@gmail.com
(c) Mobile phone number: 9997517373
3. (a) Respondents; Union of India & Ors.
(b) e-mail ID:
(c) Mobile phone number:
4. (a) Main category classification:
(b) Sub classification:
5. Not to be listed before: N/A
6. (a) Similar disposed of matter with citation, if any, & case details: W.P.(C) No.440 of 2000 and W.P.(C) No.881, of 2014.
(b) Similar pending matter with case details: No similar matter is pending

7. Criminal Matters:

- (a) Whether accused/convict has surrendered: Yes No
(b) FIR No. N/A Date: N/A
(c) Police Station: N/A
(d) Sentence Awarded: N/A
(e) Period of sentence undergone including period of detention/custody undergone: _____

8. Land Acquisition Matters:

- (a) Date of Section 4 notification: N/A
(b) Date of Section 6 notification: N/A
(c) Date of Section 17 notification: N/A

9. Tax Matters: State the tax effect: N/A**10. Special Category** (For petitioner/appellant only):

- Senior citizen > 65 years SC/ST Woman/child Disabled Legal Aid case
 In custody

11. Vehicle Number (In case of Motor Accident/Claim matters):

M/S.KARANJAWALA & CO.
ADVOCATES FOR THE PETITIONER
Registration No.1707
karanjawala@karanjawala.in

Date: 06.01.2020

SYNOPSIS

The present public interest litigation ("PIL") pertains to the urgent requirement of "fully operational State Animal Welfare Boards (hereinafter referred to as **SAWBs**)" to manage and deal with issues pertaining to animal welfare as envisaged under the Prevention of Cruelty to Animals Act, 1960 ("hereinafter referred to as **PCA Act**"), and the Rules made thereunder.

It is pertinent to mention that while the Animal Welfare Board of India ("hereinafter referred to as **AWBI**") is mandated to implement the provisions of the PCA Act, 1960, and the Rules made thereunder, the overall objective cannot be realized in the absence of any State level body to monitor and enforce such provisions and bring the concepts of animal welfare into the policy framework of the respective State governments.

This Hon'ble Court vide Order dated 06.08.2008 in W.P (Civil), No. 440 of 2000 titled "*Geetha Seshamani vs. Union of India and Anr.*" directed the States which had not constituted the State Animal Welfare Boards to constitute the same within a period of three months and also to see that the Society for Prevention of Cruelty to Animals (SPCA's) be constituted in every district. Furthermore, this Hon'ble Court vide Order dated 13.07.2015 in W.P.(Civil) 861 of 2014 titled "*Gouri Maulekhi vs Union of India & Ors.*" and vide Order dated 04.08.2017 in W.P.(Civil) 210 of 2015 titled "*Akhil Bharat Krishi Goseva Sangh vs Union of India & Ors.*" the State Governments were directed to constitute SAWBs to supervise and co-ordinate with the district administration and form Societies for Prevention of Cruelty to Animals ("SPCAs").

In compliance of this Hon'ble Court's Order dated 06.08.2008 in "*Geeta Seshamani v Union of India & Anr.*" bearing Writ Petition (C) No 440 of 2000 the

Minister for the Ministry of Environment, Forest and Climate Change (hereinafter referred to as "EF&CC") issued a directive, vide letter dated 15.05.2017, to the Chief Ministers of all the States/ Union Territories to constitute SAWBs within three months. The main objective was to promote animal welfare and protect animals from unnecessary suffering as well as to ensure proper enforcement of the provisions of the PCA Act, 1960 and the Rules there under. The letter also goes onto state that the State Governments make available adequate man power and financial resources to the State governments to establish SAWBs. It was further stated in the said letter that the SAWBs should be granted a statutory status. The abovementioned letter was followed by letters from Secretary of the Ministry of EF&CC dated 30.10.2017 and from the Additional Secretary dated 01.01.2018 to the Chief Secretaries of all the States and Union Territories.

It is submitted that the Union Government framed certain rules under the PCA Act, 1960, called Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017, Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, Prevention of Cruelty to Animals (Pet Shop) Rules, 2018, and Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017, which bestow certain statutory obligations and functions on the State Animal Welfare Boards and now these Boards are the only registering authorities for pet shops and dog breeders that run into thousands in each State.

It is submitted that despite letters from the Hon'ble Minister of EF&CC to the States/ Union Territories and directions from this Hon'ble Court vide three different Petitions, the State Governments are not establishing SAWBs, as contemplated, which severely hampers the effective implementation of the provisions of the PCA Act, 1960, and the Rules made thereunder.

The Ministry of EF&CC had asked the AAWB vide letter dated 06.04.2018 to draft rules after consultation with the Board, States/Union Territories and other stakeholders. The final Draft Rules were sent to the Ministry of EF&CC vide letter dated 06.11.2018. In response to the proposed draft State Animal Welfare Board Rules, the Petitioner, by virtue of having closely worked with several State Governments and State Animal Welfare Boards and having served on the statutory committees of different State Governments, compiled a set of the necessary edits to the proposed Rules vide letter dated 31.12.2018 to the Ministry of EF&CC.

The Petitioner thereafter filed RTI's in each state, dated 23.05.2019, and from the replies received from different states it has been established that while the SAWBs have been established on paper in some states, there has been no Officer appointed to the Board to carry out its tasks and functions, no budgets have been allocated by some States and even where the budgets have been allocated they simply aren't used in an optimal manner, the Board does not meet and there is no staff to follow up on the decisions taken by the Board, if any. Hence, the State Animal Welfare Boards have been constituted in some states only to mislead the Courts.

It is submitted that despite directions of this Hon'ble Court in Civil Appeal No. 5387 of 2014 titled *Animal Welfare Board of India vs. A. Nagaraja & Ors.*, the Union of India and the AAWB have continuously reduced the amount of grants released to Animal Welfare Organizations and SPCAs manifold in the last ten years.

It is submitted that, in view of the above, it is necessary for the State governments to earmark financial and infrastructural resources from the relevant sectors and enable such bodies to perform their functions under the PCA Act,

1960. There is an absolute necessity to notify elaborate administrative rules for the effective functioning of the Boards and to create suitable administrative posts to carry out the mandate of such boards. It must, further, be ensured that the prospective Rules be implemented expeditiously. Therefore, the Petitioner is filing the present Public Interest Litigation.

LIST OF DATES

DATE	PARTICULARS
06.08.2008	This Hon'ble Court in <i>Geeta Seshmani v. Union of India and Anr.</i> W.P.(Civ) No. 440 of 2000, directed the states, which had not constituted State Animal Welfare Boards, to constitute the same within a period of 3 months. The Hon'ble Court also directed the States to constitute Society for Prevention of Cruelty to Animals (SPCA) in every district. This Hon'ble Court further directed that a copy of the said order be sent to the Chief Secretary of all the states to ensure proper compliance of the order.
13.07.2015	This Hon'ble Court in <i>Gauri Maulekhi v. Union of India and Ors.</i> W.P.(Civil) No. 881 of 2014, again directed all the State Governments to constitute SPCAs in every District of their State as per Rule 3 of the SPCA Rules in 4 weeks. This Hon'ble Court also reiterated the direction for constitution of State Animal Welfare Boards to coordinate with the District SPCA. The States concerned were asked to submit a compliance report within 8 weeks from the date of the order.

- 16.05.2017 The Minister of the Ministry of Environment, Forest and Climate Change, in compliance of the above-mentioned orders dated 05.08.2008 & 13.07.2015 passed by this Hon'ble Court, issued letters to the Chief Ministers of all the States/Union Territories directing them to constitute State Animal Welfare Boards and allocating them with budget and man power, within 3 months. It was further stated in the letter that the State Animal Welfare Boards should be granted statutory status.
- 23.05.2017 Rules were framed by the Union Government under Section 38 of the Prevention of Cruelty to Animals Act, 1960, called Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017 and Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, come into force. These Rules bestow certain statutory obligations and functions on the State Animal Welfare Boards.
- 04.05.2017 This Hon'ble Court in "*Akhil Bharat Krishi Goseva Sangh v. Union of India & Ors.*" W.P.(Civil) No. 210 of 2015, wherein Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 were referred to recommendations of the Committee under the chairmanship of Joint Secretary (BM-II), Ministry of Home Affairs which was formed to evolve a comprehensive future plan to effectively deal with the

issue pertaining to transportation of animals to Bangladesh.

- 30.10.2017 The Secretary of Ministry of Environment and Forest sent letters to the Chief Secretaries of all the States/Union Territories for constitution of State Animal Welfare Boards in their respective States.
- 31.01.2018 The Additional Secretary of Ministry of Environment and Forest sent letters to Chief Secretaries of all the States/UTs for the constitution of State Animal Welfare Boards in their respective States.
- 06.04.2018 The Ministry of Environment, Forest and Climate Change asked the Animal Welfare Board of India to draft the Prevention of Cruelty to Animals (State Animal Welfare Board) Rules, 2018 after consultation with Board, States/UTs and other stakeholders.
- 17.04.2018 A letter was addressed to the Secretary, Ministry of EF&CC, Government of India, by the Petitioner highlighting the Ministry of EF&CC's omission in notifying the constitution and functions of the State Animal Welfare Boards. Thus, preventing the States from providing resources, budget and manpower to make these Boards functional.
-
- 24.04.2018 A letter was addressed to the Hon'ble Chief Minister, Delhi, by the Minister of EF&CC, Government of India, regarding the setting up of a state level animal welfare

body in compliance of the order of the Hon'ble Supreme Court in W.P. (Civil) No. 140/2000 and W.P.(Civil) No. 881/2014 along with a model draft of the constitution and functions of the Board.

- 06.09.2018 The Prevention of Cruelty to Animals (Pet Shop) Rules, 2018, came into force. The said rules were framed by the Union Government under Section 38 of the Prevention of Cruelty to Animals Act, 1950. These Rules bestowed certain statutory obligations and functions on the State Animal Welfare Boards.
- 18.09.2018 Letter from Ministry of EF&CC addressed to the AWB1 asking them to send back the fresh draft SAWB Rules.
- 06.11.2018 The final draft of the State Animal Welfare Board Rules, 2018, were sent to the Ministry of Environment, Forest and Climate Change by the Animal Welfare Board of India.
- 31.12.2018 In response to the proposed draft State Animal Welfare Board Rules, the Petitioner compiled a set of the necessary edits to the proposed Rules and sent the same via letter to the Ministry of Environment, Forest and Climate Change.
- 23.05.2019 RTIs were filed in every State and Union Territory by the Petitioner seeking information about the constitution and functioning of the respective State Animal Welfare

Boards.

Through the replies received, it can be observed that while the State Animal Welfare Boards have been established on paper in some states there has been no Officer appointed to the Board, no budget allocated, no meeting of the Board conducted, no staff to follow up on the decisions taken by the Board, if any.

- 14.10.2019 A letter was addressed to the Hon'ble Prime Minister of India and copied to the Hon'ble Minister for Fisheries, Animal Husbandry & Dairying and the Hon'ble Minister of State for Animal Husbandry, Dairying & Fisheries, Government of India. It pertained to the suspicious increase in Animal Welfare Board of India's administrative expenses as well as the steep decline in the financial assistance provided for animal welfare activities.
- 26.12.2019 The Petitioner herein addressed letters to the Hon'ble Minister of Fisheries, Animal Husbandry and Dairying, Government of India as well as to the Secretary, Department of Fisheries, Animal Husbandry and Dairying, Government of India dated 26.12.2019 to ensure the constitution and effective functioning of the State Animal Welfare Board.
- 01.01.2020 The present Public Interest Litigation is filed.

JN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
W^KIT PETITION (CIVIL) NO. ____ OF 2020
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

IN THE MATTER OF:

Gaur Maulekhi,
W/o Sri Dushyant Maulekhi
R/c D4, Chandralok,
Rajpur Road, Dehradun

Also At:

Petitioner

VERSUS

- | | | |
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| 6. | The State of Bihar,
Through Chief Secretary of Government of Bihar,
Main Secretariat,
Patna -800015 | Respondent No. 6 |
| 7. | The State of Chhattisgarh,
Through Chief Secretary of Government of Chhattisgarh,
Mananadi Bhawan, Mantralaya,
Naya Raipur,
Chhattisgarh -492002 | Respondent No. 7 |
| 8. | The State of Goa,
Through the Chief Secretary of Government of Goa,
Secretariat, Porvorim,
Bardez, Goa -403521 | Respondent No. 8 |
| 9. | The State of Gujarat,
Through the Chief Secretary
of the Government of Gujarat,
1 st Block, 5 th Floor, Sachivalaya,
Gandhinagar -382010 | Respondent No. 9 |
| 10. | The State of Haryana,
Through the Chief Secretary
of the Government of Haryana,
4 th Floor, Haryana Civil Secretariat,
Sector-1, Chandigarh-160019 | Respondent No. 10 |
| 11. | The State of Himachal Pradesh,
Through the Chief Secretary of the
Government of Himachal Pradesh,
H.P. Secretariat,
Shimla -171002 | Respondent No. 11 |
| 12. | The State of Jammu & Kashmir,
Through the Chief Secretary of the
Government of Jammu & Kashmir,
R. No. 2/7, 2nd Floor Main Building,
Civil Secretariat, Jammu - 180001;
R. No. 307, 3rd Floor, Civil Secretariat,
Srinagar -190001 | Respondent No. 12 |
| 13. | The State of Jharkhand,
Through the Chief Secretary
of the Government of Jharkhand,
1 st Floor, Project Building, Dhurwa,
Ranchi -834004 | Respondent No. 13 |
| 14. | The State of Karnataka,
Through the Chief Secretary
of the Government of Karnataka,
Room No. 323, 3 rd Floor, Vidhana Soudha,
Bangalore -560001 | Respondent No. 14 |

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| 15. | The State of Kerala,
Through the Chief Secretary
of the Government of Kerala,
Secretariat,
Thiruvananthapuram -695001 | Respondent No. 15 |
| 16. | The State of Madhya Pradesh,
Through the Chief Secretary
of the Government of Madhya Pradesh,
MP Mantralaya, Valsad Bhawan,
Bhopal -462004 | Respondent No. 16 |
| 17. | The State of Maharashtra,
Through the Chief Secretary
of the Government of Maharashtra,
CS Office Main Building, Mantralaya,
6th Floor, Madame Cama Road,
Mumbai -400032 | Respondent No. 17 |
| 18. | The State of Manipur,
Through the Chief Secretary
of the Government of Manipur,
South Block, Old Secretariat,
Babupura, Imphal -795001 | Respondent No. 18 |
| 19. | The State of Meghalaya,
Through the Chief Secretary
of the Government of Meghalaya,
Main Secretariat Building, Rilang Building,
Room No. 321, Meghalaya Secretariat,
Shillong -793001 | Respondent No. 19 |
| 20. | The State of Mizoram,
Through the Chief Secretary
of the Government of Mizoram,
New Secretariat Complex,
Aizawl - 796001 | Respondent No. 20 |
| 21. | The State of Nagaland,
Through the Chief Secretary of the
Government of Nagaland,
New Secretariat Road, Civil Secretariat,
Kohima- 797004 | Respondent No. 21 |
| 22. | The State of Odisha,
Through the Chief Secretary of the
Government of Odisha,
General Administration Department,
Odisha Secretariat,
Bhubaneswar- 751001 | Respondent No. 22 |

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|-----|--|-------------------|
| 23. | The State of Punjab,
Through the Chief Secretary of the
Government of Punjab,
Chief Secretary Office, 6th Floor,
Punjab Civil Secretariat -1, Sector 1,
Chandigarh-160001 | Respondent No. 23 |
| 24. | The State of Rajasthan,
Through the Chief Secretary of the
Government of Rajasthan,
Tilak Marg, C Scheme, Secretariat,
Jaipur- 302005 | Respondent No. 24 |
| 25. | The State of Sikkim,
Through the Chief Secretary of the
Government of Sikkim,
New Secretariat,
Gangtok- 737101 | Respondent No. 25 |
| 26. | The State of Tamil Nadu,
Through the Chief Secretary of the
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai- 600009 | Respondent No. 26 |
| 27. | The State of Telangana,
Through the Chief Secretary of the
Government of Telangana,
Block C, 3rd Floor, Telangana Secretariat,
Khairatabad, Hyderabad- 500022 | Respondent No. 27 |
| 28. | The State of Tripura,
Through the Chief Secretary of the
Government of Tripura,
New Secretariat Complex,
Secretariat, Agartala- 799010 | Respondent No. 28 |
| 29. | The State of Uttar Pradesh,
Through the Chief Secretary of the
Government of Uttar Pradesh,
1st Floor, Room No. 110,
Lai Bahadur Sastri Bhawan,
Uttar Pradesh Secretariat,
Lucknow- 226001 | Respondent No. 29 |
| 30. | The State of Uttarakhand,
Through the Chief Secretary of the
Government of Uttarakhand,
4 Subhash Road, Uttarakhand,
Secretariat, Dehradun- 248001 | Respondent No. 30 |
| 31. | The State of West Bengal,
Through the Chief Secretary of the | |

32. The Union Territory of Andaman and Nicobar Islands
 Through the Chief Secretary of the Government of Andaman and Nicobar Islands,
 Andaman and Nicobar Administration, Secretariat,
 Port Blair- 744101 Respondent No. 32

33. The Union Territory of Dadra & Nagar Haveli and Daman & Diu,
 Through the Chief Secretary of the Government of Dadra and Nagar Haveli,
 Daman and Diu,
 Secretariat, Moti, Silvassa,
 Daman- 395220 Respondent No. 33

34. The National Capital Territory of Delhi,
 Through the Chief Secretary of the Government of National Capital Territory of Delhi,
 Delhi Secretariat, IP Estate,
 New Delhi- 110002 Respondent No. 34

35. The Union Territory of Lakshadweep,
 Through the Chief Secretary of the Government of Lakshadweep,
 1st Floor, Collector's Block,
 Secretariat, Kavaratti- 632555 Respondent No. 35

36. The Union Territory of Puducherry,
 Through the Chief Secretary of the Government of Puducherry,
 Chief Secretariat, Goubert Avenue,
 Puducherry- 605001 Respondent No. 36

37. The Union Territory of Chandigarh,
 Through the Chief Secretary of the Government of Chandigarh,
 Punjab Raj Bhawan, Sector 6,
 Chandigarh- 160017 Respondent No. 37

**WRIT PETITION (PUBLIC INTEREST LITIGATION) UNDER
ARTICLE 32 OF THE CONSTITUTION OF INDIA SEEKING
WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT
SEEKING DIRECTIONS AGAINST THE RESPONDENTS.**

TO THE HON'BLE CHIEF JUSTICE
AND HIS LORDSHIP'S COMPANION
JUDGES OF THE HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

1. That the present Writ Petition has been filed under Article 32 of the Constitution of India *inter alia* seeking directions to the Union Government to notify the Prevention of Cruelty to Animals (State Animal Welfare Board) Rules, 2018 (hereinafter referred to as '**SAWB Rules, 2018**') and to the State Governments to constitute and/or make functional the State Animal Welfare Boards (hereinafter referred to as '**SAWBs**') in their respective states/union territories.
2. That the writ petitioner has no personal interest in the present litigation. The present petition is not guided by self-gain or for gain of any other person / institution / body and that there is no motive other than of public interest in filing this writ petition.

PETITIONER

3. That the Petitioner is currently the Trustee of India's largest and highly respected animal welfare organization, People for Animals, having its office at 14, Ashok Road, New Delhi. Petitioner is the Member Secretary of People for Animals, Uttarakhand. She has contributed to animal welfare in various capacities since 1994. The petitioner has immense experience in the field of animal welfare

and is a reputed social activist working for safeguarding animal rights and ensuring the welfare and dignity of animals.

The Petitioner had successfully petitioned for the Prevention of Cruelty to Animals (Pet Shop) Rules, 2018 which rules were subsequently notified after various orders were passed by the Hon'ble High Court of Delhi. Her petition W.P.(C) 881 of 2014 filed before this Hon'ble Court also led to specific Rules being notified by the Union of India regarding maintenance and disposal of case property animals and regulation of livestock market.

The different petitions filed by the petitioner have resulted in landmark judgments and have furthered the cause of protection for animals. She has been tirelessly working to protect the rights and welfare of animals for over twenty years, and she has also established shelter homes for rescued, homeless and sick animals across various parts of India. The email address of the Petitioner is gaurimraulekhi@gmail.com. The mobile number of the Petitioner is 99917517373. The postal address of the Petitioner is D4, Chandrak, Rajput Road, Dehradoon & Also At -161, Kailash Road, New Delhi. The PAN Card of the Petitioner bearing No. AMCPM6889R, along with the Aadhar Card of the Petitioner bearing No. 517201125637 and a copy of the Income Tax Return Acknowledgment for the Assessment Year 2019-2020 is annexed herewith and marked as **ANNEXURE-P1**.

Pages 68 to 70.

4. That the Petitioner has been nominated by several State Governments to be a Member of the State Slaughter-House Monitoring Committees, Animal Birth Control Implementation and Monitoring Committees, etc which have been constituted in compliance of orders passed by this Hon'ble Court. She has worked extensively across various States to spread awareness about animal

welfare and ethical treatment of animals. The Petitioner has also filed a Public Interest Litigation before the Hon'ble High Court of Delhi, being W.P.(C) 7467 of 2018 titled '*Gauri Maulekhi Vs Delhi Advisory Board for Animal Welfare*' pertaining to rampant illegal breeding of pedigree dogs in the National Capital Territory of Delhi.

5. That in 2018, the Petitioner was awarded the prestigious *Nari Shakti Puraskar* by the President of India, for her contribution to the field of animal welfare advocacy. In 2018, she was awarded the Distinguished Alumna Award in the field of animal welfare advocacy by the Lucknow University. In 2018, she received the Outstanding Animal Protection Award from the Humane Society International at Kansas City, USA. In 2016, the Petitioner was awarded the Lust Prize in London for her contribution towards reducing unnecessary use of animals in laboratories. She has worked with various ministries of the Government of India and several State Governments to formulate and implement policies, such as humane transportation of animals, humane slaughter practices, effective population management and the protection of wildlife. She has been a co-opted member of the Animal Welfare Board of India for 2 terms and served on its various sub-committees.
6. That the petitioner serves as a resource person and a trainer for the State Police for more than 8 states and has held workshops on animal welfare at the National Judicial Academy, Bhopal and at the State Judicial Academies of Uttarakhand, Uttar Pradesh, Bihar, Himachal Pradesh, Assam and Madhya Pradesh.

7. That the Petitioner is a law-abiding citizen of India. The Petitioner is a social worker and is a public-spirited person and does not have any personal interest in the present PIL Petition and the cause agitated by the Petitioner is purely *pro bono publico*.
9. That the present public interest litigation, is to further the cause of animal welfare and to ensure the strict enforcement of the laws relating to animal welfare and seeks the mandatory establishment of fully functional SAWBs in each State.

RESPONDENTS

9. That the Respondent No 1 is the Union of India, through Secretary, Department of Animal Husbandry, Dairying and Fisheries. That from 04.04.2019 the administration of Prevention of Cruelty to Animals Act, 1960 has come under the purview of Respondent No. 1. Respondent No. 1 is responsible for finalizing and notifying the Prevention of Cruelty to Animals (SAWB) Rules, 2018 and for taking all steps to facilitate the implementation of the Act.
10. That the Respondent No. 2 is the Animal Welfare Board of India, through its Chairman. That the Respondent No. 2 has been constituted under the Prevention of Cruelty to Animals Act 1960, to advise the Central Government on policies and assist in the enforcement of the provisions of Prevention of Cruelty to Animals Act, 1960. It is the duty of the Respondent No. 2 to actively participate in the finalisation and notification of the Prevention of Cruelty to Animals (SAWB) Rules, 2018 for compliance of Prevention of Cruelty to Animals Act, 1960.

11. That the Respondents No. 3 to 37 are the States through their Chief Secretaries. It is the duty of these Respondents to constitute SAWBs, to supervise and co-ordinate with the District Society for Prevention of Cruelty to Animals (hereinafter referred to as SPCA) for compliance of the Prevention of Cruelty to Animals Act, 1960. States are also to appoint full time officers to the SAWBs along with adequate support staff and provide physical premises for the SAWB so that the statutory regulatory functions of the SAWBs are discharged as mandated by the law.
12. That to the knowledge of the petitioner no other party/persons/bodies/institutions apart from the above mentioned are likely to be affected by the orders sought in the present writ petition. The Petitioner craves leave of this Hon'ble Court to add/amend/implement any party during the course of the proceedings, if required.
13. That the Petitioner has time and again tried to draw the attention of the concerned authorities to the repeated violations of the laws of the land and the orders of this Hon'ble Court. The Petitioner made a Representation dated 17.14.2018 to the Secretary, Ministry of Environment, Forests and Climate Change (hereinafter referred to as 'MoEF & CC'), highlighting their omission in notifying the constitution and functions of the State Animal Welfare Boards. She had, further, made a Representation dated 14.10.2019 to the Hon'ble Prime Minister of India informing him about the suspicious increase in Animal Welfare Board of India's administrative expenses as well as the steep decline in the financial assistance provided for animal welfare activities. The Representation dated 14.10.2019 was

also copied to the Hon'ble Minister for Fisheries, Animal Husbandry and Dairying, Government of India and Hon'ble Minister of State, Animal Husbandry, Dairying and Fisheries, Government of India. However, the Petitioner has not received any substantial response till date.

14. That no other petition has been filed or is pending before this Hon'ble Court or in any other High Court or any other Court in India with respect to the subject matter of the present petition.
15. That the Petitioner, by way of the present Writ Petition under Article 32 of the Constitution seeks to enforce the provisions of the Prevention of Cruelty to Animals Act, 1960, and Rules made thereunder. In *Animal Welfare Board of India vs A. Nagaraja & Ors.* (2014) 7 SCC 547, this Hon'ble Court recognized that the right to life under Article 21 includes the rights of animals within its scope. This Hon'ble Court has also read the fundamental duties under Article 51A while interpreting the right to life under Article 21. Under Article 51A(g), it is the fundamental duty of every citizen to have compassion for living creatures.

LEGAL PROVISIONS REGARDING SAWB AND SPCA AND THE NEED FOR STATE ANIMAL WELFARE BOARDS

16. That under Article 51A (g) of the Constitution, it is the fundamental duty of every citizen of India to have compassion for living creatures.
17. That under Article 141 of the Constitution, the law as declared by the Hon'ble Supreme Court is to be binding on all Courts within the

territory of India. This Hon'ble Court passed orders/judgements dated 05.08.2008, 13.07.2015 and 24.08.2017 in *Geeta Seshamani vs Union Of India & Anr.* W.P(C) 440 of 2000, *Gauri Maulekhi vs Union of India & Ors.* W.P (C) 881 Cf 2014 and in *Akhil Bharat Krishi Goseva Sangh v. Union of India & Ors.* in W.P(C) 210 of 2015, respectively, wherein this Hon'ble Court mandated the establishment SAWBs and directed for all the states to earmark resources from the relevant sectors such as to enable the SAWBs to effectively discharge its statutory functions.

18. That the Prevention of Cruelty to Animals Act, 1950, was enacted by the Parliament to provide a framework for the prevention of unnecessary pain and suffering on animals by any individual or group of individuals. A variety of scenarios where animals are used such as in laboratories, for performances, for agricultural purposes, for extracting milk and meat from, street and pet animals as well as animals traded in or bred for commercial purposes are all regulated by the Prevention of Cruelty to Animals Act, 1960 and Rules thereunder.
19. That *Prevention of Cruelty to Animals* falls under Entry No. 17 in the Concurrent List of the Constitution of India. At the National Level, the Animal Welfare Board of India (hereinafter referred to as "AWBI") has been constituted under Section 4 of the Prevention of Cruelty to Animals Act 1950 (hereinafter referred to as "**PCA Act, 1960**"), to perform regulatory, advisory, developmental and other supervisory functions under the Act and the Rules framed

thereunder and assist in the enforcement of the provisions of PCA Act, 1960.

20. That the purpose of the Board is to promote animal welfare generally and to protect animals from being subjected to unnecessary pain or suffering. The constitution and functions of the AWBI are laid down in Section 5 and Section 9 of the said Act, respectively. Currently, the AWBI is functioning under the aegis of the Department of Animal Husbandry and Dairying in the Ministry of Fisheries, Animal Husbandry and Dairying, Government of India.
21. That the Constitution of the AWBI has been laid down in Section 5 of the PCA Act, 1960:

"5. Constitution of the Board. —(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;

(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, 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;

(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 of such 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 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;

(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."

22. That The functions of the AWBI as mentioned in Section 9 of the PCA Act, 1960 are as below:

"9. Functions of the Board. -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 the Government on the amendments to be undertaken in any such law from time to 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 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 in 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 the formation or establishment of pinjrapoles, rescue homes, animal 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;

(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."

23. That The Prevention of Cruelty to Animals (Establishment and Regulation of Societies for the Prevention of Cruelty to Animals) Rules 2001, framed under the PCA Act, 1960 provides for the constitution and functions of the District level statutory body headed by the District Collector, which is required to enforce the provisions of the PCA Act, 1960. The Rule mandates that every district has a body that enforces the provisions of the Prevention of Cruelty to Animals Act and conducts rescue and rehabilitation work as well as management of infirmaries for sick, injured and disabled animals. The Society is required to enforce the provisions of the PCA Act, 1960 and to conduct rescue and rehabilitation work as well as management of infirmaries for sick, injured and disabled animals.
24. That the constitution of the SPCAs is laid down in Rule 3(2) as under:

"Rule 3 (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."*

25. That the Functions of the SPCAs have been laid down under Rule 3(3) as under:

"Rule 3 (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."

26. That The PCA Act, 1960 or the Rules there under do not define or lay down the composition or functions of SAWBs, however certain Rules under the PCA, 1960 i.e., Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017, Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017 and Prevention of Cruelty to Animals (Pet Shop) Rules, 2018, bestow certain statutory obligations and functions on the SAWBs. Some of the functions of the SAWBs under the various Rules are as follows:
- (a) Under Rule 4 of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, the State Board has to within three months of the commencement of the Rules and thereafter on the 1st day of April every year specify the cost of transport, maintenance and treatment per day for every species of animals that is commonly seized in the State;

- (b) These Boards are now the only registering and regulatory authorities for pet traders and dog breeders that run into thousands in each state. Rule 4(5) of the Prevention of Cruelty to Animals (Pet Shop) Rules, 2018, requires the concerned SAWB to register and issue certificates of registration to pet shops in accordance with the provisions of Rule 4 while Rule 3 prohibits the operation of pet shops without such registration. The SAWBs further has the power to renew such registrations as per Rule 5 and cancel them as per Rule 9(5) and Rule 10(5). Moreover, the SAWBs are required to monitor the compliance of these Rules as per Rule 9, conduct inspections as per Rule 10 and receive annual reports from registered pet shops as per Rule 12;
- (c) The constitution of the Animal Market Monitoring Committee for regulation of animal markets in the districts as well as the constitution of the Animal Market Committee for the management of animal markets in the district shall be formed after due consultation with the concerned SAWBs as per Rule 3(1) and Rule 4(1), respectively, of the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017. SAWBs further have powers under Rule 10 to give directions to the local authority and the Animal Market Monitoring Committee for compliance of these Rules as well as powers under Rule 11 to authorize inspection and seizure;

- (d) In the Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017, Rule 3 prohibits the breeding of dogs without a certificate of registration from the SAWB in accordance with these Rules. All applications for registration would be made to the SAWB which shall then proceed to process such applications and register as per Rule 4 of the said Rules. The SAWB further has the powers to renew such registrations as per Rule 5 and conduct inspections of establishments as per Rule 7. It is also pertinent to mention herein that as per Rule 13, the concerned local authority shall not grant any licenses to establishments unless the breeder has obtained a certificate of registration from the State Board in accordance with these Rules.
27. That while the National and the District level bodies have been provisioned for and their constitution and functions have been clearly laid down, however, despite providing for statutory functions of SAWBs in various Rules under the PCA Act, 1960, the composition of the SAWBs have not been defined in either the Act or in any of the Rules, because of which they have been whimsically/half-heartedly notified by the states, and are comprehensively inactive and mere paper monsters without manpower allocation or budgetary provisions.
28. That the SAWBs have been given certain crucial regulatory functions under Rules framed under the PCA Act, 1960, but such statutory mandate remains unfulfilled in the absence of functional SAWBs at the State level. The desired implementation of the Act

can only be achieved when there is a State level body to monitor and enforce such provisions and bring the concept of animal welfare within the policies of the State governments.

29. That in order to establish coordination and effective seamless enforcement of the law the role of a State level body is crucial. It is understood that the functions of the State Level Body would be to actively advise not only the State Government but also to give inputs during the policy framing processes of the Central Government.
30. That there are several directions of this Hon'ble Court regarding formation of SAWBs and several statutory obligations to be performed by such SAWBs. However, since these SAWBs are totally dysfunctional in almost all States, the enforcement of the PCA Act, 1960 has continued to be abysmal.
31. —That since there is neither any co-ordination between the AWBIs and SPCAs, nor are the schemes, policies, Rules framed under the Act, effectively communicated to the District SPCAs and other relevant departments at the State Level in the absence of a functional SAWB. No capacity building is done at the State level in the absence of the SAWB.
32. That the SAWBs are responsible for rendering advisory services for policies that are to be framed by the Centre and the States. This is not being done in the absence of such functional Boards. Animal welfare and protection of animals has begun to receive enhanced attention in recent years and has emerged as an important area of

social and environmental concern, it was felt that State Governments should have similar bodies at the state level to be the bridge between the AWBI and SPCAs and to facilitate policy framing at the State Level and address the issues related to animal welfare including the prevention of cruelty to animals, as envisaged under the PCA Act, 1960. The urgent need for SAWBs has been stressed upon and reiterated by various judicial fora, including but not limited, to this Hon'ble Court. Even the Union Government, through the MoEF & CC has time and again directed the establishment of SAWBs and has emphasized the necessity of the State Governments to earmark resources from the relevant sectors so as to enable the SAWBs to perform their statutory functions under the PCA Act, 1960 and Rules thereunder.

33. That it is pertinent to mention herein that the SAWBs have certain statutory functions under the PCA Act, 1960, and under the Rules framed there under namely the Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017, Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, Prevention of Cruelty to Animals (Pet Shop) Rules, 2018, and Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017. Aside from other statutory obligations under these Rules, the SAWBs are designated as the only registering authority for pet traders and dog breeders. Therefore, the continuing delay in the establishment of fully functional SAWBs in each state also has serious economic and other ramifications for the state as rampant pet trade and dog breeding trade continues unregulated.

DIRECTIONS GIVEN BY THIS HON'BLE COURT WITH REGARD TO SAWB

34. That this Hon'ble Court passed the following orders/judgements dated 06.08.2008, 13.07.2015 and 04.08.2017 in 3 different petitions wherein it was reiterated that the SAWBs be established and made functional in all states

a) In the Judgement dated 06.08.2008 passed by this Hon'ble Court in *Geeta Seshamani vs Union Of India & Anr.* W.P(C) 440 of 2000, it was observed that many States are yet to constitute the SAWBs which is why the implementation of the provisions of the Act and the Rules is not done effectively. The states were further directed to ensure that SPCAs in all the districts were constituted. The relevant portion of the order dated 06.08.2008 reads as follows:

"We direct the States, which have not constituted the State Animal Welfare Boards to constitute within a period of three months and also to see that the Society for Prevention of Cruelty to Animals (SPCAs) be also constituted in every district as contemplated under the Rules."

A true copy of the Order dated 06.08.2008 passed by this Hon'ble Court in *Geeta Seshamani vs Union Of India & Anr.* W.P(C) 440 of 2000 is annexed herewith and marked as **ANNEXURE- P-2.** (pages 71 to 74).

b) That this Hon'ble Court vide Order dated 13.07.2015 in *Gauri Jayalekhi vs Union of India & Ors.* W.P (C) 681 Of 2014 directed SAWBs to be established with appropriate

budgetary allocation, provision of and, infrastructure and by creation and filling of posts such that the SAWBs are able to supervise and coordinate with the district SPCAs. It was also highlighted that as per the provisions of Section 9(k) and 9(l) of the PCA Act, 1960, the Union Government must provide assistance to the SAWBs and SPCAs for setting themselves up and to make these institutions operational. This may be done by having a proper budgetary provision for funding animal welfare schemes. This Hon'ble Court also required the implementation of the recommendation that the Union and State governments consider funding animal welfare schemes as participatory animal welfare program whilst ensuring Central Sponsored Share (hereinafter referred to as "CSS") and State Sponsored Share (hereinafter referred to as "SSS") in addition to 100% funding by either Centre or State. The order dated 13.07.2015 states:

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

shall be verified by respondent no./, i.e., The Secretary, Animal Welfare Division, Ministry of Environment and Forests, New Delhi, within a further period of four weeks."

A true copy of the order dated 13.07.2015 passed by this Hon'ble Court in *Gauri Maulekhi vs Union of India & Ors.* W.P (C) 881 Of 2014 is annexed herewith and marked as ANNEXURE- P-3. (pages 75 to 76).

ADVISORY ISSUED BY THE UNION GOVERNMENT

35. That in compliance of the Order passed by this Hon'ble Court dated 06.08.2008 in *Geeta Seshamani v Union of India & Anr.*, several State Governments notified the SAWBs but only for superficial compliance. Since these SAWBs were comprehensively devoid of suitable budgets, full time officers or infrastructure, the Minister for the Ministry of Environment, Forest and Climate Change highlighting the urgency issued a letter dated 16.05.2017, to the Chief Ministers of all the States/ Union Territories to constitute their SAWBs. The main objective was to ensure the implementation of the provisions enshrined in the PCA Act, 1960 in the states. The letter also stated that manpower and budget be allocated by the state governments to the Board. Further, it was stated that the SAWBs will be granted a statutory status by the Union Government. The letter dated 16.05.2017 was followed by letters from Secretary MOEF&CC dated 30.10.2017 and from the Additional Secretary dated 01.01.2018 to Chief Secretaries of al. the States/UTs, reiterating the same request.

A true copy of the letter dated 16.05.2017 written by the Minister of State (Independent Charge), Environment, Forest & Climate Change, Government of India, to the Chief Minister of Rajasthan is annexed herewith and marked as ANNEXURE P-4 (pages 77 to 79),

35. That this Hon'ble Court vide Order dated 04.08.2017 in *Akhil Bharat Krish Goseva Sangh vs Union Of India & Ors*, (W.P (C) 210/2015) directed the implementation of the draft recommendations made by a Committee chaired by the Additional Secretary, Ministry of Home Affairs, since it thought them most appropriate and something which needed to be implemented. Directions in the aforesaid two orders were echoed in that it was noted by this Hon'ble Court that the SAWBs existed only on paper and, hence, were not able to discharge any of their functions. It was, yet again, recommended that SAWBs be established and made functional. It was further recommended that the Ministry of EF&CC examine the formulation of a scheme to provide assistance to SAWBs and SPCAs such as to set them up and make them operational. Staff and infrastructure costs may be borne by the State Governments. This Hon'ble Court further required for the formulation of a scheme for animal welfare to be run by SPCA and SAWB as participatory programs ensuring CSS & SSS.

A true copy of the order dated 04.08.2017 passed by this Hon'ble Court in *Akhil Bharat Krish Goseva Sangh v. Union of India &*

..... Ors/In W.P(C) 210 of 2015 is annexed herewith and marked as
ANNEXURE- P 5. (Pages 80 to 82).

ROLE OF THE UNION GOVERNMENT

A. SAWB RULES TO BE FRAMED UNDER THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

37. That despite letters from the Hon'ble Minister of Environment Forest & Climate Change to all the States/ Union Territories and directions from this Hon'ble Court in three different Petitions in 2008, 2015 and 2017, a majority of States have not constituted and made functional the SAWBs. Even where SAWB has been notified, there is no officer or staff appointed to effectively carry out the tasks and statutory regulatory functions. There is a need for clarity regarding the formation of the SAWBs for which a set of rules for the establishment and regulation of SAWBs is required.
38. That despite the orders of this Hon'ble Court in three different Petitions since 2008, the Ministry of EF&CC after 9 years vide letter dated 16.05.2017 acknowledged that it will undertake the exercise of notifying the SAWB Rules under the PCA Act, 1960 and requested AWBI to prepare the draft Rules in this regard. In response, AWBI forwarded the Draft Prevention of Cruelty to Animals (State Animals Welfare Board) Rules to Ministry of EF&CC for consideration. That Draft SAWB (Procedure for Transaction of Business) Rules, 2017 was also handed over by JS(MP) to D5(AW) for examination. However, Ministry of EF&CC found itself not technically competent to examine the Rules and on 12.01.2018 submitted the file and sought consultancy of the Vidhi Centre for

legal policy for examining the draft SAWB Rules. On 24.1.2018, it was realised to take quotation from Vidhi Center for the fee that they would charge to examine the draft SAWB Rules. On 13.3.2018; Vidhi Center intimated that there is not much legal service needed in the Rules towards which Vidhi Center could contribute.

A True copy of the note sheets of the Ministry of EF&CC derived through RTI applications are annexed herewith and marked as **ANNEXURE P-6**. Pages 83 to 94).

A true copy of the letter dated 30.10.2017 by the Secretary, Ministry of Environment, Forest & Climate Change to the Chief Secretary of Arunachal Pradesh is annexed herewith and marked as **ANNEXURE P-7**. (pages 95 to 96).

A true copy of the letter dated 01.01.2018 from the Additional Secretary, Government of India, Ministry of Environment, Forest & Climate Change to the Chief Secretaries of all the States and Union Territories is annexed herewith and marked as **ANNEXURE- P-8**. (pages 97 to 98).

39. That further, the Ministry of EF&CC, after reconstitution of the AWBI and appointment of a new Chairman, vide letter dated 06.04.2018 abruptly, started afresh and asked AWBI to send back fresh SAWB Rules. Further, in reminder to the letter dated 06.04.2018, AWBI was asked vide letter dated 02.05.2018 and 18.09.2018 by the Ministry of EF&CC to send back the fresh draft SAWB Rules. Finally, the final 'Draft Prevention of Cruelty to

Animals (SAWB) Rules, 2018' were sent by AWBI to the Ministry of EF&CC vide letter dated 06.11.2018.

— A true copy of the letter dated 06.04.2018 from the Ministry of EF&CC to the Secretary, Animal Welfare Board of India is annexed herewith and marked as ANNEXURE- P-9. (pages 99 to 100).

A true copy of the Representation dated 17.04.2018 addressed to the Secretary, MoF & CC, has been annexed herewith as ANNEXURE P-10. (pages 101 to 102)

A true copy of the letter dated 02.05.2018 is annexed herewith and marked as ANNEXURE- P-11.(page 103).

A True copy of the letter dated 18.05.2018 from Ministry of EF&CC to AWBI seeking draft rules is annexed herewith and marked as ANNEXURE- P-12. (pages 104 to 105).

A true copy of the letter dated 06.11.2018 by the Animal Welfare Board of India addressed to the Joint Secretary, Animal Welfare Division, Ministry of Environment, Forest & Climate Change with the Draft Rules is annexed herewith and marked as ANNEXURE- P-13. (pages 106 to 149).

40. That in response to the proposed draft SAWB Rules, the Petitioner, by virtue of having closely worked with several State Governments and SAWBs and having served on several state level committees of various State Governments, complete a set of necessary edits to

The proposed Rules vide letter dated 31.12.2018 addressed to the Ministry of Environment, Forest and Climate Change.

A true copy of the letter written by the Petitioner to Dr. Harsh Vardhan, Hon'ble Minister of Environment, Forest & Climate Change, Government of India with the suggested edits dated 31.12.2018 is annexed herewith and marked as **ANNEXURE- P-14.** (*pages 150 to 215*).

41. That however, the Rules have not been notified and the clarity of constitution and administration of SAWBs remains in limbo, till date, despite several reminders and representations of the petitioner because of complete apathy by the Union Government.

B. : ADEQUATE FINANCIAL ASSISTANCE NECESSARY TO CARRY OUT STATUTORY OBLIGATIONS

42. That the Union of India appears to be deliberately preventing the effective implementation of the PCA Act, 1960. It is submitted that the Union Government allocates and releases financial aid towards animal welfare through AWBI as Central Sector Scheme under five grant heads namely, the 'Regular Grant' which includes the 'Rescue Cattle Maintenance Grant', 'Shelter Grant', the 'Animal Birth Control Grant', the 'Ambulance Grant' and the 'Natural Calamity Grant'. It is also submitted that the allotment of grants to the States by the Union Government and the AWBI has been highly irregular in the last five years and allocation of grants to the states has drastically reduced over time. Moreover, the amounts released under the

different grant needs have sharply decreased in that duration. This is evident from the data collected and compiled by the Animal Welfare Board of India's official website and through RTI applications.

43. That it is further submitted that the total amount of grants released under the abovementioned heads to AWOs and SPCAs in the last eleven years have reduced to upwards of 70% under all heads. The percentage decrease in the Rescue Cattle Maintenance Grant has been especially steep in that there has been a reduction of 99.19% in the amount of grants released from 2011-12 to 2017-18. The trend has been no different with respect to all other heads. There has been a reduction of 89% in the amount of grants released from 2007-08 to 2017-18 under the head of 'Regular Grants', 66.52% reduction in the amount of grants released from 2007-08 to 2017-18 under the head of 'Shelter Grant', 89.19% reduction in the amount of grants released from 2007-08 to 2017-18 under the head of 'Animal Birth Control Grant', 83.03% in the amount of grants released from 2007-08 to 2017-18 under the head of 'Ambulance Grant' and a reduction of 71.56% in the amount of grants released from 2007-08 to 2016-16 under the head of 'Natural Calamity Relief Grant'.

A compilation prepared through the data collected and compiled from the Animal Welfare Board of India's official website and through RTI applications of the total grants released in each year under all the grant heads to AWOs and SPCAs cited in is annexed herewith and marked as **ANNEXURE P-15** (pages 216 to 218).

44. That until 04.04.2019, the PCA Act, 1960 was being administered by the Ministry of Environment, Forests and Climate Change, Union of India. On 01.04.2019, vide Government of India (Allocation of Business) Three Hundred and Forty Ninth Amendment Rules, 2019, the charge of administration of the PCA Act, 1960 was granted to Ministry of Agriculture and Farmers' Welfare under the Department of Animal Husbandry and Dairying.

A True Copy of the notification issued by the Cabinet Secretariat dated 04.04.2019 giving charge of administration of the PCA Act, 1960 to Department of Animal Husbandry and Dairying is herewith annexed as ANNEXURE P-16 (*pages 219 to 220*).

CURRENT SCENARIO IN EACH STATE

45. That the Petitioner has worked closely on this subject with the Union Government as well as most State Governments. After several representations falling on deaf ears, the Petitioner filed RTIs with each State Government. It has emerged through the responses that while most states have established the SAWBs on paper, but haven't appointed any Officers to the Board, nor any budget has been allocated to the Board. In all states, barring a few, the Board does not meet and there is no staff to follow up on the decisions taken by the Board, if any. Hence, the Boards have been constituted only on paper, only to mislead this Hon'ble Court. True copy of the RTI dated 24.04.2019 filed with the Government of Andhra Pradesh is annexed herewith and marked as ANNEXURE- P-17 (*pages 221 to 223*).

True copy of the RTI dated 24.04.2019 filed with the Government of Arunachal Pradesh is annexed herewith and marked as **ANNEXURE- P-18** (pages 224 to 226).

True copy of the RTI dated 24.04.2019 filed with the Government of Assam is annexed herewith and marked as **ANNEXURE- P-19** (pages 227 to 229).

True copy of the RTI dated 24.04.2019 filed with the Government of Bihar is annexed herewith and marked as **ANNEXURE- P-20** (pages 230 to 232).

True copy of the RTI dated 24.04.2019 filed with the Government of Gujarat is annexed herewith and marked as **ANNEXURE- P-21** (pages 233 to 235).

True copy of the RTI dated 24.04.2019 filed with the Government of Goa is annexed herewith and marked as **ANNEXURE- P-22** (pages 236 to 238).

True copy of the RTI dated 24.04.2019 filed with the Government of Haryana is annexed herewith and marked as **ANNEXURE- P-23** (pages 239 to 241).

True copy of the RTI dated 24.04.2019 filed with the Government of Himachal Pradesh is annexed herewith and marked as **ANNEXURE- P-24** (pages 242 to 244).

True copy of the RTI dated 24.04.2019 filed with the Government of Jammu & Kashmir is annexed herewith and marked as **ANNEXURE- P-25** (*pages 245 to 247*).

True copy of the RTI dated 24.04.2019 filed with the Government of Jharkhand is annexed herewith and marked as **ANNEXURE- P-26** (*pages 248 to 250*).

True copy of the RTI dated 24.04.2019 filed with the Government of Karnataka is annexed herewith and marked as **ANNEXURE- P-27** (*pages 251 to 253*).

True copy of the RTI dated 24.04.2019 filed with the Government of Kerala is annexed herewith and marked as **ANNEXURE- P-28** (*pages 254 to 256*).

True copy of the RTI dated 24.04.2019 filed with the Government of Maharashtra is annexed herewith and marked as **ANNEXURE- P-29** (*pages 257 to 259*).

True copy of the RTI dated 24.04.2019 filed with the Government of Madhya Pradesh is annexed herewith and marked as **ANNEXURE- P-30** (*pages 260 to 262*).

True copy of the RTI dated 24.04.2019 filed with the Government of Meghalaya is annexed herewith and marked as **ANNEXURE- P-31** (*pages 263 to 265*).

True copy of the RTI dated 24.04.2019 filed with the Government of Nagaland is annexed herewith and marked as ANNEXURE- P-32 (pages 266 to 268).

True copy of the RTI dated 24.04.2019 filed with the Government of Punjab is annexed herewith and marked as ANNEXURE- P-33 (pages 269 to 271).

True copy of the RTI dated 24.04.2019 filed with the Government of Rajasthan is annexed herewith and marked as ANNEXURE- P-34 (pages 272 to 274).

True copy of the RTI dated 24.04.2019 filed with the Government of Sikkim is annexed herewith and marked as ANNEXURE- P-35 (pages 275 to 277).

True copy of the RTI dated 24.04.2019 filed with the Government of Tamil Nadu is annexed herewith and marked as ANNEXURE- P-36 (pages 278 to 280).

True copy of the RTI dated 24.04.2019 filed with the Government of Telangana is annexed herewith and marked as ANNEXURE- P-37 (pages 281 to 283).

True copy of the RTI dated 24.04.2019 filed with the Government of Tripura is annexed herewith and marked as ANNEXURE- P-38 (pages 284 to 286).

True copy of the RTI dated 24.04.2019 filed with the Government of Uttarakhand is annexed herewith and marked as ANNEXURE-P-39 (pages 287 to 289).

True copy of the RTI dated 24.04.2019 filed with the Government of Uttar Pradesh is annexed herewith and marked as ANNEXURE-P-40 (pages 290 to 292).

True copy of the RTI dated 24.04.2019 filed with the Government of West Bengal is annexed herewith and marked as ANNEXURE-P-41 (pages 293 to 295).

True copy of the RTI dated 24.04.2019 filed with the Administration of Andaman & Nicobar Islands is annexed herewith and marked as ANNEXURE- P-42 (pages 296 to 298).

True copy of the RTI dated 24.04.2019 filed with the Administration of Chandigarh is annexed herewith and marked as ANNEXURE- P-43 (pages 299 to 301).

True copy of the RTI dated 24.04.2019 filed with the Administration of Puducherry is annexed herewith and marked as ANNEXURE- P-44 (pages 302 to 304).

True copy of the RTI dated 24.04.2019 filed with the Administration of Lakshadweep is annexed herewith and marked as ANNEXURE- P-45 (pages 305 to 307).

True copy of the RTI dated 24.04.2019 filed with the Government of Chhattisgarh is annexed herewith and marked as **ANNEXURE-P-46**, (pages 308 to 310).

True copy of the RTI dated 24.04.2019 filed with the Administration of Daman & Diu is annexed herewith and marked as **ANNEXURE-P-47**, (pages 311 to 313).

True copy of the RTI dated 24.04.2019 filed with the Government of Manipur is annexed herewith and marked as **ANNEXURE-P-48**, (pages 314 to 316).

True copy of the RTI dated 24.04.2019 filed with the Government of Mizoram is annexed herewith and marked as **ANNEXURE-P-49**, (pages 317 to 319).

True copy of the reply received from the Government of Kerala dated 02.05.2019 is annexed herewith and marked as **ANNEXURE-P-50**, (pages 320 to 321).

True copy of the reply received from the Government of Goa dated 05.05.2019 is annexed herewith and marked as **ANNEXURE-P-51**, (page 322 to 325).

True copy of the reply received from the Government of Tripura dated 06.05.2019 is annexed herewith and marked as **ANNEXURE-P-52**, (pages 326 to 328).

True copy of the reply received from the Government of Himachal Pradesh dated 03.05.2019 is annexed herewith and marked as **ANNEXURE- P-53** (Pages 329 - 332).

True copy of the reply received from the Government of Karnataka dated 10.05.2019 is annexed herewith and marked as **ANNEXURE- P-54** (pages 333 to 336).

True copy of the reply received from the Lakshadweep Administration dated 10.05.2019 is annexed herewith and marked as **ANNEXURE- P-55** (pages 337 to 341).

True copy of the reply received from the Government of Meghalaya dated 13.05.2019 is annexed herewith and marked as **ANNEXURE- P-56** (pages 342 to 344).

True copy of the reply received from the Government of Rajasthan dated 13.05.2019 is annexed herewith and marked as **ANNEXURE- P-57** (pages 345 to 346).

True copy of the reply received from the Government of Arunachal Pradesh dated 14.05.2019 is annexed herewith and marked as **ANNEXURE- P-58** (page 349 to 350).

True copy of the reply received from the Government of Jammu & Kashmir dated 15.05.2019 is annexed herewith and marked as **ANNEXURE- P-59** (page 351 to 354).

True copy of the reply received from the Government of Madhya Pradesh dated 17.05.2019 is annexed herewith and marked as **ANNEXURE- P-60** (page 355 to 356).

True copy of the reply received from the Government of Nagaland dated 20.05.2019 is annexed herewith and marked as **ANNEXURE- P-61** (pages 357 to 359).

True copy of the reply received from the Government of Uttar Pradesh dated 21.05.2019 is annexed herewith and marked as **ANNEXURE- P-62** (pages 360 to 361).

True copy of the reply received from the Government of Maharashtra dated 23.05.2019 is annexed herewith and marked as **ANNEXURE- P-63** (pages 362 to 365).

True copy of the reply received from the Government of Telangana dated 23.05.2019 is annexed herewith and marked as **ANNEXURE- P-64** (pages 366 to 370).

True copy of the reply received from the Government of Bihar dated 24.05.2019 is annexed herewith and marked as **ANNEXURE- P-65** (pages 371 to 372).

True copy of the reply received from the Government of Puducherry Administration dated 24.05.2019 is annexed herewith and marked as **ANNEXURE- P-66** (pages 373 to 374).

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True copy of the reply received from the Government of Uttarakhand dated 26.05.2019 is annexed herewith and marked as **ANNEXURE- P-67** (pages 375 to 385).

True copy of the reply received from the Chandigarh Administration dated 28.05.2019 is annexed herewith and marked as ANNEXURE- P-68 (pages 386 to 391).

True copy of the reply received from the Andaman & Nicobar Administration dated 29.05.2019 is annexed herewith and marked as ANNEXURE- P-69 (pages 392 to 398).

True copy of the reply received from the Government of Haryana dated 30.05.2019 is annexed herewith and marked as ANNEXURE- P-70 (pages 399 to 401).

True copy of the reply received from the Government of Tamil Nadu dated 30.05.2019 is annexed herewith and marked as ANNEXURE- P-71 (pages 402 to 404).

True copy of the reply received from the Government of Gujarat dated 12.06.2019 is annexed herewith and marked as ANNEXURE- P-72 (pages 405 to 407).

True copy of the reply received from the Government of Jharkhand dated 12.06.2019 is annexed herewith and marked as ANNEXURE- P-73 (pages 408 to 412).

True copy of the RTI dated 14.06.2019 filed with the Government of Delhi is annexed herewith and marked as ANNEXURE- P-74 (pages 413 to 415).

True copy of the reply received from the Government of Punjab dated 19.06.2019 is annexed herewith and marked as **ANNEXURE- P-75** (*pages 416 to 418*).

A true copy of the reply received from the Government of Assam dated 20.06.2019 is annexed herewith and marked as **ANNEXURE P-76** (*pages 419 to 420*).

A true copy of the reply received from the Government of Andhra Pradesh dated 24.06.2019 is annexed herewith and marked as **ANNEXURE P-77** (*pages 421 to 425*).

A true copy of the reply received from the Government of Sikkim dated nil is annexed herewith and marked as **ANNEXURE P-78** (*pages 426 to 429*).

A true copy of the reply received from the Government of West Bengal dated nil is annexed herewith and marked as **ANNEXURE P-79** (*pages 430 to 433*).

— A true copy of the reply received from the Government of the National Capital Territory of Delhi dated 19.07.2019 is annexed herewith and marked as **ANNEXURE P-80** (*page 434 to 435*).

46. That out of all the States and Union Territories only 13 states namely Andhra Pradesh, Arunachal Pradesh, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Madhya Pradesh, Maharashtra, Nagaland, Sikkim, Uttarakhand and Uttar Pradesh have an Officer deputed to serve on the SAWB and even out of these, 2 states i.e. Madhya Pradesh and Haryana, do not have

support staff to follow up on the orders of the Board. Most of these officers have this function as Additional Charge and are not appointed against any full-time post. This is because no posts have been created for such officers in any State except in Uttarakhand. The following table will demonstrate the action taken by the states towards establishing the SAWBs:

State	Officers deputed	Support staff deputed
Andhra Pradesh	Yes; 1 on additional charge.	Yes; 1
Arunachal Pradesh	Yes; 1 on additional charge.	Yes; 1
Assam	No	No
Bihar	No	No
Chhattisgarh	No	No
Goa	No	No
Gujarat	Yes	Yes
Haryana	Yes; 1 on additional charge.	No
Himachal Pradesh	Yes; 1 on additional charge.	Yes; 3 on additional charge.
Jammu & Kashmir	Yes; 2 on additional charge.	Yes; 1 on additional charge.

	charge.	
Jharkhand	Yes; 1 on additional charge.	Yes.
Karnataka	No	No
Kerala	No	No
Madhya Pradesh	Yes; 2 on additional charge.	No
Manipur	Yes	Yes.
Meghalaya	No	No
Mizoram	No	No
Nagaland	Yes; 13 on additional charge.	Yes; 1 on additional charge.
Odisha	No	No
Punjab	No	No
Rajasthan	No	No
Sikkim	Yes; 18 on additional charge.	Yes; 18 on additional charge.
Tamil Nadu	No	No
Telangana	No	No
Tripura	No	No
Uttarakhand	Yes; 9 (2	Yes; 10.

	on additional charge).	
Uttar Pradesh	Yes; 2 on additional charge.	Yes; 3.
West Bengal	No	No
Andaman & Nicobar Islands	No	No
Chandigarh	No	No
Daman & Diu	No	No
Delhi	No	No
Lakshadweep	No	No
Puducherry	No	No

47. That in 2018-2019, only 12 states namely Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Kerala, Nagaland, Sikkim, Telangana, Uttarakhand, West Bengal and Delhi had allocated a budget to SAWBs, out of which not all the states have been able to utilize the budget allocated them. For the year 2019-2020, only Goa, Gujarat, Himachal Pradesh, Haryana, Telangana, West Bengal and Delhi have allocated a budget for their SAWBs.
48. That as per Rule 4 and 5 of Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017, the dog breeders are required to apply for obtaining license and to register for breeding dogs for commercial gains. Applications for registration in only

Jharkhand, Uttarakhand and Maharashtra have been received by SAWBs and only Uttarakhand and Jharkhand SAWBs have granted 4 and 3 registrations in their respective States. No action has been initiated by any SAWB against any dog breeder operating in violation of the Rules, despite several representations and meetings by the petitioner.

49. That as per Rule 3 of Prevention of Cruelty to Animals (Pet Shop) Rules, 2018, for continuing sale or trade in animals, whether retail or wholesale, registration of the pet shop is required to be done by the SAWB. Only Maharashtra and Uttarakhand SAWBs have received applications and have granted registrations. It has also been found that none of the states have registered any cases against pet shops operating in violation of the Breeding and Marketing Rules, 2017, and Pet Shop Rules, 2018, respectively.
50. That it is only in 2 states, namely Jharkhand and Uttarakhand, that the SAWB has passed any order under Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.
51. That the Petitioner made an application under the Right to Information Act, 2005, dated 06.08.2019 seeking information pertaining to the details of the accounts of the AWBI for the last ten financial years including the expenses under the different schemes along with administrative expenses. The response to the above-mentioned RTI application dated 04.09.2019 makes it evident that the AWBI is sanctioning and releasing a measly amount every

year towards animal welfare activities as compared to the amounts expended by them towards salaries, administrative and establishment expenses which include TA and DA expenses of its members. As of 2018-19, Rs. 5,35,29,000/- was disbursed in total for all the States under the five grant heads while Rs. 3,65,90,116/- was disbursed just towards their salaries and administrative expenses.

57. Thus, it is evident that while the structure of the SAWBs has neither been strengthened nor budget allocated to them, the AWBI administrative expenses have suspiciously risen and the financial support for animal welfare activities has sharply fallen.

A true copy of the response of the Animal Welfare Board of India dated 04.09.2019 to the RTI application dated 06.08.2019 is annexed herewith and marked as ANNEXURE- P-81 (page 436)

A true copy of the Representation dated 14.10.2019 addressed to the Hon'ble Prime Minister of India and copied to the Hon'ble Minister for Fisheries, Animal Husbandry and Dairying, Government of India and Hon'ble Minister of State, Animal Husbandry, Dairying and Fisheries, Government of India has been annexed herewith as ANNEXURE P-82. (pages 437 to 441).

A true copy of the representation dated 25.12.2019 made by the Petitioner herein to the Hon'ble Minister of Fisheries, Animal Husbandry & Dairying, Government of India is annexed herewith and marked as ANNEXURE- P -83 (pages 442 to 444)

A true copy of the representation dated 26.12.2019 made by the Petitioner herein to the Secretary, Dept of Animal Husbandry & Dairying, Government of India is annexed herewith and marked as **ANNEXURE- P- 84.** (pages 445 to 446).

CONCLUSION

53. That the Petitioner humbly submits that time and again it has been brought to the notice of the State Governments to make such facilities available for the Board such that it is able to perform and discharge its statutory functions. These would invariably require full-time officers deputed to the SAWBs by the State Animal Husbandry Department. Such administrative and regulatory functions can't be performed by ex-officio members of the Board or by Non-Government Organisations, nor can they be performed by officers deputed to the Board in name only and given additional charge instead of full-time placement on the SAWB.
54. That from the RTI responses received by the Petitioner it is evident that there has been no official deputation of any officer to these SAWB's. Further, many a times, the same non-government individuals who have been nominated as members of the Board get nominated again despite a proven track record of non-performance, instead of appointing active and knowledgeable persons working in the field of animal welfare. This is because the Union has specified no criteria at all for the selection of members for the SAWB in the proposed Rules.

55. That to regulate the ever-increasing number of pet shops and dog breeders, to inspect their premises and to ensure that recognition is granted and to further take action against them as per statutory obligations of the SAWBs under the Rules, fully operational SAWBs are required at the earliest.
56. That the basic requirements of full-time officers, support staff and a physical premise are urgent necessities for the SAWBs to ensure that people engaged in such trades can send their applicators or seek necessary certifications.
57. That such registrations would be a revenue generating exercise for the State Governments as well as it will bring animal trade into the ambit of taxation and revenue, but not a single state has implemented it so far because the State Boards have not been constituted anywhere as directed by the Hon'ble Supreme Court in its orders given in 2008, 2015 and 2017, and the Ministry of Environment, Forest and Climate Change in its letter dated 16.05.2017, 30.10.2017 & 01.01.2018.
58. That The functioning of the District SPCAs is also abysmal. While most states have notified the District SPCAs, there is neither land allocated, nor infirmaries built for homeless animals as has been envisaged in the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for the Prevention of Cruelty to Animals) Rules 2001. No monitoring or regulation of SPCAs is done by the AWBI as has been envisaged in the Rules and directed by this Hon'ble Court. No budget is provided to any SPCA by the AWBI.

or most of the States. Enforcement of the provisions of the PCA Act, 1960, even after almost half a century, has been negligible.

59. That the constitution of SAWBs is imperative. However, what is more important is that proper infrastructure, adequate budgetary allocations and dedicated officers in charge be deputed/appointed on the Board along with other qualified staff members to ensure the proper functioning of the SAWB's, all of whom have earmarked duties to perform. That this full-time staff should work dedicatedly to discharge the functions of the Board such as registration of dog breeders and pet traders and all other obligations under the PCA Act, 1960, and the Rules made thereunder.
60. That the Prevention of Cruelty to Animals (SAWB) Rules, 2018, have been in process since 06.04.2018 and were sent to the Ministry of EF&CC on 06.11.2018 to which objections/comments/suggestions have also been sent. However, they have yet not been notified and are therefore, pending implementation. This delay in notification of the required Rules, effective constitution of Boards and the receding allocation of funds are adversely affecting the implementation of the PCA Act, 1960 and the Rules there under which in turn has severe consequences on the welfare of animals and is resulting in a flourishing illegal and unregulated animal trade aside from providing an impetus for proliferation of other unlawful activities and posing a serious threat to the enforcement of the above-mentioned.

61. GROUNDs

That the Petitioner thus approaches this Hon'ble Court under Article 32 of the Constitution of India, for the reliefs prayed for herein, on the following grounds, which are without prejudice to one another:

- A. Because by not having fully operational SAWBs in each State/UT, the welfare of animals is getting severely compromised as there is an absence of a proper state level body to monitor and enforce Animal Welfare Laws and to introduce animal welfare concepts into the policy of the State government.
- B. Because there is a clear violation of Article 21 read with 51A(g) and 51A(h) of the Constitution of India which guarantee the fundamental right to life in a society in which animals are treated with compassion.
- C. Because Article 51A(g) of the Constitution of India lays down that it is the fundamental duty of every citizen to protect and improve the natural environment and to have compassion for all living creatures.
- D. Because under Article 45A of the Constitution it is the duty of the State to protect and improve the environment and to safeguard the forests and wildlife of the country.
- E. Because it is obligatory on the States to respect, protect, fulfil and realize the right to life and health under Article 21, and to ensure that animals are treated with compassion and not with cruelty, in accordance with Article 51-A(g). The PCA Act, 1960 is a welfare

- legislation which has to be construed bearing in mind the purpose and object of the Act and the Directive Principles of State Policy. It is trite law that, in matters of welfare legislation, the provisions of law should be liberally construed in favour of the weak and infirm. The Court also has a duty under the Doctrine of *parrens patriae* to take care of the rights of animals since they are unable to take care of themselves vis-à-vis human beings.
- F. Because, by virtue of Article 141 of the Constitution, it is the statutory function of all the States to ensure the implementation of the Prevention of Cruelty To Animals Act, 1960, and the Rules made thereunder, by earmarking adequate and necessary resources from the relevant sectors so as to enable the SAWBs to perform their functions under the Prevention of Cruelty to Animals Act, 1960, and the Rules made thereunder.
- G. Because the operation of unregulated and unauthorized pet traders and dog breeders, in the absence of functional SAWBs in the States/UTs, is a direct contravention of the Prevention of Cruelty to Animals (Pet Shop) Rules, 2018 and Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017 which mandates compulsory registration. The traders indulging in illegal animal trafficking continue to thrive across all parts of India.
- H. Because the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017, specifically require the involvement of the SAWBs to constitute Animal Market Monitoring Committees for regulation and management of animal markets in the districts

under Rule 3(1) and Rule 4(1). Further, as per Rule 10, it is the function of the SAWBs to facilitate compliance of these Rules and monitor records and information pertaining to the functioning of animal markets in a State/UT. Thus, in the absence of SAWBs, it would be extremely difficult to look after the regulation and management of animal markets in the districts.

- C. Because the SAWBs have to undertake important functions under the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, especially pertaining to cost of care and keeping of animals pending litigation as per Rule 4.
- D. Because the non-compliance by the State Governments/UTs in establishing SAWBs as directed by Court Orders dated 06.08.2008, 13.07.2015 and 04.08.2017 in *Geeta Seshamani vs Union of India & Anr., Gauri Majlakhi vs Union of India & Ors. and Akhil Bharat Krishi Goseva Sangh vs UOI & Ors.*, amounts to contempt of this Hon'ble Court.
- E. Because the State Boards have not been constituted anywhere as envisaged by the Ministry of Environment, Forest and Climate Change in its letters dated 16.05.2017, 30.10.2017 and 01.01.2018.
- F. Because the few States which have deputed officers to their SAWBs have deputed them on additional charge with inadequate support staff. Owing to this, there is effectively nobody to discharge the statutory functions of the SAWBs leading to the breach of statutory and constitutional duty on the part of the Respondents. This is clearly reflected in the chart below:

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S.N	STATES/UNION TERRITORIES	1.Certified copy of Order issued by Officer deputed to service on SAWB	2.Certified copy of Order support staff provided to SAWB	3.Total budget allocated to SAWB in 2018-19	4.Total budget utilized by SAWB in 2018-19	5.Total funds received from Dog Breeders by SAWB for registration by SAWB	6.Applications received from Dog Breeders by SAWB	7.Registrations provided to Pet Shops for registration by SAWB	8.Cases registered against Dog Breeders by SAWB	9.Applications received from Pet Shops for registration by SAWB	10.Registrations provided to Pet Shops by SAWB	11.Case register ed against Pet Shops	12.Certified copy of Order passed by SAWB under Rules of PCA (Crimes & Maintenance of Cause Property Animals) Rules 2017
1	Anchra Pradeshi	Rs. 100,000/-	Rs. 10,000/-	Rs. 10,000/-	Rs. 10,000/-	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
		Vehicle	Vehicle	23.05.2018	28.06.2018	30,000/-	30,000/-	Nil	Nil	Nil	Nil	Nil	Nil
		Officer	Officer	1	1	Person as deputed	Report	Staff	Additional	Officer	Officer	Officer	Officer

		State	Issue date	No.	Nil	Nil	Nil	Nil	Nil
1	Arunachal Pradesh	Assam	vide order dt. 6.12.2018	38/2003, 1 officer deputed on additions of charge to 1 charge officer	Nil	Nil	Nil	Nil	Nil
2	Assam	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
3	Bihar	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
4	Chhattisgarh	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
5	Goa	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
6	Gujarat	Assam	Issue date RS. 66.60 Latif/	RS. 66.60 Latif/	Rs. 26.33 Latif/	Rs. 190.2 Latif/	Nil	Nil	Nil
7	Haryana	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
8	Jharkhand	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
9	Karnataka	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
10	Lakshadweep	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
11	Maharashtra	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
12	Madhya Pradesh	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
13	Manipur	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
14	Meghalaya	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
15	Nagaland	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
16	Odisha	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
17	Punjab	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
18	Rajasthan	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
19	Sikkim	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
20	Tripura	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
21	Uttarakhand	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
22	Uttar Pradesh	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil
23	West Bengal	Assam	Nil	Nil	Nil	Nil	Nil	Nil	Nil

	I charge.								
15	Maharashtra issued order for deputation n.	Issued order for deputatio n.	Nil (no separate budget for SAWSS)	Budget propose d.	5 applications	Nil	Nil	Nil	Nil
16	Vidya								
17	Muppaleya	Nil	Nil	Nil					
18	Minoran								
19	Kapil and Issued vide Order dated 6.2.2019; 23 officers deputed on additional charge.	Issued vide Order dated 6.2.2019; 18; 1 nodak office deputed on additional charge.	Rs. 8,39,500/-	Rs. 8,40,372/-	Nil	Nil	Nil	Nil	Nil

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Particulars	Issued Orders dated	Issued Orders dated	Rs. 21, 93,000/-	10. 23,92,25 4/-	Budget		Nil	Nil
					Proposed applications	Registrations		
Uttarakhand	3.10.2018 8.8	1.5.2017, 23.12.20	7,6,2018, 6 officers have been separated out of whom 2 have been disputed on additional charge.	16 & 6.6.2017; dissipation of 10 responsible supervisor staff	10	9	Nil	Nil
Jharkhand	1.4.2017 17	1.1.2015 5.8	18.4.2017 7; 3	1.1.2015 5.8	18.4.2017 7; 3	proposed officers separated from dep. office	Nil	Nil

- M. Because elaborate administrative rules for the functioning of the SAWBs need to be formulated, notified and implemented expeditiously so as to ensure protection of animals from being subjected to unnecessary pain and/or suffering.
- N. Because suitable administrative posts need to be created in the SAWBs to carry out the mandate of such boards so that the prospective SAWB Rules under the Prevention of Cruelty to Animals Act, 1960, can be implemented expeditiously and all regulatory, developmental and oversight functions under the Act can be carried out efficiently.
- O. Because the State governments/UTs are yet to earmark resources from the relevant sectors so as to enable the SAWBs to perform their functions under the Prevention of Cruelty to Animals Act, 1960.
- P. Because the absence of uniform and adequate budgetary allocation is leading to a continual delay in the due constitution of the SAWBs and this is hampering their seamless and effective functioning.
- Q. Because the absence of fully operational State level Animal Welfare Boards in each state/UT is severely hampering the effective implementation and enforcement of the provisions of the Prevention of Cruelty to Animals Act, 1960.
62. That the Petitioner has no alternative efficacious remedy but to approach this Hon'ble Court under Article 32 of the Constitution of India for the reliefs prayed for herein. The issues which have been

highlighted by way of the present writ petition are prevalent across India. Thus, the Petitioner has no option but to approach this Hon'ble Court under Article 32.

63. That the Petitioner craves leave to alter, amend or add to this petition.
64. That this Petition is made bona fide and in the interest of justice.

PRAYER

- That in light of the above mentioned facts and circumstances it is most respectfully prayed that this Hon'ble Court may be pleased to:
- a) Issue a Writ of Mandamus or any other appropriate Writ or Order or directions to the Union Government to finalise and notify the Prevention of Cruelty to Animals (SAWB) Rules, 2018 in a time bound manner;
 - b) Issue a Writ of Mandamus or any other appropriate Writ or Order or directions to the Respondents to constitute functional SAWB at the earliest in accordance with the orders passed by this Hon'ble Court.
 - c) Issue a Writ of Mandamus or any other appropriate Writ or Order or directions to the Respondents to depute full time officers to the SAWBs along with infrastructure including adequate support staff and a physical premise for the SAWB and to discharge the statutory regulatory functions of the SAWBs as mandated in the Prevention of Cruelty to Animals (Pet Shop) Rules 2018, Prevention of Cruelty

to Animals (Care and Maintenance of Cattle Property Animals) Rules 2017, Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules 2017 and Prevention of Cruelty to Animals (Livestock Markets) Rules, 2017;

- d) Issue a Writ of Mandamus or any other appropriate Writ or Order or directions to the Respondent State Governments to ensure that all District SPCAs are notified and ensure enforcement of the PCA Act, 1960 and the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for the Prevention of Cruelty to Animals) Rules 2001;
- e) Issue a Writ of Mandamus or any other appropriate Writ or Order or directions to the Union of India and State Governments to make participatory budget allocation, in compliance with this Hon'ble Court's directions, for SAWBs and SPCAs so that they may discharge their statutory functions.
- f) Pass such other order/s as may be deemed fit in the facts and circumstances of this case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL
BE FOREVER DUTY BOUND.**

FILED BY

**[M/S KARANJAWALA & CO.]
ADVOCATES FOR PETITIONER**

**DRAWN ON: 03.01.2020
FILED ON: 06.01.2020**

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. ____ OF 2020
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

GAURI MAULEKH^I

PETITIONER

VERSUS

THE UNION OF INDIA & ORS.

RESPONDENTS

AFFIDAVIT

I, Gauri Maulekh^I W/w/c Shri Dushyant Maulekh^I, aged about 41 years, R/o D-1 Chandralok, Rajpur Road, Dehradun, Uttarakhand- 248001, presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am the Petitioner in the above-mentioned Writ Petition and as such I am fully conversant with the facts and proceedings of the case.
2. That I have read and understood the contents of the accompanying Writ Petition, & IAs and I say that the facts stated therein are true and correct to my knowledge.
3. That I state that the contents contained in the Writ Petition pages 1 to 7 peras 1 to 6 are true to my knowledge, those contained in pages 8 to 12 of the List of Dates are also true and correct to my knowledge and record of the case.
4. That I state that there is no personal gain or private motive in filing the present public interest litigation.
5. That the annexures annexed to the accompanying Writ Petition are true copies of their respective originals.

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DEPONENT

VERIFICATION

Verified that the contents of the above-mentioned affidavit are true and correct to the best of my knowledge and belief. Nothing false has been stated therein and no material fact has been concealed therefrom.

Verified at ND, on this 6th day of July, 2009.

DEPONENT

ANNEXURE-P-1
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INDIAN INCOME TAX RETURN ACKNOWLEDGEMENT

[Where the data of the Return of Income in Form ITR-1 (SAHAJ), ITR-2, ITR-3, ITR-4, ITR-5, ITR-6, ITR-7 filed and verified electronically]

Assessment Year
2019-20

PERSONAL INFORMATION AND ADDRESS	Name	PAN		
	GAIKI MALLEKHI	AYCPM6885R		
	Plot/Door/Block No	Area/Village	Form Number	ITR-4
	78	Near Of Premiers Building Village		
	Road/Street/Post Office	Area/Locality	Status	Individual
	TEAK ROAD	Dibrugarh		
	Town/City/District	Pin/Zip Code	Address	
	DEHRADUN	781009	246001	13955-Revised
Assessing Officer Details (Ward/Circle) WARD 1(1)3/BBX				
e-filing Acknowledgement Number 1091556313056612				
STATEMENT OF INCOME AND TAX PAYABLE	1 Gross total income	1	546705	
	2 Total Deductions under Chapter-VI-A	2	158055	
	3 Total Income	3	690650	
	4b Declared Total Income under AMT/NAT	4b	0	
	3b Current Year loss, if any	3b	0	
	4 Net tax payable	4	52530	
	5 Interest and Fee Payable	5	0	
	6 Total tax, interest and fee payable	6	52530	
	7 Taxes Paid			
	a Advance Tax	7a	0	
b TDS	7b	150000		
c TCS	7c	0		
d SRT Assessment Tax	7d	0		
e Total Taxes Paid (a+b+c+d)	7e	150000		
8 Tax Payable (6-7e)	8	0		
9 Refund (7e-6)	9	99530		
10 Exempt Income	Agriculture	9	10	
	Others	9	0	
Income Tax Return submitted electronically on 05-06-2019 14:11:46, from IP address 103.54.35.245 and verified by GAIKI MALLEKHI, having PAN AEICP916885R on 05-06-2019 14:12:39, from IP address 103.54.35.245 using Electronic Verification Code 99Y77FNNV generated through Pre-validated Bank Account Number made.				

DO NOT SEND THIS ACKNOWLEDGEMENT TO CPC, BENGALURU

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संसदीय आधार कार्यालय
Parliamentary Aadhaar Office

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गौरी मौलेखी

Gauri Maulekhi

जन्म तिथि / DOB : 06/03/1977

महिला / Female



6172 0112 5837

मेरा आधार, मेरी पहचान



आधार संसदीय आधारिकरण

Parliamentary Aadhaar Authority of India

पता: अर्धागिनी: दुष्यंत मौलेखी,
हाउस न.डी-4, चंद्रलोक, राजपुर रोड,
देहरादून, देहरादून जी.पी. उत्तराखण्ड,
248001

Address: W/O: Dushyant Maulekhi, House
No.0-4, Chandralok, Rajpur-Road,
Dehradun, Dehradun, G.p., Utarakhand,
248001

6172 0112 5837



1047



help@aadai.gov.in



www.u-aadai.gov.in

FILE NO. 3

COURT NO. 1

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

256758

Writ Petition (Civil) No. 1, 460 of 2003

Petitioner(s)

CEPTRA BAGHMAKI

VERSUS

UNION OF TMCB & ANR.
(With appn(s) for exemption from filing O.T., directions, impleading party
and office report) For final disposal

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

COURT :

Hon'ble THE CHIEF JUSTICE
Hon'ble Mr. JUSTICE A.K. NAIRUR

Certified to be true copy

For Petitioner(s)

Mr. P.K. Nanohor, Adv.

Assistant Registrar (Jd.)

For Respondent(s)

M/s Ashok Shan, Sunila Sharma
S.N.A.Qadir, D.S. Mahire, Adv.

Supreme Court of India

For MCA of Delhi
U/TsMr. S.W.A. Qadri, and
Mr. J.A. Khan, Adv.

For Chhattisgarh

Ms. Suparna Srivastava, Adv. (KZ)
S/s Nidhi Minocha, Rejesh Srivastava, Adv.

For MCD

M/s Sanjiv Son & Praveen Swarup, Adv.

For State of AP

M/s Manoj Saxena, Rajneesh Kr. Singh
Rakesh Shukla for T.V. George, Adv.

For Mizoram

M/s KN Radhakrishnan & R. Sathish, Adv.

For NDMC

Mr. Surendra Kanti, Adv.

For Maharashtra

Mr. Sanjay V. Kherde, Adv.
Mrs. Asha G. Nair, Adv.

For State of MP

M/s CC Singh, Harusagar Samataray &
Vikasgaya Varchar, Adv.

For Nagaland

M/s U. Hazarika, Satya Mitra &
Ms. Sumita Hazarika, Adv.

For Bihar

Mr. Ranjeet Singh, Advl. A.G.
Mr. Harikesh Singh, Adv.
Mr. T.V. George, Adv.

For Assam

Mr. Riku Sarma, Adv. for
M/s Corporate Law Group, Adv.

For Manipur	Ksh. Nobin Singh, David Rao, S. Biswajit Meitei, Vijay Prakash, Adv.
For M.D.	Mrs. Tara Chandro Bhattacharya, Nutan Bhattacharya, Adv.
For Pondicherry	M/s VG Pragasham, S.J. Ariston & S. Prema Somasubramanian, Adv.
For Bihar & Tripura	M/s Copal Singh and Ritwick Biswas, Adv. Manish Kumar, Adv.
For CP	M/s Premod Swarup, Aloka Singh & Anurat Bhattacharya, Adv.
For Punjab	Mrs. Jayashree Anand, Addl. Adv., General Mr. Karunakar Mahalik, Adv.
For Rajasthan	M/s Naveen Kumar Singh, Shaswat Gupta, Adv. for Mr. Aruneshwar Gupta, Adv.
For Sikkim	Mr. A. Martharputham, Mrs. Aruna Mathur, Adv. for M/s. Arputham Aruna & Co., Adv.
For Meghalaya	M/s Ranjan Mukherjee & S.C. Ghosh, Adv.
For RJ	Mr. JS Attri, Addl. Adv. General
For ANBI	M/s Raj Panjwani & Vijay Panjwani, Adv.
For Jharkhand	Mr. Rajesh Pathak, Adv. For Mr. B.B. Singh, Adv.
For Arunachal PR.	Mr. Rituraj, Adv.
For Gujarat	Ms. Hemantika Nahai, Adv. Ms. Pinky Bohra, Adv. Ms. K. Enatci Sema, Adv. Mr. Somnath, Adv.
	Mr. Shreekant N. Tendulkar, Adv.
	Ms. A. Subhashini ,Adv.
	Mrs. Anil Katiyar ,Adv
	Mr. Rajesh Prasad Singh ,Adv
	Mr. R. Sethi ,Adv
	Mr. Surya Kant ,Adv
	Mr. Anil Nag ,Adv
	Mr. Rajeev Sharma ,Adv
	Mr. R. Avvaan Pernia ,Adv
	Mr. K.P. Sudipratap ,Adv

Mr. Ranjan Mukherjee ,Adv
 Mr. Anand D.N. Rao ,Adv
 Mrs.D. Bharathi Reddy ,Adv
 Ms. Ramesh Babu K.R. ,Adv
 Mr.A.Rajesh Singh ,Adv.
 Mr. Amit Kr.Chawla ,Adv.
 For Mr. Sanjay R. Hegde ,Adv
 Mr. Subramanian Prasad ,Adv
 Mr. Arvind Kumar Singh ,Adv
 Mr. V.N. Raghavendra ,Adv
 Mr. Rohan Kumar Chotchuri ,Adv
 Ms. Rachana Srivastava ,Adv
 Mr. Rajesh Srivastava ,Adv
 Mr. G.B. Singh ,Adv
 Mr. Kamlesh Mishra ,Adv
 Mr. Mahendra Mehta ,Adv
 Mr. P.K.Gupta ,Adv.
 Mr. Anil Subramany ,Adv.
 Mr. S.Mehdi Iman ,Adv.
 Mr. Naresh Kumar ,Adv.

UPON hearing counsel the Court made the following
 C R D C 8

This writ petition has been filed by the petitioner
 alleging that the provisions contained under the Prevention
 of Cruelty to Animals Act, 1950 are not fully implemented
 by the various States. All the State Governments were
 impleaded as party respondents and some of the States have
 filed their responses.

Heard petitioner's counsel

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

We direct the States, which have not constituted the State Animal Welfare Boards to constitute within a period of three months and also to see that the Society for Prevention of Cruelty to Animals (SPCAs) be also constituted in every district as contemplated under the Rules.

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

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

The writ petition is disposed of accordingly.

CJM
(G.V.Ramana)
Court Master

W.M.
(Vijay Dhavani)
Court Master

ITEM NO.17

COURT NO.4

SECTION FIL(W)

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

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

GAURI MAULERHI

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

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

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

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

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEPARI

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s)	Mr. Anand Grover, Sr. Adv. Ms. Nithya Rajsekhar, Adv. Mr. Purushottam Sharma Tripathi, Adv. Mr. Mukesh Kumar Singh, Adv. Mr. Manish Singhvi, Adv. Mr. Mumal Rajvi, Adv. Mr. D.K. Devash, Adv. Mr. Shantanu Sagar, Adv.
For Respondent(s)	Ms. Binu Tamta, Adv. Ms. Vimla Sinha, Adv. Mr. Sridhar Potdaraju, Adv. for Ms. Sushma Suri, AOR Mr. Anup Sachthey, Adv. Ms. Shagun Matta, Adv. Ms. Vimla Sinha, Adv. for Mr. Gopal Singh, AOR Mr. Siddhjyarth Singh, Adv. Mr. Samir Ali Khan, Adv. Ms. Rachana Srivastava, Adv. Mr. Milind Kumar, Adv.

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

Learned counsel for the rival parties are agreed, that

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

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

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

List the instant writ petitions for further consideration on 16.11.2015.

(Renuka Sadana)
Court Master

(Parveen Kr. Chawla)
AR-cum-PS

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Anil Madhav Dave
MINISTRY OF STATE (INDEPENDENT CHARGE)
ENVIRONMENT , FOREST & CLIMATE CHANGE
GOVERNMENT OF INDIA

D.O.No. 27/01/2016

Date: 16 May, 2017

Under the prevention of Cruelty to Animal (PCA) Act enacted by the Parliament in 1960, the Animal Welfare Board of India (AWB) has been set up as a statutory body of the government of India to perform regulatory, development and other oversight functions under the Act and the Rules framed thereunder. As animal welfare and protection and development of animals has begun to receive enhanced attention in recent years and emerge as an important area of social and environment concern, it is felt that the state Governments should have similar bodies at the state level to manage the issue relating to animal welfare including prevention of cruelty to animals, as envisaged under the PCA Act 1960.

The Union government has written to the state government in the past written to the state Government in the past with a request to

set up appropriate bodies at the state and district levels for this purpose. There is a certain degree of urgency attached to the exercise as various judicial forums including the apex Court of the Country have given relevant directions in such matters. While AWBI is mandated to implement the provision of the PCA Act and the rules made thereunder within its competence, the overall objective cannot be realised without cooperation of the state governments.

I urge you, therefore to consider setting up a state level animal welfare body in your state. As there is no specific financial provision available to support setting up such bodies, it will be necessary for the state government to make resources from the relevant sectors and enable such bodies to perform their functions under PCA Act 1960. It will also be necessary to notify administrative rules for the functioning of the board and to create

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suitable administrative posts to carry out the mandate of the Board.

To give State Animal Welfare Boards a statutory status, this Ministry will separately conduct an exercise for notifying under P&C Act, 1960. In the meantime, a suitable constitution of the State Animal Welfare Board as per requirements may be considered by the state Government. Model drafts of the constitution and function of the proposed State Animals Welfare Board are enclosed at Annexure-II. I will appreciate your response on the subject.

With regards,

Yours sincerely

Smt. Vasundhara Raje (Anil Madhav Dave)

Hon'ble Chief Minister
Government of Rajasthan,
CM Office, Secretariat

Jaipur 302001

Encis: As above

APPLICANT NO. 210/15

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ITEM NO 3

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s) .210/2015

AKHIL BHARAT KRISHI SOGEEVA SANGH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ON IA 2/2015)

Date : 04-08-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Soli J. Sorabjee, Sr. Adv.
Dr. Manish Singhvi, Adv.
Mr. Sidharth Acharya, Adv.
Mr. Shantanu Sagar, AOR

For Respondent(s) Mr. Ranjeet Kumar, SG
Ms. Arunima Dwivedi, Adv.
Ms. Binu Samta, Adv.
Mr. P. K. Mullick, Adv.
Mr. Raj Bahadur, Adv.
Mr. Shreekant N. Tardal, AOR

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Devashish Bharuka, Adv.
Mr. Ravi Bharuka, Adv.

Mr. S. S. Shamshery, AAG
Mr. Amit Sharma, Adv.
Mr. Ankit Raj, Adv.
Mr. Milind Kumar, AOR

Dr. Monika Gosain, Adv.

Mr. Soumitra G. Chaudhuri, Adv.
Mr. Chanchal Kumar Ganguli, AOR

Dr. Sheem Pratap Singh, Adv.
Mr. Nishant K., Adv.

Ms. Sushma Suri, ACR (NP)

Signature below:

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Mr. B. Krishna Prasad, AOR

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.
Mr. Manish Kumar, Adv.
Mr. Aditya Raina, Adv.

Mr. Guntur Prabhakar, Adv.
Ms. Preerna Singh, Adv.

Mr. E. C. Vidya Sagat, Adv.
Mr. Manish Kumar, Adv.

Mr. Naveen Sharma, Adv.
Mr. Mishra Saurabh, Adv.

Mr. S. Udaya Kumar Sagar, Adv.
Mr. Mrityunjai Singh, Adv.

Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

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

1. Learned senior counsel for the petitioner very fairly states, that the draft recommendations made by the Committee, as are available on the record of this case, are most appropriate, and need to be implemented. We order accordingly.
2. Learned senior counsel for the petitioner however seeks a clarification in respect of the recommendation 3(i) of the Report of the Committee, constituted to evolve a comprehensive future plan to effectively deal with the issue of transportation of cattle to Bangladesh. We are of the view, that the Union of India has since finalised Prevention of Cruelty to Animals (Care and Maintenance of Cattle Property Animals) Rules, 2017, and notified the same on 23.05.2017, in connection with recommendation 3(i) of paragraph 4, we hereby direct, that the sale of cattle concerned would be made in consonance with the above Rules.

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2010030100012

5. I.A.No.2 of 2010 is disposed of, in the above terms.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RENUKA SADANA)
ASST. REGISTRAR

Ms. No. 17/1/2018 - AWD

Government of India

Ministry of Environment, Forest and Climate Change
Animal Welfare Division

Subject : Draft Prevention of Cruelty to Animals
State Animal Welfare Board) Rules.

This is regarding the preparation of Prevention of Cruelty to Animals (State Animal Welfare Board) Rules.

2. Hon'ble Supreme Court of India in W.P. (C) No. 440 of 2003, Geetha Suman Vs Union of India & others dated 6.8.2008 and W.P.(C) No. 281 of 2014, Gauri Maulekhi Vs Union of India & Ors dated 13.7.2015 had directed to establish the State Animal Welfare Board at the State level and District SPCAs at the District level to address animal cruelty matters, manage and promote animal welfare.

3. To this connection, letters dated 16.05.2017 were sent to Chief Ministers of all the States/Union Territories for, former Hon'ble MoEFCC urging them to consider setting up a state level animal welfare body and send drafts of the constitution and

functions of the proposed State Animal Welfare Boards, was also enclosed with the letter. This was followed by letters from Secretary SFSSC dated 30.07.2017 and from AD-AWBI dated 01.08.2016 to Chief Secretaries of all States/ UTs. Only the states of Maharashtra, Chhattisgarh andaryana have confirmed that they have functioning State Animal Welfare Board.

4. In the letters dated 16.05.2017, it was further mentioned that "to give State Animal Welfare Boards a statutory status, this Ministry will separately conduct an exercise for notifying rules under PCA Act, 1960". Meanwhile, Animal Welfare Board of India (AWBI) was requested to prepare the draft rules in this regard for further examination and consideration in this Ministry. AWBI has forwarded the draft Prevention of Cruelty to Animals (State Animal Welfare Board) Rules to this Ministry for further consideration.

5. It is stated that a draft to the State Animal Welfare Board (Procedure for Transaction of Business) rules, 2017 was also handed over by JS(MP) to DS(AWBI) for examination and including in main draft rules.

b. For examination of the draft Prevention of Cruelty to Animal (State Animal Welfare Board) Rule prepared by Animal Welfare Board of India, we do not have technical competence to examine the rules. During the revision of Prevention of Cruelty to Animals (Regulation of Livestock Market) Rules, 2017, Animal Welfare Section has been advised to approach henceforth to Vidhi Centre for legal policy for examination of rule. Therefore, if approved, we may consider the Vidhi Centre for legal policy for examination of the draft rule regarding Prevention of Cruelty to Animal (State Animal Welfare Board) prepared by Animal Welfare Board of India.

contd...

-2-

Continued from previous page: 2

In view of the above, the file is submitted for approval, for taking the services of Vidhi Centre for legal policy.

Reference note above:

Draft letter for forwarding the rules to Vidhi Centre for legal policy is placed below for approval/signature please.

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since it is not understood as to how much fee
(charge) for

-3-

Continue from pre page

taking the services of Vidihi Centre for Legal Policy could be raised by them so if agreed, we may first ask to intimate the fee (Charge) for the proposed services for examining the rules and giving their advice in the draft rule. The AW section does not have funds for making the payment, which will be required from other sources.

Reference note above

Draft letter for requesting Vidihi Centre for Legal Policy for intimating the fee for their services for examining the SAWK Rules is placed below for approval please.

-4-

PP on a reference received through e-mail from Vidhi Centre for Legal policy. Vidhi Centre for Legal policy was requested to intimate the fee (charges) for getting examination of the draft rule relating to prevention of cruelty to animals (Constitution of State Animal Welfare Board) Rules and legal opinion.

2. Now the Centre has intimated that there is not much technical legal advise needed in the rules towards which Vidhi can contribute. This is with reference to the meeting which was scheduled with Dr.(AM) but due to his absence (on leave), Dr.Davani Mehta met me and discussed the issue. She was requested to send a reference in writing so that this Ministry could proceed further for necessary action in this regard.

3. Now we may write to the concerned States/UTs, if agreed. The file is submitted please.

If approved, two options are available.

1. Peter neck to Chairman AYST if any additions are required to be inserted, being new Chairman in place.

Or

2. By giving sufficient time to states/UTs for submitting comments if any, otherwise it would

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be decided that there are no comments to alter.
we can thereafter take further process
submitted lot orders.

-5-

Please go through the draft rules once properly
so far which we've uploaded them on the website asking
for comments & also separately get comments from
State Governments & DASH also. Please put up in a
week's time.

-6-

F. No. 1/1/2018 AND
Government of India
Ministry of Environment, Forest and Climate Change
Animal Welfare Division

Subject:- Draft Prevention of Cruelty to Animals
(Constitution of State Animal Welfare Board) Rules.

This is regarding the preparation of Prevention of Cruelty to Animals (Constitution of State Animal Welfare Board) Rules.

2. Hon'ble Supreme Court of India in W.P. (C) No. 440 of 2000, Geeta Besham Vs Union of India & others dated 6.9.2005 and W.P. (C) No. 831 of 2007, Geeta Besham Vs Union of India SOR dated 10.1.2010 had directed to establish the State Animal Welfare Board at the State level and District SPAs at the District level to address animal cruelty matters, manage and promote animal welfare.
3. In this connection, letters dated 16.05.2017 (pg-2/2) were sent to Chief Ministers of all the States/Union Territories from former Hon'ble MoFCC urging them to consider setting up a state level animal welfare body and model draft of the constitution and functions of the proposed State Animal Welfare Boards was also enclosed with the letter. This was followed by letters from Secretary EFCC dated 30.10.2017 (pg-15/c) and from AS(A&J) dated 01.01.2018 (pg-16/c) to Chief Secretaries of all States/UTs. Only the states of Jharkhand, Chhattisgarh and Bihar have confirmed that

they have to National State Animal Welfare Board.

4. In the Lecture dated 16.06.2017, it was further mentioned that "to give State Animal Welfare Board a statutory status, this Ministry will separately conduct an exercise for notifying rules under PCA Act, 1960". Meanwhile, Animal Welfare Board of India (AWB) was requested to prepare the draft rules in this regard for further examination and consideration in this Ministry (pg-17). AWB has forwarded the Draft Prevention of Cruelty to Animals (State Animal Welfare Board) Rules to this Ministry for further consideration (pg-17-30/c).

5. It is stated that a draft on the State Animal Welfare Board (Procedure for Transaction of Business) rules, 2017 was also handed over by JS(MP) to JS(SW) for examination and including in main draft rules (pg-31-37/c).

6. Further, it was also observed at para-6 of note at page 17N that the Animal Welfare Division didn't have technical competence to examine the draft Prevention of Cruelty to Animal (State Animal Welfare Board) Rule prepared by Animal Welfare Board of India, therefore, the draft rules were forwarded to Vidhi Centre for Legal

policy for examining the rules and further advice (pg-10-36/c). The Moore intimated that there's not much technical legal advise needed in the rules towards which Vidhi can contribute (pg-53/c).

7. In this regard, IS(KPI) directed to go through the draft rules once properly after which we would upload them on the website asking for comments and also separately get comments from State Governments and DABT also. As directed by IS(KPI), Draft Prevention of Cruelty to Animals (Constitution of State Animal Welfare Board) Rules have been reexamined and necessary changes/corrections have been suggested which may be seen at pg-54 76/c 17/8.

8. Therefore, if approved, proposed changes/corrections may be incorporated in the draft Prevention of Cruelty to Animals (Constitution of State Animal Welfare Board) Rules 2015 before it gets published in the Gazette of India.

As directed, we may forward draft rules of SAMBI back to AWC for their views/comments after consultations with states/UTs and other stakeholders.

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We may ask the new Board to have a look into
the Rules before processing them.

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Reference note at page 1:

As directed, draft letter for sending the rules
to AWB for re-examination by the new board is
placed below for approval please.

As slightly amended, please.

Please update in list of issues of AWD.

F.No. 1/1/2018-AWD

This is a letter dated 17.04.2018 received from Mr.
Sachin Mehta, addressed to Secretary EFCC stating
that the State Animal Welfare Boards have been given
statutory regulatory powers of the Rules made under
the POA Act, 1960 but EFCC has not yet notified
the constitution or functions of these boards. It
has been requested to consider notifying the draft

State Animal Welfare Board Rules following the prescribed procedure.

2. In this connection, it may be stated that the Animal Welfare Board has since been reconstituted and new Chairman of the Board has been appointed. AWB vide letter dated 06.04.2018 was requested to send fresh rules to this Ministry after consultation with the Board, States/UTs and other stakeholders.

3. The matter also discussed with CGM&I on 01.05.2018 and it was suggested that we may send a reminder to KAB for sending fresh rules to this Ministry, DPA in this regard is placed below.

Submitted please.

Reference note above:-

KAB vide letter dated 06.04.2018 was requested to send fresh draft Prevention of Cruelty to Animal (Consolidation of State Animal Welfare Board) Rules after consultation with newly constituted Board, States/UTs & stakeholders. This was followed by remainder dated 7/5/2018.

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1. If approved, we may send a reminder to AWBT
to send the draft rules to this Ministry for
further action.

May please see before issue the reminders to
AWBT as per DVI placed below.

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C.K.NISARRA

SECRETARY

GOVERNMENT OF INDIA

MINISTER OF ENVIRONMENT, FOREST & CLIMATE
CHANGE

D.O.No. 27/1/2016 AND

Date: 30th October, 2017

Kindly refer to D.O. letter of even No.

Date 16.05.2017 (copy enclosed) addressed to
Hon'ble Chief Minister regarding setting up a
State level animals (PCA) Act, 1960 and to give
statutory status to the State Animal Welfare
Board.

Hon'ble Supreme Court of India in W.P. (C.)
No. 440 of 2000, Geetha Seshmani Vs Union of
India & others dated 6.5.2008 and W.P. (C.) No.
981 of 2014, Gauri Maulekhil Vs Union of India &
others dated 13.7.2015 had directed to establish
the State Animal Welfare Board at the State
level and District SPAs at the District level
to address animals' cruelty matter and promote
welfare of animals.

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In view of this, there is a degree of urgency attached to the exercise. The Union Government has also written to the state government in the past with a request to set up appropriate bodies at the State and District level for this purpose. While the Animal Welfare Board of India is mandated to implement the provision of the P.C.A Act, and the rules made thereunder within its competence, the overall objective cannot be realized without cooperation of the State Governments.

I shall be grateful if you kindly look into the matter personally to initiate suitable action on the subject.

Yours Sincerely

Shri Satya Pal Gopal,

(C.K. Mishra)

Chief Secretary,

Government of Arunachal Pradesh

Arunachal Pradesh Civil Secretariat,

Itanagar - 791 111

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ANIL KUMAR JATN, IAS

GOVERNMENT OF INDIA

Additional Secretary

MINISTRY OF ENVIRONMENT,

FOREST & CLIMATE CHANGE

D.No. 27/1/2016-AMD Dated the 1st January 2018

Dear

kindly refer to D.O. dt even No. dated

16.09.2017 and 30.10.2017(copy enclosed)

regarding setting up a state level animal welfare body by the State Government under the Prevention of Cruelty to Animal (PCA) Act, 1960 and to give statutory status to the State Animal Welfare Board.

2. Hon'ble Supreme Court of India in W.P. (C.)

No. 440 of 2000, Geetha Seshmani Vs Union of India & other dated 6.8.2008 and W.P. (C) No.

881 of 2014, Gauri Maikh Vs Union of India & Ors dated 13.7.2015 had directed to establish the State Animal Welfare Board at the State Level and District SPCAs at the District Level to address animals' cruelty matter and promote welfare of animals'

3. there is a certain degree of urgency attached to the exercise as various judicial

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for a including the apex Court of the Country have given relevant directions in such matter. I shall be grateful if you kindly look into the matter personally to initiate suitable action and send a response on the subject.

With regards,

Your Sincerely,

(Anil Kumar Rai)

The Chief Secretaries (All States/JTs)
(As per list attached)

AnnEXURE-P-9
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F.No. 1/1/2018-A WD
Government of India
Ministry of Environment, Forest & Climate Change
(Animal Welfare Division)

Indira Paryavaran Bhawan

5th Floor, Vayu Wing, Dron Bagh Road

New Delhi - 110003

Dated the 6th April, 2018

To,

The Secretary
Animal Welfare Board Of India,
42km Stone Delhi - Agra National Highway
NH-2, Near Village Sikri,
Salubigarh, Fazilabad, Haryana.

Subject:- Draft Prevention of Cruelty to Animals (State Animal Welfare Board)

Rules- regarding.

Sir,

I am directed to refer to AWB's letter No. G-2/2-15-17/PCA/Rules, dated 07.07.2017 on the subject mentioned above and to send herewith the draft Prevention of Cruelty to Animals (Constitution of State Animal Welfare Board) Rules, which were forwarded to this Ministry for examination.

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2. The Animal Welfare Board has since been reconstituted and new chairman of the Board has been appointed, you are requested to send fresh rules to this Ministry after consultation with the Board, States/ UTs and other stakeholders.
3. This issues with the approval of competent authority.

End: As above

Yours Faithfully

(Ramesh Kumar)

Under Secretary to the Government of India

Tel: 011-24695235

ANNEXURE - P-10

17.4.18

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Dear Shri Mishra,

While the State Animal Welfare Boards (SAWB) have been given regulatory powers in the Rules made under the Prevention of Cruelty to Animals Act 1960, it is unfortunate that the Ministry of Environment and Forests has not yet finalised the constitution or the functions of such Boards. This major omission is preventing the SAWBs to be formed in the states.

It is expected that these SWABs are "functional" but neither the ministry nor the AWBI has made any effort to interact with the states and help them overcome teething challenges despite several directions from the Hon'ble Supreme Court mandating such Boards to implement the provisions of the act in their respective jurisdiction. By not even giving them a statutory constitution, the ministry has actively prevented the states from providing resources, budget and manpower to make these Boards functional.

The Hon'ble Supreme Court in WP No. 440 of 200 named Geeta Sheshamani vs. Jaun of India and Ors. vide order dated 06.08.2008 ordered for constitution of State Animal Welfare Boards in every state.

Further, the Hon'ble Supreme Court in WP No 881 of 2014 namely Gauri Maulekhi vs Union of India and Ors vide order dated 14.07.2015 directed to constituted State Animal Welfare Boards in every state and for the Union to provide assistance for the same, including budget allocation.

Similarly, the Hon'ble Supreme Court in WP No 210 of 2015 namely Akhil Bharat Krishi Goseva Sangh, vide order dated 04.08.2017 directed for the formulation of animal welfare schemes by MoEFCC to be run on a participatory model with the state governments.

The Draft State Animal Welfare Board Rules as recommended by the Animal Welfare

Board of India as well as comments to the Draft given by the undersigned are annexed and I
urge you to please consider notifying them following the prescribed procedure.

Regards

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(Gauri Maulekhî)

Shri C.K.Mishra

Secretary,

Ministry of Environment, Forests and Climate Change

Tridha Parivaran Bhawan, Jorbagh

New Delhi.

F.No. 1/1/2018-A WD
Government of India
Ministry of Environment, Forest & Climate Change
(Animal Welfare Division)

Annexure-P-11

103

India Parivarayan Bhawan

5th Floor, Vayu Wing, Cor Bagh Road

New Delhi - 110003

Dated the 2nd May, 2018

To,

The Secretary
Animal Welfare Board Of India,
42km Stone Delhi - Agra National Highway
NH-2, Near Village Sikri,
Balabagh, Faridabad, Haryana.

Subject:- Draft Prevention of Cruelty to Animals (State Animal Welfare Board)

Rules regarding:

Sir,

I am directed to refer to this Ministry's letter of even No. dated 05.04.2018 (copy enclosed) on the subject mentioned above and to say that AWB has requested to send fresh draft Prevention of Cruelty to Animals (State Animal Welfare Board) Rules to this ministry after consultation with the Board, States/ UTs and other stakeholders. The Requisite rules have not been received from the Board yet.

2. You are once again requested to send fresh draft Prevention of Cruelty to Animals (State Animal Welfare Board) Rules to this ministry urgently after consultation with the Board, States/ UTs and other stakeholders.

End: As above

Yours Faithfully

(Ramesh Kumar)

Under Secretary to the Government of India

Tel: 011-24695235

Government of India

Ministry of Environment, Forest & Climate Change

(Animal Welfare Division)

Annexure P-12

104

Indira Paryavaran Bhawan

5th Floor, Vayu Wing, Jor Bagh Road

New Delhi - 110043

Dated the 19th September, 2018

To,

The Secretary

Animal Welfare Board Of India.

12km Seoni Delhi - Agra National Highway

NH-2, Near Village Sikri,

Balabagharpur, Faridabad, Haryana.

Subject:- Draft Prevention of Cruelty to Animals (State Animal Welfare Board)

Rules-

regarding.



Sir,

I am directed to refer to this Ministry's letter of even No. dated 06.04.2018 and 02.05.2018 (copy enclosed) on the subject mentioned above and to say that no communication has been received by the ministry regarding fresh draft Prevention of Cruelty to Animals (State Animal Welfare Board) Rules from AWB

2. You are, therefore, once again requested to send fresh draft Prevention of Cruelty to Animals (State Animal Welfare Board) Rules to this ministry urgently after consultation with the Board, States/ UTs and other stakeholders.

End: As above

Yours Faithfully

105
(Ramesh Kumar)

Under Secretary to the Government of India

Tel: 011-24695235

ANNEXURE-P-13

106

ANIMAL WELFARE BOARD OF INDIA

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

National Institute of Animal Welfare Campus, 42 KM Mile Stone, Delhi-Agra Highway, NH-2, Ballabhgarh, Haryana-121004

Email: awb@nic.in; animalwelfareboard@gmail.com

Website: www.awbi.org

No. 6-2/2016-17/PCA/Rules

Date: November 6, 2018

The Joint Secretary
Animal Welfare Division,
Ministry of Environment, Forest and Climate
Change
New Delhi

Sir/Madam,

Sub: The Draft of the prevention of cruelty to
Animals (State Animal Welfare Board)
Rules, 2018-Reg.

Ref. Ministry's Letter F. No. 1/1/2016-AWD

Dated 06th April, 2018.

The Ministry had asked the Board vide captioned referred letter to send the fresh draft Prevention of Cruelty to Animals (State

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with the Board, States/UTs and other stake
holders.

The Board has drafted the subject rules in
its Legal Committee with the due deliberations
and discussion of its esteemed members which
was sent/posted on the website of the Board for
comments within 30 days on 31st October, 2018
from the States/UTs and other stake holders.

The final draft of the Prevention of
Cruelty to Animals (State Animal Welfare Board)
Rules is attached for your kind perusal and
necessary action.

Yours sincerely

Sd/-
(Dr. Neelam Bala)
Secretary

Confidential

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

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 (69 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 _____

the said notifications 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 subsections (1) and (2) of section 39 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, namely:-

(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

III

(lv) "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.

(vi) "Local Authority" means a municipal committee, District Board, Cantonment Board, District Panchayat or other authority on the time being invested by law with the control and administration of any matters within a specified local area;

(vii) "State Board" means the State Animal Welfare Board established by the State Government;

(viii) "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;
- (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 Panchayati;
- (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) Five (5) non-government members to be nominated by the State Government from

animal welfare organizations or SPCAs constituted in each District as per the provisions of the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for the Prevention of Cruelty to Animals) Rules, 2001;

- (n) Two Members from recognized Gaushalas / Pinjarepolis 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;
- (s) The State Government or Union Territory shall nominate one of the Member of the State Animal Welfare Board to be its Chairperson and one of the member of the State Animal Welfare Board to be its Vice-Chairperson.
- (t) 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 Schedule comes into force.
- (u) The members of the State Animal Welfare Board shall be nominated on a purely honorary basis and will not draw salaries from the State Animal Welfare Board or by virtue of their appointment to the State Animal Welfare Board, being a member of the

State Animal Welfare Board shall not be an office of profit.

5. Re-Constitution of the State Animal Welfare 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 Animal Welfare 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 Animal Welfare 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 Animal Welfare 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 State Animal Welfare Board shall be filled up as casual vacancies for the remaining period of the term of the State Animal Welfare Board 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 Chairperson and other Members of the State Animal Welfare Board as so reconstituted shall hold

office till the expiry of the term for which the State Animal Welfare Board has been so reconstituted.

7. Casual vacancies:

- (1) Any casual vacancy arising in the office shall be filled 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 Chairperson shall preside at meetings of the State Animal Welfare Board.
- (2) The Chairperson shall be responsible for the proper functioning of the State Animal Welfare Board and the implementation of its decisions and the discharge of its duties under these Rules.
- (3) The Chairperson shall -
 - (a) cause important papers and matters to be presented to the State Animal Welfare Board as early as practicable.
 - (b) issue directions as to the method of carrying out the decisions of the State Animal Welfare Board;
 - (c) cause to be maintained on account of the receipt and expenditure of

the State Animal Welfare Board;
and

(d) cause an annual report of the working of the State Animal Welfare Board to be prepared which after being approved at its Annual General Meeting shall be submitted to the State / Central Government.

(4) The Chairperson shall exercise administrative control over all the employees of the State Animal Welfare Board.

(5) The Chairperson shall exercise such administrative and financial powers as required for the proper and smooth functioning of the State Animal Welfare Board.

10. Power and functions of Secretary :

(1) The Secretary shall work under the general control of the Chairperson who

may delegate to him all or any of the following powers and duties:-

- (a) convening of meetings of the State Animal Welfare Board under the directions of the Chairperson;
- (b) drawing up agenda for each meeting under the Chairperson's directions and serving the same to each member of the State Animal Welfare Board along with the notice of the meeting;
- (c) maintenance of minutes of the meetings of the State Animal Welfare Board;
- (d) furnishing to the State Government copies of all reports, including annual reports and returns and necessary documents required under the Act and/or the rules;
- (e) preparation of the annual budget of State Animal Welfare Board.

- (2) The Chairperson may with the permission of the State Animal Welfare Board, delegate to the Secretary any other function of the State Animal Welfare Board or of the Chairperson.
- (3) The Secretary shall exercise such administrative and financial powers as required for the proper and smooth functioning of the State Animal Welfare Board under overall control and supervision of the Chairperson.

11. Funds of the State Animal Welfare 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 Animal Welfare Board shall have the 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:

- (1) The State Government may remove from office any member of the State Animal Welfare Board including Chairperson 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, in particular.

(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 dissemination 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 vaccination of street dogs in the manner prescribed, and to facilitate

the formation of animal welfare organisations, 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 Board shall also exercise such functions as may be delegated to it by the Board, or by the State Government 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 prevent 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 State 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 Animal Welfare 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.

(20) 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.

(21) To take all such steps as the State Animal Welfare 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 of sanctuaries, 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 coordinate 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 and to encourage the formation of Animal Welfare Organizations in any local area which shall work under the general supervision and guidance of the State Animal Welfare Board.

- (15) To advise the State 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 State Animal Welfare 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 State 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 Animal Welfare Board is required to consider shall be considered either at its meeting or by circulation of papers, as the Chairperson 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 Animal Welfare Board and thereupon the Chairperson may direct that it be so considered.

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

16. Meetings of the State Animal Welfare Board:

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

16. Special Meetings:

- (1) The Chairperson shall convene a special meeting of the State Animal Welfare Board on the written requisition of not less than eight

members of the State Animal Welfare Board.

- (2) Any requisition made by the members of the State Animal Welfare 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 specify the date, time and place at which such meeting will be held and shall be served upon every member of the State Animal Welfare 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 Animal Welfare Board shall form a quorum at every meeting of the State Animal Welfare Board.

Provided that at any meeting in which less than nine members are present, the Chairperson may adjourn the meeting to a date not less than seven days later and inform the members present and notify other members that he/she 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 Animal Welfare 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 Animal Welfare Board, the opinion of the majority shall prevail.
- (3) Each member shall have one vote and if there is equality of votes on any question to be decided at a meeting of the State Animal Welfare Board, the Chairperson of the State Animal Welfare 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 Chairperson.

22. Allowances and remuneration:

- (1) No remuneration shall be paid to any member of the State Animal Welfare Board on account of his services as such.
- (2) A member of the State Animal 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 Animal Welfare 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 Animal Welfare Board or any other journey in connection with the work of the State Animal Welfare Board performed under the direction of the Chairperson.
- (3) A member of the State Animal Welfare 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/her.

- (ii) where a person who is not official or a member is asked by the Chairperson of the State Animal Welfare Board to perform any journey for the purpose of attending a meeting of the State Animal Welfare Board or of a committee or sub-committee thereof or any other journey in connection with the work of the State Animal Welfare Board, he/she 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 I 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 Animal Welfare Board may by resolution appoint an Executive Committee consisting of such number of members as it may think fit to appoint whereof, and may by regulations made in this behalf define their functions and duties.
- (2) The State Animal Welfare 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 13, the State Animal Welfare 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 Animal Welfare 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) Enquire 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, 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 with 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, Gauhati, Animal Welfare Organization, or pijnarapole.

Notwithstanding anything contained in any other law for the time being in force, the officers for 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.

(5) Any evidence recorded under clause (d) of sub-rule (4) 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 these 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 an 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/advisories of the Animal Welfare Board of India shall be followed by the State Animal Welfare Board for the improvement and in the best interest of animal welfare.

**ANNEXURE-A/14
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31.12.2018

Ref. No. 11412/2018

Dr. Harsh Vardhan
Hon'ble Minister
Ministry of Environment,
Forest & Climate Change,
Indira Parivayavaran Bhawan
JorBagh Road
New Delhi-110003

Subject: Regarding Proposed Draft State Animal Welfare Board Rules

Hon'ble Minister,

I have received the proposed draft State Animal Welfare Board Rules from the Department.

I thank you for the crucial initiative of formulating the rules which will streamline the functions of the State Governments for implementing the provisions of the Prevention of Cruelty to Animal Act, 1960.

However, there are several crucial edits that are required in the Draft Rules. By virtue of the fact that I work closely with several State Governments and State Animal Welfare Boards and serve on statutory committees of

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various State Governments, I have been able to compile the necessary edits for your perusal.

I am attaching the compilation of suggested edits with this letter and seek time from you to allow me to give a presentation in this regard so that the rules promulgated by the Ministry have wide acceptance and are effective in achieving the objectives.

Thank you.

Regards

SC/-

GauriBalekha

14, Ashok Road

New Delhi-110001

Annexed for your ready reference, suggested edits to Draft state Animal Welfare Board Rules.

Copy Marked to the Secretary, Ministry of Environment, Forest & Climate Change for information & necessary action.

Suggestions for alterations in the Draft
Prevention of Cruelty to Animals (Constitution
of State Animal Welfare board) Rules 2010.

S.N	Existing provision in the draft	Proposed Rule	Justification
1.	Role of the State Animal Welfare Board: (1) The State Animal Welfare Board: (1) shall consist of the following persons, namely : (x) following	Role of the State Animal Welfare Board: (1) The State Animal Welfare Board: (1) shall consist of the following persons, namely : (x) following	There is no provision in the existing Constitution of State Animal Welfare Boards that they are not represented, co-opted or invited to the meetings of the AWB. There will be resistance to accepting 2

Two members persons, representing namely (i) the Animal Welfare Board of India. To be nominated by the Board of India.	members of AWBI onto the State Boards. It would also increase the PA/DA expenses of the State Boards.
2. Rule 4. Constitution	Role 4. Currently, Minister.
Constitution	Minister.

of State on	of Animal
Animal	Husbandry
Welfare	Department of
Board: (2) Welfare	The State
The State Board@2)	Government is
Government The	The Ex-Officio
or Union Minister	Chairperson Of
Territory in-charge	Each Respective
shall of Animal	State Board,
nominate one Husbandry	Except In One
of the Department	State (
member of In the	Maharashtra
the State State	a One Member Of
Animal Government	Parliament Is
Welfare shall be	Nominated As
Board to be Chairpero	Chairperson).
Its Chairman of the	Removing The
and another Board.	Minister From
member of	This Position
the board to	And vesting The
be its Vice-	Power With Some
Chairman.	Nominated

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	Person	Will
	Read	To
	Resentment.	
	State	
	Government	
	Functionaries	
	Will	Abstain
	From	Attending
	Meetings	
	Chaired by an	
	Animal Welfare	
	Enthusiast.	
	Decisions	
	Arrived At	In
	State	Board
	Meetings	Will
	Be	
	Unenforceable	
	Unless Endorsed	
	By The Minister,	
	Hence	The
	Minister	MUST

Be Retained As
The Ex-Officio
Chairperson,
In The Bariles
Advisories Sent
By Minister,
MOEFCC And
Secretary
MOEFCC, To Has
Consistently
Been
Recommended
That The
Minister,
Animal
Husbandry
Department Of
The State
Government
Shall Be
Chairperson Of
The State

		Board.
		The sudden
		Change will
		upset the
		existing boards
		and the
		resultant body
		will be a
		worthless
		collection of
		egos without
		the
		patronization
		of the
		respective
		minister.
3. 4(1)(b).	4(1)(b).	CWLW is Ex-
Additional Chief Wild	Chief Wild	officio Member
Chief Life	Warden	Secretary for
Secretary		State Wild Life
Forest to be	(CWLW)	of Advisory Board
recommended as the State	(Chief Minister)	

	Member of Government being Ex-
	State Animal to be officie
	Welfare nominated Chairperson)
	Board (SAWB) as Member constituted
	of CWAIR under Wildlife
	Protection Act
	1972. Having
	authority under
	Indian Wildlife
	Protection Act,
	CWAIR has a
	direct role to
	play in
	formulating and
	executing
	policies
	regarding
	animals, hence
	his presence in
	the SAWB is
	necessary.
4. 4(1)(1) One 4(3)(1).	Municipal

of the Secretary, Municipal Urban Commissioner of Development of an Urban Body of the Local Body State to be government nominated a to be only.	Commissioner of Urban Local Body has mandate to regulate a particular city.
Member of nominated SAWB as Member of SAWB	Secretary, Urban Development of the State Government has authority/mandate to regulate all the Urban Local Bodies of the state, who can make holistic impact in policies.
S. New Inputs	4(1)(s) State register Veterinary

of the Council has
 State mandate to
 Veterinary regulate code
 Council to of conduct of
 be all the vets
 nominated providing
 as Member clinical
 of SAWB services across
 the state.

6. New Update 4(1)(t) Role of
 Director, Prosecution
 Prosecution Department is
 to vital for
 Department evaluation of
 to be animal crime &
 nominated conviction
 as Member rates
 of SAWB interaction
 between State
 Government &
 District
 Courts.

	New inputs	4(1)(u)	Role of State
		member	Pollution
		Secretary,	Control Board
		State	is vital to
		Pollution	regulation of
		Control	Slaughter
		board to	Houses where
		be	welfare must
		ominated	also be
		as Member	ensured.
		of SAWB	
	New inputs	4(1)(v)	Local Bodies
		CBO of the	have vital role
		Government	in regulation &
		board to	implementation
		be	of several
		ominated	rules under
		as member	Prevention of
		of SAWB	Cruelty to
			Animals Act
			1960
			(particularly

Animal Birth

Control Rules,

Cattle Premises

Registration

Rules A Dairy

Premises),

Cantonment

Boards are

local bodies

which are not

governed by the

State

government.

agencies and

must be

represented on

The SAWB to

ensure

consistency of

implementation.

9. 6. Terms of 6. Terms The

define and of office Chairperson,

conditions	and	being	the
or service	conditions	Minister,	
of members of service Animal			
of the State of members Husbandry, and			
Animal of the all ex officio			
Welfare State members shall			
Board Animal continue			
The term for Welfare despite the			
which the Board reconstitution			
State Animal Remove the of the Board.			
Welfare words "the			
Board may be Charperson			
reconstituted and"			
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.	
10. (1)(i)	Power to Power for consistency and functions of functions and the designation may member Secretary Member Secretary.	with the rule 4(1)(i), the designation may be retained as Member Secretary.
10(1)	The member	In the absence of a full time

shall work; Secretary dedicated
 under line of the officer, the
 general State statutory
 control of Board functions of
 the Chairman shall, in State Board and
 who may consult its day to day
 delegate to on with dealing cannot
 him all or the be accomplished
 any of the Chairperson by the member
 following n, appoint Secretary
 powers and a full (Director AHD)
 duties:- time or nominated
 (a) Officer board members,
 convening of in-charge the entire
 meetings at for the purpose of
 the State functionin promulgation of
 Board under g of the these Rules is
 the I state to create this
 directions Board. The post so that
 at the officer the State Board
 chairman in-charge may have a zeal
 (b) drawing shall not presence in the

up agenda be of a form of an
 for each below office and an
 meeting Deputy officer who can
 under the Director be approached
 Chairman's Animal by stakeholders
 directions Husbandry before they
 and Department escalate their
 supplying appeals to the
 the same to The Central
 each member Functions Government or
 of the State of the Judiciary.
 Board along officer The role and
 which the shall be responsibilities
 notice of l. to s of the
 the meeting; implement officer in
 (c) the charge shall be
 maintenance statutory to establish
 of minutes functions coordination
 of the of the and execute
 meetings of Board on a statutory
 the State day to day functions such
 Board; basis, as registration

(3) To of pet shops
 furnishing establish and dog
 to the State coordinate breeders to non
 Government on between govt members.
 copies of the AWBI, as that would
 all report to State lead to
 including government sparsity.
 animal as well as White members
 reports and also of the Board
 returns and stakeholders are constituted
 necessary res and re-
 documents The constituted,
 required officer is having an
 under the charge officer in
 Act or the shall be charge will
 rules granted give stability
 to such staff and perpetuity
 preparation and junior to the State
 of the officers Board, which is
 annual as may be critical to
 budget if required day to day
 State Board discharging of

		official
		duties.
12.	12 For the 12 For the Director is	
	Administrator of the direction of Officer of	Budget Control
	affairs of the Animal	
	The State affairs of Husbandry	
	Animal	the State Department of
	Welfare	Animal State
	Board and Welfare	Government + all
	performance Board and the State	
	of its performance Boards	
	functions e of its (SAMB/State	
	the state functions, Livestock	
	Government the State Development	
	shall government Board/ State	
	appoint an shall Poultry	
	officer not appoint an Development	
	below the officer Board/ State	
	rank of not below sheep & wool	
	Additional the rank Development	
	Director. (of Deputy Board), State	

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Animal Husbandry Department	Director, Animal Husbandry Veterinary	Gausewaaayog & State
as its Secretary and such other staff as may be necessary and shall provide infrastructure for its proper functioning.	as its Council. He is officer in senior charge and administrator such other staff as may be necessary and shall provide the institutional infrastructure for its proper functioning.	Animal Husbandry Veterinary Department of State Government. All heads report to him. It will not be effective to replace him with an additional Director.
		rank officer.

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For day to day activities of SAWB an officer not below rank of Deputy Director Animal Husbandry (pay scale 15,600/-) or R.R. 39,100/- Grade pay R.S. 6,600/- may be deployed as its Officer in charge. As per the advertisement for the post of Secretary AWBI, a Commissioned Gazetted Officer of same rank (pay scale

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Rs. 15,600/- to

Rs. 39100/-

Grade pay scale

6,600/-) was

considered to

be eligible. It

shall not be

justified to

except much

more a senior

officer in the

rank of

Additional

Director

Husbandry (pay

scale Rs.

37,400/- to Rs.

57,000/- Grade

pay of Rs.

8,900/-) serving

as officer in

charge of the

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State animal

welfare Board.

12. 13. Removal 12. Removal of

of Chairman Removal of Chairperson

and Member the Member must be deleted

from the from the as as Ex-

Board: The Board officio

State Chairperson

Government Minister

may remove Animal

from officer Husbandry

any member Department)

of the State cannot be

Board if he removed under

/she : any

(a) absents circumstances.

himself from

three

consecutive

meetings of

the Board

without the
leave of the
Board; or
(c) has been
adjudged an
insolvent or
(d) has been
convicted of
an offence
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.	14.	14.	Since the State
Functions of	Functions	Boards	are
the State	of the	being	
Animal	State	established	
Welfare	Animal	under the State	
boards;	Welfare	governments,	
(?)	The boards:	the	
state Animal (?)	The	registration of	
Welfare	state	the Animal	
Board shall	Animal	Welfare	
ensure that Welfare		organizations	
the	Board	must be done by	
applications	shall	the	State

of animal welfare organization.	ensure that application is forwarded to Animal	Boards and not directly by AWBI.
are as forwarded to Animal	Registration of ANOs was done	in the past by AWBI and some
the State Welfare Board in Organization time.	ANO's are 3000	organizations
Regular inspections for animal welfare organization	invited are registered with the Board	govern/inspect/
or SPCAs are granted to conduct as the required by organization	on such reliability and functioning of	proper
the State and on such disbursement conditions or financial assistance as decided	Board for terms and conditions	The State Boards on the other hand can

to them and State	achieve this
provide reports regarding the same, including reports to be proper conducted	Boards from time to time, easily through Department present in each district.
of the funds disbursed.	Several State Boards already grant registration to organizations and SPCAs.
	There is no need to nt of duplicate financial process at the assistance central to them Government.
	and ensure the funding of proper utilization.
	AWOs, SPCAs and Gaushalas by

	n of funds disbursed.	the State Government is
		The Animal Welfare Organizations conducting animal Birth Control shall have to be registered by AWBI on the advice of the State Board.
		the ANBBI can register only Animal Birth Control.
		implementing agencies as this is a super specialization task which can

			be performed by a select number of agencies. This will reduce and focus the work of the AWBI.
15.	14.	14.	As per Sections 38 of the Act, the state of the Rules can only be notified by the Central government. to advise Boards the State (7) to be deleted 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.

14. Functions of the State Animal Welfare Boards:	14. Functions of the State Animal Welfare Boards:	The terms "Unwanted animals" is out of use and irrelevant. The stray animal destroyed as per repeated orders of the Supreme Court. Protocol is statutory enactment under Section 13 and anaesthetic protocol is
(I) To take (II) 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 instantaneous euthanasia or	veterinary protocol for painless castration and	stray animals are destroyed as per repeated orders of the Supreme Court.

	sly or after being rendered insensitive to pain or suffering.	protected to something that be followed for animals under Section 13 of the Act	State Boards can and must ensure.
16.	11. Functions of the State of the State Animal Welfare Boards	14. Functions of the State Animal Welfare Boards	The term "useless" is vague and negative.

(12) To encourage by grant of financial assistance or otherwise, the formation or establishment

Pinjoreples
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.

17. 26.	18. Functions of the State the State Animal Animal	19. Functions of the State Animal Welfare	As per Section 33 of the Act, Rules can only be notified by
---------	---	---	--

Welfare Boards:	the Central
Bearas:	to be Government.
(18) The selected	
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.	
18 22. Allowance	22. Allowances
s and and	It has been indicated in

remuneration	recompensation	4(4) that all To be deleted members shall
(2) No	remuneration	be purely honorary and
	shall be	that State
	paid to any	Board shall
	member of	not be an
	the State	office of
	Board on	profit.
	account of	However,
	his services	payment of
	as such.	DA/DA to
	(2) A member	members/co-
	of the State	opted members
	Board who is	is wholly and
	not an	comprehensivel
	official	y unnecessary.
	shall be	If the State
	entitled to	Government so
	draw in	wishes, it
	respect of	can grant such
	any journey	reimbursements

	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 representati- ve of the State Board or any other	to the members, but this must not be taken as a matter of right. Since no funds for this purpose will be granted by the Central Government, it would be unethical and unfair to dictate terms to the State Government as to how they should spend their money. The CA/DA will
--	--	--

Journey in connection with the work of the State Board performed under the direction of the Chairman. One member of the State Board who is an official shall be entitled to draw, in the circumstance so mentioned under sub- rule (2) travelling	simply put unnecessary and unfair burden on the State Board and bring in corrupt practices which can easily be avoided by letting each state determine the perks to be granted or not.
--	--

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,

lodging

allowance

and daily

allowance at

the rates as

per their

entitlement

by the

officers.

as per the

rates

entitled to

grade 1

officers.

	24. Power of entry	24. Power of entry search, arrest and detention:	Power of entry, search, arrest and detention are defined in the
29.	To be deleted	General Section 32 and	

Notwithstanding anything contained in any other law for the time being in force.		Power of 24 of the Act. to be deleted.
		As per the Act, if such powers are to be granted to any person/agency, only the State Government is entitled to notify it.
		Such delegation of power to members of State Boards and ANBIs will lead to hundreds of non government persons raising,

or	seizing goods,
authorized	arresting
in writing	people and
by a	stopping
Society for	vehicles
Prevention	across the
of Cruelty	country. This
to Animals,	will lead to
or State	absolute
Animals	anarchy.
No-false	Law
Board, or	enforcement
the Animal	being a
Welfare	subject on the
Board, or	State List,
the Animal	the Act
welfare	rightly
Board of	reserved this
India, has	power with the
reasonable	State
grounds for	Government to
believing	Section 33 and

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that	any	34. This must
person	has	not
committed	an	altered.
offence		
against	the	
Act	and	
Rules	made	
thereunder,		
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, and open and search any baggage or other things or articles in the possession:	
(c) Seize	any animal, or animal	

article, or
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

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In sub-rule
(i) 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

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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

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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,
Garrison
Animal
Welfare
Organization
Notwithstanding
and anything
contained in
any other
law for the
time being
in force,
the officers
or other
authorized
persons
notified to
in sub-rule
(c) shall

(c) have powers,
for the
purposes of
investigation
of (i) into any
offence
against any
provision of
the Act or
the Rules
framed
thereunder,

(ii) 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	
(a) to	
receive and	
record	
evidence.	
(e) Any	
evidence	
recorded	
under clause	
(a) of sub	
rule (b)	
shall be	
admissible	
In any	
subsequent	

	trial before a Magistrate, provided that it has been taken in the presence of the accused person.	
23.	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
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
circumstance
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 the
person in
charge
hereof 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.			
20	27,	Co-	To be The idea of
		ordination	preserved Rule 27 must
		of State 27.	Co- not be
		Animal	ordination of subordination.
		Welfare	State Animal but
		Boards with Welfare	cooperation.
		ANBT	Boards with The Central
		AWBT	Government
		(3) The ANBT must	
		shall seek reciprocate	
		the approval some part of	
		of the State the	
		Board before accountability	
		granting expected from	
		permissions/ the states.	
		registration/	
		funds to any	
		agency or	
		animal	
		welfare	

	organization.
	in the respective state channel all funding to Animal Welfare Organizations through the State Boards.
	The AWBC shall maintain effective coordination, cooperation & communication with the State Board Existing and hold an suspicious annual policy of meeting with direct

		the Officers disbursement
	In-Charge and	of Government
Secretaries	Grants from	
of the State AWB office to		
Beside,	NGOs must be	
(4) For relooked. The		
evaluation, fail		
value utilization		
addition & Government		
spread of Grants through		
Inputs with district		
regards to administration		
the existing must be		
strategies/ introduced so		
polices of that in cases		
state of mis-		
governments, utilization		
the inputs off the		
are to be Government		
shared with Grants, the		
SAWBs to SANB same may be		
Sub Committee recovered as		

	of AWBI.	per	the
	(4) SAWB must ensure proper coordination & cooperation of AWBI in the process	revenue recovery provisions of the act.	
		of	
		disbursement	
		of AWBI	
		Grants to	
		AMOs, ensure	
		getting the	
		pleading of	
		the Bond Form	
		In favour of	
		CVO (Ex-	
		officio	
		Member	
		Secretary of	
		the District	
		SPCA	PL

concerned
district),
ensure proper
utilization
of Grant
Funds,
certificates
& recovery of
funds as per
the Revenue
Act (in case
mis-
utilization
of
Government
Grant Funds).

TOTAL GRANTS RELEASED UNDER CENTRAL SECTOR SCHEMES TO ANIMAL WELFARE ORGANISATIONS AND THE SOCIETIES FOR PREVENTION OF CRUELTY TO ANIMALS

S.NO.	GRANT HEAD	YEAR	TOTAL AMOUNT RELEASED (IN RS.)
1	Regular Grants	2007-2008	5,12,06,500
		2008-2009	6,97,70,232
		2009-2010	4,03,50,000
		2010-2011	8,29,77,600
		2011-2012	7,31,01,600
		2012-2013	6,67,96,800
		2013-2014	4,86,33,600
		2014-2015	4,95,46,600
		2015-2016	4,86,35,800
		2016-2017	2,22,65,440
		2017-2018	56,73,600

There has been a reduction of 89% in the amount of grants released from 2007-08 to 2017-18 under the head of 'Regular Grants'.

2	Rescue Cattle Maintenance Grant	2011-2012	1,13,22,120
		2012-2013	11,59,460
		2013-2014	20,73,365
		2014-2015	6,00,000
		2015-2016	58,72,575
		2016-2017	18,25,425
		2017-2018	91,050

There has been a reduction of 99.19% in the amount of grants released from 2011-12 to 2017-18 under the head of 'Rescue Cattle Maintenance Grant'.

2	Shelter Grant	2007-2008	3,29,35,896
		2008-2009	10,79,21,154
		2009-2010	10,63,81,394
		2010-2011	4,03,39,592
		2011-2012	7,22,58,096
		2012-2013	4,69,82,679
		2013-2014	4,47,59,832
		2014-2015	4,80,77,195
		2015-2016	1,41,93,390

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		Record not available on Website
	2016-2017	2017-2018
		1,10,25,000

There has been a reduction of 66.52% in the amount of grants released from 2007-08 to 2017-18 under the head of 'Shelter Grant'.

3	Animal Birth Control Grant	2007-2008	3,01,38,385
		2008-2009	3,61,55,030
		2009-2010	3,97,15,465
		2010-2011	3,99,15,005
		2011-2012	3,40,57,060
		2012-2013	3,29,23,705
		2013-2014	1,73,36,295
		2014-2015	96,83,929
		2015-2016	44,32,708
		2016-2017	29,54,600
		2017-2018	32,57,000

There has been a reduction of 89.19% in the amount of grants released from 2007-08 to 2017-18 under the head of 'Animal Birth Control Grant'.

4	Ambulance Grant	2007-2008	1,06,11,937
		2008-2009	1,19,02,655
		2009-2010	2,59,43,253
		2010-2011	2,05,51,306
		2011-2012	2,53,78,854
		2012-2013	1,23,87,535
		2013-2014	1,58,27,277
		2014-2015	1,19,65,513
		2015-2016	48,40,216
		2016-2017	Record not available on Website
		2017-2018	18,00,000

There has been a reduction of 83.03% in the amount of grants released from 2007-08 to 2017-18 under the head of 'Ambulance Grant'.

5	Natural Calamity Relief Grant	2007-2008	21,10,000
		2008-2009	22,00,000
		2009-2010	37,95,790
		2010-2011	19,21,953
		2011-2012	16,50,000
		2012-2013	4,00,000
		2013-2014	13,50,000
		2014-2015	2,00,000

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	2015-2016	6,00,000
	2016-2017	Record not available on Website
	2017-2018	Record not available on Website

[There has been a reduction of 71.56% in the amount of grants released from 2007-08 to 2015-16 under the head of 'Natural Calamity Relief Grant'.

NOTIFICATION

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New Delhi, the 4th April, 2019

S.O. 1531(E). - In exercise of the powers conferred by clause (3) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Government of India (Allocation of Business) Rules, 1961, namely: -

1. (1) These rules may be called the Government of India (Allocation of Business) Three Hundred and Forty Ninth Amendment Rules, 2019.
 (2) They shall come into force at once.

2. To the Government of India (Allocation of Business) Rules, 1961, in THE SECOND SCHEDULE —
 - (i) Under the heading "MINISTRY OF AGRICULTURE AND FARMERS WELFARE (KRISHI EVAM KISAN KALYAN MANTRALAYA)", under the sub-heading "C. DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING (PASHUPALAN AUR DAIRY VIBHAG)", after entry 6, the following entries shall be inserted, namely: -
 - "6A. Gaushalas and Gausadans.
 - 6B. Matters relating to pounds and cattle trespass.
 - 6C. Prevention of cruelty to animals.
 - 6D. The Prevention of Cruelty to Animals Act, 1960 (59 of 1960);"
 - (ii) Under the heading "MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (PARYAVARAN, VAN AUR JALVAAYU PARIVARTAN MANTRALAYA)", entries 34, 35, 36 and 37 shall be omitted.

RAM NATH KOVIND

PRESIDENT

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[F. No. 1/21/17/2015-Cab.(Vol.I)]

RACHNA SHAH, Jt. Secy.

AM/FOR/P-A

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Gauri Malekki
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Gaurimalekki@gmail.com

24.4.2019
Ref. No. 1704/2019

Public Information Officer
Dept. of Animal Husbandry
Directorate of Animal Husbandry, A.P.
Vijayawada
Govt. of Andhra Pradesh
Punnamadikota, Laddipet
Vijayawada
Andhra Pradesh-52001

Subject: Requesting for Information Under Right to Information Act 2005

Sir,

Please make it convenient to provide of the following information:

1. Certified copy of the order by which any officer has been deputed to serve on the State Animal Welfare Board.
2. Certified copy of the order by which support staff has been provided to the State Animal Welfare Board.
3. Total Budget allocated to the State Animal Welfare Board in 2018-19.
4. Total Budget utilized by the State Animal Welfare Board in 2018-19.

5. Total Budget allocated to the State Animal Welfare Board in 2019-20.
6. Number of Applications received from Dog Breeders for registration by the State Animal Welfare Board.
7. Number of Registrations provided to Dog Breeders by the State Animal Welfare Board.
8. Number of cases registered against Dog Breeders operating in violation of the Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules 2017 and animals rescued by the State Animal Welfare Board.
9. Number of Applications received from Pet Shops for registration by the State Animal Welfare Board.
10. Number of Registrations provided to Pet Shops by the State Animal Welfare Board.
11. Number of cases registered against pet shops operating in violation of the Prevention of Cruelty to Animals (Pet

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Shop Rules 2010 and animals rescued by
the State Animal Welfare Board.

12. Certified copy of the order passed by the
State Animal Welfare Board under Rule 4 of
the Prevention of Cruelty to Animals (Care
and Maintenance of Case Property Animals)
Rules 2017.

Please Find Attached, Indian Postal Order
Number 44F 18C092 as fee. Please use the
reference number of this letter in the response
that you send.

Regards,

Gauri Maulikhi
14, Ashok Road,
New Delhi-110091