



**ANIMAL WELFARE BOARD OF INDIA**

Department of Animal Husbandry and Dairying  
Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India  
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F. No. 3-5/2021-22/PCA

Date: 20.01.2022

To

1. The Chief Secretary of all States/UTs
2. The Director General of Police of all States/UTs
3. The District Magistrate of All States/ UTs.
4. The Municipal Commissioner of all States/UTs

**Subject: Standard operating procedure for proper implementation of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 - regarding.**

**Reference: Advisory of even no. dated 15.06.2021 and 27.12.2021 -regarding.**

Sir/Madam,

With reference to the aforesaid subject, it is submitted that the ABWI vide its advisory dated 15.06.2021 has requested to kindly issue necessary direction to the erring officials to properly implement the provision of Prevention of Cruelty to Animals Act, 1960 and rules made there under. However, due to non-implementation of the provisions of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 a reminder letter dated 27.12.2021 was issued.

2. In this regard, it is stated that the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 framed under the Prevention of Cruelty to Animals Act, 1960. These Rules were framed to resolve the difficulty which was being faced in various pending litigation across the country in which the custody of the cattle's or animals during the pendency of the litigation were raising debate and confusion as there was no fixed position of the same in the law which leads to further conflict.

3. Accordingly, a standard operating procedure(SOP) has prepared by the AWBI, detailing the steps which must be followed while reporting, entering or search and seizure of any animals in case of violation of the PCA Act, 1960 and rules made there under.

4. Therefore, in view of the above, it is again requested to kindly issue necessary direction to the erring officials to strictly follows the SOP for proper implementation of the provision of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and to maintain a full record of seized animals.

*dm*

**5** Your co-operation and co-ordination is highly solicited for the welfare of animals.

Yours sincerely,



(Dr. S. K. Dutta)  
Secretary, AWBI

Copy to:

1. Director, Animal Husbandry of all States/ UTs

## **Protocol to be adopted for seizure and custody of animals vis-à-vis Prevention of Cruelty to Animals Act 1960**

The following steps should be followed while reporting crime against animals (Complainant can be any individual/individuals or an SPCA or an Animal Welfare Organisation) :-

- a. Information in writing should be made to the nearest Police Station.
- b. Complainants may accompany Police Officers for search and seizure of the animals. Where search & seizure is undertaken by SPCA or any person authorised by the prescribed authority, the information shall promptly be provided to the jurisdictional Police Station for registration of NCR/FIR, as the case may be and for compliance of Case Property Animals Rules. Thereafter, the investigation must be initiated by the Jurisdictional Police in accordance with law.

Note: Search and Seizure undertaken by any unauthorised person is illegal and would attract legal consequences. Only Law Enforcement Agency, inspectors/officers or individuals duly authorised for this purpose are empowered under the PCA Act and Rules thereunder, to undertake search and seizure.

- c. Photos & videos should be taken by seizing authority to record the conditions of animals.

### **1- Power to Enter and Inspect -**

- a. In accordance with Section 18 of the Prevention of Cruelty to Animals Act, 1960, the Committee for the Purpose of Control and Supervision of Experiments on Animals may authorise any of its officers or any other person in writing, to enter and inspect any institution where animals are being housed for any experiment/research/testing.
- b. In accordance with Section 25 of the Prevention of Cruelty to Animals, 1960, the AWBI may authorise any person to enter and inspect any premises where animals are being trained for performance or are being performed. Rule 14 of the Performing Animals (Registration) Rules, 2001, empowers AWBI or any other person authorised on its behalf to inspect the housing, transport and working conditions of animals at the time of training or exhibition of the performing animal.
- c. In accordance with Rule 9(1) of the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, empower the AWBI or a State Animal Welfare Board or any person who is a qualified veterinarian authorised by it may inspect any slaughter house.
- d. Upon receipt of a complaint or for any other reason, under Rule 7(1) read with Rule 2(1)(i) of the Prevention of Cruelty to Animals (Dog Breeding & Marketing) Rules, 2017, the State Board may in writing authorise any person to enter and inspect a dog breeding establishment.
- e. In accordance with Rule 11 of the Prevention of Cruelty to Animals (Regulation of Livestock Market) Rules, 2017, the State Board, local authority, District Animal Market Monitoring Committee or the State Animal Husbandry Department may in writing authorise any of its officers to inspect any animal market and seize any animals if there is reason to believe that the animal(s) is being treated cruelly.



f. Upon receipt of a complaint or for any other reason, under Rule 10 read with Rule 2(1)(g) of the Prevention of Cruelty to Animals (Pet Shop) Rules, 2018, the State Board may in writing authorise any person to enter and inspect a pet shop establishment.

## **2- Power to Search and Seize Animals -**

a. Section 32 and 34 of the Prevention of Cruelty to Animals Act, 1960 [hereinafter referred to as 'PCA Act'] empowers the Law Enforcement Agency (or any other person authorised by the State Government) to search and seize the animals upon whom unnecessary pain and suffering is being inflicted.

b. SPCAs notified under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules 2001, have power under Rule 3(4) to authorise persons to conduct search of any premises/vehicle and seizure of animals if violation of the Act is suspected.

c. Vehicle(s) used in commission of an offence under the PCA Act are required to be seized by the police and produced before the Magistrate. The Magistrate shall be informed of the provision under Rule 5(4) of the Case Property Rules which states that the vehicle(s) shall be held as security until pendency of the case.

## **3- Procedure to be followed after seizure of animals –**

- a. Upon seizure of animals, a copy of seizure memo shall be given to accused from whom the animal(s) are seized. [Sections 100- 103, CrPC]
- b. Pursuant to seizure, an entry shall be made in the General Dairy or Daily Dairy or Station Dairy of the jurisdictional police station in accordance with the provisions of the State Police Act or under Police Manual of the respective state, as the case may be.
- c. In case the seizure has been made by any SPCA, the animals must be produced before the concerned Police Station immediately after seizure for the compliance of the veterolegal protocol, registration of case and production of animals before the Jurisdictional Magistrate.
- d. The Police Station shall issue a request for the medical examination/post-mortem of the animal to be conducted by the Jurisdictional Veterinary Officer.
- e. Thereafter, in accordance with Rule 3(a) of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, identification, tagging and medical examination/health check of the seized animal(s) shall be carried out by the Jurisdictional Veterinary Officer. It shall be the duty of the Jurisdictional Veterinary Officer to conduct a medical examination/post-mortem of the seized animals and tender a report to the police, as mandated under Section 34 of the Prevention of Cruelty to Animals Act, 1960, notwithstanding the registration of an FIR/NCR lodged by the police until such time.
- f. The Jurisdictional Veterinary Officers shall provide all veterinary assistance to any injured or diseased animals as required without delay.
- g. Panchnama shall be prepared while complying with (c) above, simultaneously. [Section 100(4) & (5), 102, 165, 166 of CrPC]
- h. Based on the facts of the case and the medical/health report of the seized animal(s), a First Information Report (FIR) or Non-Cognisable Report (NCR) shall be registered by the police.
- i. Pursuant to registration of FIR/NCR, the police shall produce the seized animal(s) before the jurisdictional judicial magistrate and obtain an order regarding housing/



hospitalisation of seized animals pending litigation. At this stage, any Animal Welfare Organisation, SPCA or Gaushala may make an application before the magistrate seeking interim custody of the seized animals in accordance with Rule 3(b) of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.

#### 4- Upkeep and Maintenance of Seized Animals -

- a. Section 35 of the PCA Act R/w the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 [hereafter referred to as 'Case property Animals Rules 2017'] provides for upkeep and maintenance of animals seized under the Provisions of the PCA Act & Rules made thereunder.
- b. The seized animals are the property of the court and the custodian of the seized animals is a mere guardian of the court's property. The seized animal(s) whose interim/temporary custody has been given to any person or organisation shall ensure that they are looked after properly, maintain a record of their treatment, vaccination, deworming, post mortem report (if any) and bills/account of expenses incurred in the upkeep of such seized animal(s) and submit the same to the court from time to time.
- c. In a case where the animals have been forfeited to an Animal Welfare Organisation, such organisation shall have liberty to give the said animals up for adoption in accordance with Rule 9 of the Case Property Animals Rules 2019. Also, in case where the accused relinquishes ownership of his animals to an Animal Welfare Organisation in presence of the Magistrate, the Animal Welfare Organisation may put those animals up for adoption in accordance with Rule 9 of the Case Property Animals Rules.
- d. If any case property animal is incurably ill or mortally wounded, the custodian of such animal shall request the jurisdictional police to subject such animal to examination by the jurisdictional veterinary officer, who if certifies that the animal is mortally injured or so severely injured or in such a physical condition that it would be cruel to keep it alive, seek permission of a magistrate to euthanize such animal, thereby ensuring that the animal is not made to endure unnecessary pain or suffering, as provided under Section 13(3) of the PCA Act, 1960.
- e. If there is lack of clarity on any matter regarding case property animals, not specifically addressed in the PCA Act or Rules made thereunder, the Magistrate should be approached for the same. No decision should be taken by the custodian of the animals as they are merely guardians of the court's property.
- f. Vehicle(s) used in commission of an offence under the PCA Act are required to be seized by the police and produced before the Magistrate. The Magistrate shall be informed of the provision under Rule 5(4) of the Case Property Rules which states that the vehicle(s) shall be held as security until pendency of the case.

For transport and upkeep of the animals and any incidental expenses, rates shall be fixed by the District Magistrate [Section 35(4) of PCA] or State Animal Welfare Board [Rule 4 of the Case Property Animals Rules 2017], in accordance with which the Magistrate can issue relevant orders.

