



**Directorate of Distance Education
Centre for Distance and Online Education (CDOE)
NALSAR University of Law, Hyderabad**

Course Material

**ADVANCED DIPLOMA IN
ANIMAL PROTECTION LAWS**

1.2.5 Laws relating to Prevention of Cruelty to Animals -2

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Laws Relating to Prevention of Cruelty to Animals - II

Reading Material

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 - Food Standards and Safety Authority of India Act, 2006
2. Rules and Regulations relating to Prevention of Cruelty to Animals :
 - Prevention of Cruelty to Animals (Slaughterhouse) Rules, 2011
 - Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001
 - Prevention of Cruelty to Animals (Care and Case Property) Rules, 2017
 - Prevention of Cruelty to Animals (Transport of Animals) Rules, 1978
 - Prevention of Cruelty to Animals (Amendment) Rules, 2009
 - Prevention of Cruelty to Animals (Regulation of Livestock Market) Rules, 2017
 - FSSAI Rules (Packaging and Labelling) Regulations, 2011
3. Chapter 6, Laws relating to Animal Welfare, Vivek Mukherjee, NALSAR University
4. Law Commission Report No. 269
5. Recommended Readings
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INTRODUCTION

The first part of the reading material enclosed, contains the various Laws and Regulations with regards to Farmed Animals Welfare, Slaughterhouses, Transport of Animals and Food Safety. The bare acts of the same have been enclosed for reference relating to provisions referred, in the sessions of PCA-II.

Chapter 6 of the *Laws relating to Animal Welfare*, authored by Professor Vivek Mukherjee, elucidate and expand on relevant provisions, in the case of Transport of Animals, Slaughterhouses, reporting of a complaint, Food Safety Laws as well as the care and maintenance of seized animals. The first portions of the chapter relate to offences in general and other offences with respect to companion animals and performing animals. Subsequently, the chapter deals with relevant provisions, rules and offences with respect to the syllabus for PCA-II. Please note, in this chapter, certain aspects have been covered in PCA-I, however, the laws relating to animal welfare extend under multiple regulations and branches of law, and students will gain a more holistic understanding of these laws with the portions covered this semester.

Following the same, the 269th Law Commission Report, published in 2017 finds particular relevance and importance in the farmed animal welfare space. The Law Commission Report analysed two issues, relating to the transport of Broiler Hens and the conditions of Egg Laying Hens, along with the existing provisions and gave recommendations on the same. Many orders and litigations following the Report have cited the recommendations and findings, and has also played a large role in the Draft Egg Laying Rules.

The recommended readings aim to expand the understanding on the topics discussed from a national and international perspective, such as the implications of intensive confinement, public health, animal welfare and environmental implications of factory farming etc. Lastly, attached

in the same document, is the list of cases on the topic, along with the citations, that may be found on portals such as SCC Online and Manupatra.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

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THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

ACT NO. 59 OF 1960

[26th December, 1960.]

An Act to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Prevention of Cruelty to Animals Act, 1960.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates¹ may be appointed for different States and for the different provisions contained in this Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “animal” means any living creature other than a human being;

1. 1st April, 1961, *vide* Notification No.S.O.823, dated the 1st April, 1961, in respect of the State of Punjab and the Union territory of Andaman and Nicobar Island, *see* Gazette of India 1961, Part II, sec. 3(ii).

1st September, 1961, *vide* Notification No. S.O. 2061, dated the 25th August, 1961, for Chapters I and II in respect of the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Madras, Maharashtra, Madhya Pradesh, Mysore, Orissa, Uttar Pradesh and West Bengal and the Union territories of Delhi, Manipur and Tripura, *see* Gazette of India, 1961, Part II, sec. 3(ii).

2nd October, 1961, *vide* Notification No. S.O. 2286, dated 15th September 1961, Chapters I and II in respect of the Union territory of Himachal Pradesh, Gazette of India, Part II, sec. 3(ii).

26th January, 1962, *vide* Notification No. S.O. 21, dated 28th December, 1961, provisions of Chapters I and II in respect of the State of Rajasthan, *see* Gazette of India, Part II, sec. 3(ii).

15th July, 1963, *vide* Notification No. S.O. 2000, dated 11th July, 1963, Chapter IV in respect of the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Madras, Maharashtra, Madhya Pradesh, Mysore, Orissa, Rajasthan, Uttar Pradesh and West Bengal and in respect of the Union territories of Delhi, Himachal Pradesh, Manipur and Tripura, *see* Gazette of India, Part II, sec. 3(ii).

20th November, 1963, *vide* Notification No. S.O. 3160, dated 29th October, 1963, Chapters III and VI in respect of the States of Assam, Andhra Pradesh, Bihar, Gujarat, Kerala, Madras, Maharashtra, Madhya Pradesh, Mysore, Orissa, Rajasthan and Uttar Pradesh and in respect of the Union territories of Delhi, Himachal Pradesh, Manipur and Tripura, *see* Gazette of India. Part II, sec. 3(ii).

24th May, 1977, *vide* Notification No. S.O. 1902, dated 24th May 1977, provisions of Chapter V in respect of all the States and the Union territories to which this Act extends (except the State of Jammu and Kashmir).

This Act has been extended to Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Sch. and comes into force in Pondicherry *vide* Reg. 7 of 1963, s. 3 and Sch.I (w.e.f. 1-10-1963). and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I (w.e.f. 1-7-1965).

¹[(b) “Board” means the Board established under section 4, and as reconstituted from time to time under section 5A;]

(c) “captive animal” means any animal (not being a domestic animal) which is in captivity or confinement, whether permanent or temporary, or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement or which is pinioned or which is or appears to be maimed;

(d) “domestic animal” means any animal which is tamed or which has been or is being sufficiently tamed to serve some purpose for the use of man or which, although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly tamed;

(e) “local authority” means a municipal committee, district board or other authority for the time being invested by law with the control and administration of any matters within a specified local area;

(f) “owner”, used with reference to an animal, includes not only the owner but also any other person for the time being in possession or custody of the animal, whether with or without the consent of the owner;

(g) “*phooka*” or “*doom dev*” includes any process of introducing air or any substance into the female organ of a milch animal with the object of drawing off from the animal any secretion of milk;

(h) “prescribed” means prescribed by rules made under this Act;

(i) “street” includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.

3. Duties of persons having charge of animals.—It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.

CHAPTER II

²[ANIMAL WELFARE BOARD OF INDIA]

4. Establishment of Animals Welfare Board of India.—(1) For the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular, there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the ³[Animal Welfare Board of India].

(2) The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by its name sue and be sued.

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*;

1. Subs. by Act 26 of 1982, s. 2, for clause (b) (w.e.f. 30-7-1982).

2. Subs. by s. 3, *ibid.*, for “Animal Welfare Board” (w.e.f. 30-7-1982).

3. Subs. by s. 4, *ibid.*, for “Animal Welfare Board” (w.e.f. 30-7-1982).

¹[(*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;

²[(*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 ³[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.

⁴[(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.]

⁵[**5A. Reconstitution of the Board.**—(1) In order that the Chairman and other members of the Board hold office till the same date and that their terms of office come to an end on the same date, the Central Government may, by notification in the Official Gazette, reconstitute, as soon as may be after the Prevention of Cruelty to Animals (Amendment) Act, 1982 (26 of 1982) comes into force, the Board.

(2) The Board as reconstituted under sub-section (1) shall be reconstituted from time to time on the expiration of every third year from the date of its reconstitution under sub-section (1).

1. Ins. by Act 26 of 1982, s. 5 (w.e.f. 30-7-1982).

2. Subs. by s. 5, *ibid.*, for clause (*e*) (w.e.f. 30-7-1982).

3. Subs. by s. 5, *ibid.*, for “clause (*b*)” (w.e.f. 30-7-1982).

4. Subs. by s. 5, *ibid.*, for sub-section (3) (w.e.f. 30-7-1982).

5. Ins. by s. 6, *ibid.* (w.e.f. 30-7-1982).

(3) There shall be included amongst the members of the Board reconstituted under sub-section (1), all persons who immediately before the date on which such reconstitution is to take effect, are members of the Board but such persons shall hold office only for the unexpired portion of the term for which they would have held office if such reconstitution had not been made and the vacancies arising as a result of their ceasing to be members of the Board shall be filled up as casual vacancies for the remaining period of the term of the Board as so reconstituted:

Provided that nothing in this sub-section shall apply in relation to any person who ceases to be a member of the Board by virtue of the amendment made in sub-section (1) of section 5 by sub-clause (ii) of clause (a) of section 5 of the Prevention of Cruelty to Animals (Amendment) Act, 1982 (26 of 1982)].

¹[**6. Term of office and conditions of service of members of the Board.**—(1) The term for which the Board may be reconstituted under section 5A shall be three years from the date of the reconstitution and the Chairman and other members of the Board as so reconstituted shall hold office till the expiry of the term for which the Board has been so reconstituted.

(2) Notwithstanding anything contained in sub-section (1),—

(a) the term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member;

(b) the term of office of a member elected or chosen under clause (c), clause (e), clause (f), clause (g), clause (h) or clause (i) of section 5 to represent any body of persons shall come to an end as soon as he ceases to be a member of the body which elected him or in respect of which he was chosen;

(c) the term of office of a member appointed, nominated, elected or chosen to fill a casual vacancy shall continue for the remainder of the term of office of the member in whose place he is appointed, nominated, elected or chosen;

(d) the Central Government may, at any time, remove for reasons to be recorded in writing a member from office after giving him a reasonable opportunity of showing cause against the proposed removal and any vacancy caused by such removal shall be treated as casual vacancy for the purpose of clause (c).

(3) The members of the Board shall receive such allowances, if any, as the Board may, subject to the previous approval of the Central Government, provide by regulations made in this behalf.

(4) No act done or proceeding taken by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board and in particular, and without prejudice to the generality of the foregoing, during the period intervening between the expiry of the term for which the Board has been reconstituted under section 5A and its further reconstitution under that section, the *ex officio* members of the Board shall discharge all the powers and functions of the Board.]

7. Secretary and other employees of the Board.—(1) The Central Government shall appoint ^{2***} the Secretary of the Board.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Board may appoint such number of other officers and employees as may be necessary for the exercise of its

1. Subs. by Act 26 of 1982, s.7, for section 6 (w.e.f. 30-7-1982).

2. The words “one of its officers to be” omitted by s. 8, *ibid.* (w.e.f. 30-7-1982).

powers and the discharge of its functions and may determine the terms and conditions of service of such officers and other employees by regulations made by it with the previous approval of the Central Government.

8. Funds of the Board.—The funds of the Board shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any local authority or by any other person.

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 ¹[amelioration of animals] by encouraging, or providing for, the construction of sheds, water-troughs and the like and by providing for veterinary assistance to animals;

(e) to advise the Government or any local authority or other person in the design of slaughter-houses or 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 ²[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;

1. Subs. by Act 26 of 1982, s. 9, for “ameliorating the condition of beasts of burden” (w.e.f. 30-7-1982).

2. Subs. by s. 9, *ibid.*, for “the formation of *pinjrapoles*, sanctuaries and the like” (w.e.f. 30-7-1982).

(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.

10. Power of Board to make regulations.—The Board may, subject to the previous approval of the Central Government, make such regulations as it may think fit for the administration of its affairs and for carrying out its functions.

CHAPTER III

CRUELTY TO ANIMALS GENERALLY

11. Treating animals cruelly.—(1) If any person—

(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animal to be so treated; or

(b) ¹[employs in any work or labour or for any purpose any animal which, by reason of its age or any disease], infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed;

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

(d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or

(e) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or

(f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(g) being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement; or

(h) being the owner of ³[any animal] fails to provide such animal with sufficient food, drink or shelter; or

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

1. Subs. by Act 26 of 1982, s.10, for certain words (w.e.f. 30-7-1982).

2. Subs. by s. 10, *ibid.*, for “any domestic or captive animal” (w.e.f. 30-7-1982).

3. Subs. by s. 10, *ibid.*, for “any captive animal” (w.e.f. 30-7-1982).

(j) wilfully permits any animal, of which he is the owner, to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or

(k) offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or

¹[(l) mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner; or]

²[(m) solely with a view to providing entertainment—

(i) confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal; or

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

(n) ^{3***} organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or

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

he shall be punishable, ⁴[in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both].

(2) For the purposes of sub-section (1), an owner shall be deemed to have committed an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence:

Provided that where an owner is convicted of permitting cruelty by reason only of having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to—

(a) the dehorning of cattle, or the castration or branding or nose-roping of any animal, in the prescribed manner; or

(b) the destruction of stray dogs in lethal chambers or ⁵[by such other methods as may be prescribed]; or

(c) the extermination or destruction of any animal under the authority of any law for the time being in force; or

(d) any matter dealt with in Chapter IV; or

1. Subs. by Act 26 of 1982, s. 10, for clause (l) (w.e.f. 30-7-1982).

2. Subs. by s. 10, *ibid.*, for clause (m) (w.e.f. 30-7-1982).

3. The words “for the purposes of his business” omitted by s.10, *ibid.* (w.e.f. 30-7-1982).

4. Subs. by s. 10, *ibid.*, for certain words (w.e.f. 30-7-1982).

5. Subs. by s. 10, *ibid.*, for “by other methods with a minimum of suffering” (w.e.f. 30-7-1982).

(e) the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

12. Penalty for practising *phooka* or *doom dev*.—If any person performs upon any cow or other milch animal the operation called *phooka* or ¹[*doom dev* or any other operation (including injection of any substance) to improve lactation which is injurious to the health of the animal] or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to the Government.

13. Destruction of suffering animals.—(1) Where the owner of an animal is convicted of an offence under section 11, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animal to any suitable person for that purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal or cause such animal to be destroyed in his presence without unnecessary suffering, and any reasonable expense incurred in destroying the animal may be ordered by the court to be recovered from the owner as if it were a fine:

Provided that unless the owner assents thereto, no order shall be made under this section except upon the evidence of a veterinary officer in charge of the area.

(2) When any magistrate, commissioner of police or district superintendent of police has reason to believe that an offence under section 11 has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion, it would be cruel to keep the animal alive.

(3) Any police officer above the rank of a constable or any person authorised by the State Government in this behalf who finds any animal so diseased or so severely injured or in such a physical condition that in his opinion it cannot be removed without cruelty, may, if the owner is absent or refuses his consent to the destruction of the animal, forthwith summon the veterinary officer in charge of the area in which the animal is found, and if the veterinary officer certifies that the animal is mortally injured or so severely injured or in such a physical condition that it would be cruel to keep it alive, the police officer or the person authorised, as the case may be, may, after obtaining orders from a magistrate, destroy the animal injured or cause it to be destroyed ²[in such manner as may be prescribed].

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

CHAPTER IV

EXPERIMENTATION ON ANIMALS

14. Experiments on animals.—Nothing contained in this Act shall render unlawful the performance of experiments (including experiments involving operations) on animals for the purpose of advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or for prolonging life or alleviating suffering or for combating any disease, whether of human beings, animals or plants.

1. Subs. by Act 26 of 1982, s. 11, for “*doom dev*” (w.e.f. 30-7-1982).

2. Ins. by s.12, *ibid.* (w.e.f. 30-7-1982).

15. Committee for control and supervision of experiments on animals.—(1) If at any time, on the advice of the Board, the Central Government is of opinion that it is necessary so to do for the purpose of controlling and supervising experiments on animals, it may, by notification in the Official Gazette, constitute a Committee consisting of such number of officials and non-officials, as it may think fit to appoint thereto.

(2) The Central Government shall nominate one of the members of the Committee to be its Chairman.

(3) The Committee shall have power to regulate its own procedure in relation to the performance of its duties.

(4) The funds of the Committee shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any person.

¹[**15A. Sub-committees.**—(1) The Committee may constitute as many sub-committees as it thinks fit for exercising any power or discharging any duty of the Committee or for inquiring into or reporting and advising on any matter which the Committee may refer.

(2) A sub-committee shall consist exclusively of the members of the Committee.]

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

17. Duties of the Committee and power of the Committee to make rules relating to experiments on animals.—(1) It shall be the duty of the Committee to take all such measures as may be necessary to ensure that animals are not subjected to unnecessary pain or suffering before, during or after the performance of experiments on them, and for that purpose it may, by notification in the Gazette of India and subject to the condition of previous publication, make such rules as it may think fit in relation to the conduct of such experiments.

²[(1A) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:—

(a) the registration of persons or institutions carrying on experiments on animals;

(b) the reports and other information which shall be forwarded to the Committee by persons and institutions carrying on experiments on animals.]

(2) In particular, and without prejudice to the generality of the foregoing power, rules made by the Committee shall be designed to secure the following objects, namely:—

(a) that in cases where experiments are performed in any institution, the responsibility therefor is placed on the person in charge of the institution and that, in cases where experiments are performed outside an institution by individuals, the individuals are qualified in that behalf and the experiments are performed on their full responsibility;

1. Ins. by Act 26 of 1982, s. 13 (w.e.f. 30-7-1982).

2. Ins. by s. 14, *ibid.* (w.e.f. 30-7-1982).

(b) that experiments are performed with due care and humanity, and that as far as possible experiments involving operations are performed under the influence of some anaesthetic of sufficient power to prevent the animals feeling pain;

(c) that animals which, in the course of experiments under the influence of anesthetics, are so injured that their recovery would involve serious suffering, are ordinarily destroyed while still insensible;

(d) that experiments on animals are avoided wherever it is possible to do so; as for example, in medical schools, hospitals, colleges and the like, if other teaching devices such as books, models, films and the like may equally suffice;

(e) that experiments on larger animals are avoided when it is possible to achieve the same results by experiments upon small laboratory animals like guinea-pigs, rabbits, frogs and rats;

(f) that, as far as possible, experiments are not performed merely for the purpose of acquiring manual skill;

(g) that animals intended for the performance of experiments are properly looked after both before and after experiments;

(h) that suitable records are maintained with respect to experiments performed on animals.

(3) In making any rules under this section, the Committee shall be guided by such directions as the Central Government (consistently with the objects for which the Committee is set up) may give to it, and the Central Government is hereby authorised to give such directions.

(4) All rules made by the Committee shall be binding on all individuals performing experiments outside institutions and on persons in charge of institutions in which experiments are performed.

18. Power of entry and inspection.—For the purpose of ensuring that the rules made by it are being complied with, the Committee may authorise any of its officers or any other person in writing to inspect any institution or place where experiments are being carried on and report to it as a result of such inspection, and any officer or person so authorised may—

(a) enter at any time considered reasonable by him and inspect any institution or place in which experiments on animals are being carried on; and

(b) require any person to produce any record kept by him with respect to experiments on animals.

19. Power to prohibit experiments on animals.—If the Committee is satisfied, on the report of any officer or other person made to it as a result of any inspection under section 18 or otherwise, that the rules made by it under section 17 are not being complied with by any person or institution carrying on experiments on animals, the Committee may, after giving an opportunity to the person or institution of being heard in the matter, by order, prohibit the person or institution from carrying on any such experiments either for a specified period or indefinitely, or may allow the person or institution to carry on such experiments subject to such special conditions as the Committee may think fit to impose.

20. Penalties.—If any person—

(a) contravenes any order made by the Committee under section 19; or

(b) commits a breach of any condition imposed by the Committee under that section;

he shall be punishable with fine which may extend to two hundred rupees, and, when the contravention or breach of condition has taken place in any institution, the person in charge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

CHAPTER V

PERFORMING ANIMALS

21. “Exhibit” and “train” defined.—In this Chapter, “exhibit” means exhibit at any entertainment to which the public are admitted through sale of tickets and “train” means train for the purpose of any such exhibition, and the expressions “exhibitor” and “trainer” have respectively the corresponding meanings.

22. Restriction on exhibition and training of performing animals.—No person shall exhibit or train—

(i) any performing animal unless he is registered in accordance with the provisions of this Chapter;

(ii) as a performing animal, any animal which the Central Government may, by notification in the Official Gazette, specify as an animal which shall not be exhibited or trained as a performing animal.

23. Procedure for registration.—(1) Every person desirous of exhibiting or training any performing animal shall, on making an application in the prescribed form to the prescribed authority and on payment of the prescribed fee, be registered under this Act unless he is a person who, by reason of an order made by the court under this Chapter, is not entitled to be so registered.

(2) An application for registration under this Chapter shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register maintained by the prescribed authority.

(3) The prescribed authority shall give to every person whose name appears on the register kept by them, a certificate of registration in the prescribed form containing the particulars entered in the register.

(4) Every register kept under this Chapter shall at all reasonable times be open for inspection on payment of the prescribed fee, and any person shall, on payment of the prescribed fee, be entitled to obtain copies thereof or make extracts therefrom.

(5) Any person whose name is entered in the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making an application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied, the existing certificate shall be cancelled and a new certificate issued.

24. Power of court to prohibit or restrict exhibition and training of performing animals.—(1) Where it is proved to the satisfaction of any magistrate on a complaint made by a police officer or an officer authorised in writing by the prescribed authority referred to in section 23, that the training or exhibition of any performing animal has been accompanied by unnecessary pain or suffering and should be prohibited or allowed only subject to conditions, the court may make an order against the person in respect of whom the complaint is made, prohibiting the training or exhibition or imposing such conditions in relation thereto, as may be specified by the order.

(2) Any court by which an order is made under this section shall cause a copy of the order to be sent, as soon as may be after the order is made, to the prescribed authority by which the person against whom the order is made is registered, and shall cause the particulars of the order to be endorsed upon the certificate held by that person, and that person shall produce his certificate on being so required by the court for the purposes of endorsement, and the prescribed authority to which a copy of an order is sent under this section shall enter the particulars of the order in that register.

25. Power to enter premises.—(1) Any person authorised in writing by the prescribed authority referred to in section 23 and any police officer not below the rank of a sub-inspector may—

(a) enter at all reasonable times and inspect any premises in which any performing animals are being trained or exhibited or kept for training or exhibition, and any such animals found therein; and

(b) require any person who, he has reason to believe, is a trainer or exhibitor of performing animals to produce his certificate of registration.

(2) No person or police officer referred to in sub-section (1) shall be entitled under this section to go on or behind the stage during a public performance of performing animals.

26. Offences.—If any person—

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

(b) being registered under this Act, exhibits or trains any performing animal with respect to which, or in a manner with respect to which, he is not registered; or

(c) exhibits or trains as a performing animal, any animal which is not to be used for the purpose by reason of a notification issued under clause (ii) of section 22; or

(d) obstructs or wilfully delays any person or police officer referred to in section 25 in the exercise of powers under this Act as to entry and inspection; or

(e) conceals any animal with a view to avoiding such inspection; or

(f) being a person registered under this Act, on being duly required in pursuance of this Act to produce his certificate under this Act, fails without reasonable excuse so to do; or

(g) applies to be registered under this Act when not entitled to be so registered;

he shall be punishable on conviction with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

27. Exemptions.—Nothing contained in this Chapter shall apply to—

(a) the training of animals for *bona fide* military or police purposes or the exhibition of any animals so trained; or

(b) any animals kept in any zoological garden or by any society or association which has for its principal object the exhibition of animals for educational or scientific purposes.

CHAPTER VI

MISCELLANEOUS

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

29. Power of court to deprive person convicted of ownership of animal.—(1) If the owner of any animal is found guilty of any offence under this Act, the court, upon his conviction thereof, may, if it thinks fit, in addition to any other punishment, make an order that the animal with respect to which the offence was committed shall be forfeited to Government and may, further, make such order as to the disposal of the animal as it thinks fit under the circumstances.

(2) No order under sub-section (1) shall be made unless it is shown by evidence as to a previous conviction under this Act or as to the character of the owner or otherwise as to the treatment of the animal that the animal, if left with the owner, is likely to be exposed to further cruelty.

(3) Without prejudice to the provisions contained in sub-section (1), the court may also order that a person convicted of an offence under this Act shall, either permanently or during such period as is fixed by the order, be prohibited from having the custody of any animal of any kind whatsoever, or, as the court thinks fit, of any animal of any kind or species specified in the order.

(4) No order under sub-section (3) shall be made unless—

(a) it is shown by evidence as to a previous conviction or as to the character of the said person or otherwise as to the treatment of the animal in relation to which he has been convicted that an animal in the custody of the said person is likely to be exposed to cruelty;

(b) it is stated in the complaint upon which the conviction was made that it is the intention of the complainant upon the conviction of the accused to request that an order be made as aforesaid; and

(c) the offence for which the conviction was made was committed in an area in which under the law for the time being in force a licence is necessary for the keeping of any such animal as that in respect of which the conviction was made.

(5) Notwithstanding anything to the contrary contained in any law for the time being in force, any person in respect of whom an order is made under sub-section (3) shall have no right to the custody of any animal contrary to the provisions of the order, and if he contravenes the provisions of any order, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

(6) Any court which has made an order under sub-section (3) may at any time, either on its own motion or on application made to it in this behalf, rescind or modify such order.

30. Presumption as to guilt in certain cases.—If any person is charged with the offence of killing a goat, cow or its progeny contrary to the provisions of clause (l) of sub-section (1) of section 11, and it is proved that such person had in his possession, at the time the offence is alleged to have been committed, the skin of any such animal as is referred to in this section with any part of the skin of the head attached thereto, it shall be presumed until the contrary is proved that such animal was killed in a cruel manner.

31. Cognizability of offences.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), an offence punishable under clause (l), clause (n) or clause (o) of sub-section (1) of section 11 or under section 12 shall be a cognizable offence within the meaning of that Code.

32. Power of search and seizure.—(1) If a police officer not below the rank of sub-inspector or any person authorised by the State Government in this behalf has reason to believe that an offence under clause (l) of sub-section (1) of section 11 in respect of any such animal as is referred to in

section 30 is being, or is about to be, or has been, committed in any place, or that any person has in his possession the skin of any such animal with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize such skin or any article or thing used or intended to be used in the commission of such offence.

(2) If a police officer not below the rank of sub-inspector, or any person authorised by the State Government in this behalf, has reason to believe that *phooka* or ¹[*doom dev* or any other operation of the nature referred to in section 12] has just been, or is being, performed on any animal within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for examination by the veterinary officer in charge of the area in which the animal is seized.

33. Search warrants.—(1) If a magistrate of the first or second class or a presidency magistrate or a sub-divisional magistrate or a commissioner of police or district superintendent of police, upon information in writing, and after such inquiry as he thinks necessary, has reason to believe that an offence under this Act is being, or is about to be, or has been committed in any place, he may either himself enter and search or by his warrant authorise any police officer not below the rank of sub-inspector to enter and search the place.

(2) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), relating to searches shall, so far as those provisions can be made applicable, apply to searches under this Act.

34. General power of seizure for examination.—Any police officer above the rank of a constable or any person authorised by the State Government in this behalf, who has reason to believe that an offence against this Act has been or is being, committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest magistrate or by such veterinary officer as may be prescribed, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.

35. Treatment and care of animals.—(1) The State Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a magistrate.

(2) The magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a *pinjrapole*, or, if the veterinary officer in charge of the area in which the animal is found or such other veterinary officer as may be authorised in this behalf by rules made under this Act certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to an infirmary shall not, unless the magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the veterinary officer in charge of the area in which the infirmary is situated or such other veterinary officer as may be authorised in this behalf by rules made under this Act.

1. Subs. by Act 26 of 1982, s.15, for “*doom dev*” (w.e.f. 30-7-1982).

(4) The cost of transporting the animal to an infirmary or *pinjrapole*, and of its maintenance and treatment in an infirmary, shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by the district magistrate, or, in presidency-towns, by the commissioner of police:

Provided that when the magistrate so orders on account of the poverty of the owner of the animal no charge shall be payable for the treatment of the animal.

(5) Any amount, payable by an owner of an animal under sub-section (4) may be recovered in the same manner as an arrear of land revenue.

(6) If the owner refuses or neglects to remove the animal within such time as a magistrate may specify, the magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(7) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him.

36. Limitation of prosecutions.—A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission of the offence.

37. Delegation of powers.—The Central Government may, by notification in the Official Gazette, direct that all or any of the powers exercisable by it under this Act, may, subject to such conditions as it may think fit to impose, be also exercisable by any State Government.

38. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules providing for all or any of the following matters, namely:—

(a) the ^{1****} conditions of service of members of the Board, the allowances payable to them and the manner in which they may exercise their powers and discharge their functions;

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

(b) the maximum load (including any load occasioned by the weight of passengers) to be carried or drawn by any animal;

(c) the conditions to be observed for preventing the over-crowding of animal;

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

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

²[(ea) the other methods of destruction of stray dogs referred to in clause (b) of sub-section (3) of section 11;

(eb) the methods by which any animal which cannot be removed without cruelty may be destroyed under sub-section (3) of section 13;]

1. The words “terms and” omitted by Act 26 of 1982, s.16 (w.e.f. 30-7-1982).

2. Ins. by s.16, *ibid.* (w.e.f. 30-7-1982).

(f) requiring persons carrying on the business of a farrier to be licensed and registered by such authority as may be prescribed and levying a fee for the purpose;

(g) the precautions to be taken in the capture of animals for purposes of sale, export or for any other purpose, and the different appliances or devices that may alone be used for the purpose; and the licensing of such capture and the levying of fees for such licences;

(h) the precautions to be taken in the transport of animals, whether by rail, road, inland waterway, sea or air and the manner in which and the cages or other receptacles in which they may be so transported.

(i) requiring persons owning or in charge of premises in which animals are kept or milked to register such premises, to comply with such conditions as may be laid down in relation to the boundary walls or surroundings of such premises, to permit their inspection for the purpose of ascertaining whether any offence under this Act is being, or has been, committed therein, and to expose in such premises copies of section 12 in a language or languages commonly understood in the locality;

(j) the form in which applications for registration under Chapter V may be made, the particulars to be contained therein, the fees payable for such registration and the authorities to whom such applications may be made;

¹[(ja) the fees which may be charged by the Committee constituted under section 15 for the registration of persons or institutions carrying on experiments on animals or for any other purpose;]

(k) the purposes to which fines realised under this Act may be applied, including such purposes as the maintenance of infirmaries, *pinjrapoles* and veterinary hospitals;

(l) any other matter which has to be, or may be, prescribed.

(3) If any person contravenes, or abets the contravention of, any rules made under this section, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

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³[38A. Rules and regulations to be laid before Parliament.—Every rule made by the Central Government or by the Committee constituted under section 15 and every regulation made by the Board shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment, shall be without prejudice to the validity of anything previously done under that rule or regulation.]

1. Ins. by Act 26 of 1982, s.16 (w.e.f. 30-7-1982).

2. Sub-section (4) omitted by s.16, *ibid.* (w.e.f. 30-7-1982).

3. Ins. by s. 17, *ibid.* (w.e.f. 30-7-1982).

39. Persons authorised under section 34 to be public servants.—Every person authorised by the State Government under section 34 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

40. Indemnity.—No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) respect of anything in good faith done or intended to be done under this Act.

41. Repeal of Act 11 of 1890.—Where in pursuance of a notification under sub-section (3) of section 1 any provision of this Act comes into force in any State, any provision of the Prevention of Cruelty to Animals Act, 1890 (11 of 1890), which corresponds to the provision so coming into force, shall thereupon stand repealed.

**MINISTRY OF LAW AND JUSTICE
(Legislative Department)**

New Delhi, the 24th August, 2006/Bhadra2, 1928(Saka)

The following Act of Parliament received the assent of the President on 23rd August, 2006, and is hereby published for general information:-

FOOD SAFETY AND STANDARDS ACT, 2006

No. 34 OF 2006

[23rd August, 2006]

An Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement

- (1) This Act may be called the **Food Safety and Standards Act, 2006**.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Declaration as to expediency of control by the Union.

It is hereby declared that it is expedient in the public interest that the Union should take under its control the food industry.

3. Definitions.

- (1) In this Act, unless the context otherwise requires, –

- (a) “adulterant” means any material which is or could be employed for making the food unsafe or sub-standard or mis-branded or containing extraneous matter;
- (b) “advertisement” means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, internet or website and includes through any notice, circular, label, wrapper, invoice or other documents;
- (c) “Chairperson” means the Chairperson of the Food Authority;
- (d) “claim” means any representation which states, suggests, or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or otherwise;
- (e) “Commissioner of Food Safety” means the Commissioner of Food Safety appointed under section 30;
- (f) “consumer” means persons and families purchasing and receiving food in order to meet their personal needs;
- (g) “contaminant” means any substance, whether or not added to food, but which is present in such food as a result of the production (including operations carried out in crop husbandry, animal husbandry or veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food or as a result of environmental contamination and does not include insect fragments, rodent hairs and other extraneous matter;
- (h) “Designated Officer” means the officer appointed under section 36;
- (i) “extraneous matter” means any matter contained in an article of food which may be carried from the raw materials, packaging materials or process systems used for its manufacture or which is added to it, but such matter does not render such article of food unsafe;
- (j) “Food” means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food to the extent defined in clause (zk), genetically modified or engineered food or food containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances :

Provided that the Central Government may declare, by notification in the Official Gazette, any other article as food for the purposes of this Act having regards to its use, nature, substance or quality;

(k) “food additive” means any substance not normally consumed as a food by itself or used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result (directly or indirectly), in it or its by-products becoming a component of or otherwise affecting the characteristics of such food but does not include “contaminants” or substances added to food for maintaining or improving nutritional qualities;

(l) “Food Analyst” means an analyst appointed under section 45;

(m) “Food Authority” means the Food Safety and Standards Authority of India established under section 4;

(n) “Food business” means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, sale of food or food ingredients;

(o) “food business operator” in relation to food business means a person by whom the business is carried on or owned and is responsible for ensuring the compliance of this Act, rules and regulations made thereunder;

(p) “food laboratory” means any food laboratory or institute established by the Central or a State Government or any other agency and accredited by National Accreditation Board for Testing and Calibration Laboratories or an equivalent accreditation agency and recognised by the Food Authority under section 43;

(q) “food safety” means assurance that food is acceptable for human consumption according to its intended use;

(r) “food safety audit” means a systematic and functionally independent examination of food safety measures adopted by manufacturing units to determine whether such measures and related results meet with objectives of food safety and the claims made in that behalf;

(s) “Food Safety Management System” means the adoption Good Manufacturing Practices, Good Hygienic Practices, Hazard Analysis and Critical Control Point and such other practices as may be specified by regulation, for the food business;

- (t) “Food Safety Officer” means an officer appointed under section 37;
- (u) “hazard” means a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect;
- (v) “import” means bringing into India any article of food by land, sea or air;
- (w) “improvement notice” means a notice issued under section 32 of this Act;
- (x) “infant food” and “infant milk substitute” shall have the meanings assigned to them in clauses (f) and (g) of subsection (1) of section 2 of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992(41 of 1992), respectively;
- (y) “ingredient” means any substance, including a food additive used in the manufacture or preparation of food and present in the final product, possibly in a modified form;
- (z) “label” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, graphic, perforated, stamped or impressed on or attached to container, cover, lid or crown of any food package and includes a product insert;
- (za) “licence” means a licence granted under section 31;
- (zb) “local area” means any area, whether urban or rural, notified by the Commissioner of Food Safety, to be a local area for the purposes of this Act;
- (zc) “manufacture” means a process or adoption or any treatment for conversion of ingredients into an article of food, which includes any sub-process, incidental or ancillary to the manufacture of an article of food;
- (zd) “manufacturer” means a person engaged in the business of manufacturing any article of food for sale and includes any person who obtains such article from another person and packs and labels it for sale or only labels it for such purposes;
- (ze) “Member” means Member of the Food Authority and includes the Chairperson;
- (zf) “misbranded food” means an article of food –
- (A) if it is purported, or is represented to be, or is being –
 - (i) offered or promoted for sale with false, misleading or deceptive claims either;
 - (a) upon the label of the package, or

(b) through advertisement, or

(ii) sold by a name which belongs to another article of food; or

(iii) offered or promoted for sale under the name of a fictitious individual or company as the manufacturer or producer of the article as borne on the package or containing the article or the label on such package; or

(B) if the article is sold in packages which have been sealed or prepared by or at the instance of the manufacturer or producer bearing his name and address but -

(i) the article is an imitation of, or is a substitute for, or resembles in a manner likely to deceive, another article of food under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true character; or

(ii) the package containing the article or the label on the package bears any statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading in any material particular, or if the package is otherwise deceptive with respect to its contents; or

(iii) the article is offered for sale as the product of any place or country which is false; or

(C) if the article contained in the package –

(i) contains any artificial flavouring, colouring or chemical preservative and the package is without a declaratory label stating that fact or is not labelled in accordance with the requirements of this Act or regulations made thereunder or is in contravention thereof; or

(ii) is offered for sale for special dietary uses, unless its label bears such information as may be specified by regulation, concerning its vitamins, minerals or other dietary properties in order sufficiently to inform its purchaser as to its value for such use; or

(iii) is not conspicuously or correctly stated on the outside thereof within the limits of variability laid down under this Act.

(zg) “notification” means a notification published in the Official Gazette;

(zh) “package” means a pre-packed box, bottle, casket, tin, barrel, case, pouch, receptacle, sack, bag, wrapper or such other things in which an article of food is packed;

(zi) “premises” include any shop, stall, hotel, restaurant, airline services and food canteens, place or vehicle or vessel where any article of food is sold or manufactured or stored for sale;

(zj) “prescribed” means prescribed by rules made by the Central Government or the State Government, as the case may be under this Act;

(zk) “primary food” means an article of food, being a produce of agriculture or horticulture or animal husbandry and dairying or aquaculture in its natural form, resulting from the growing, raising, cultivation, picking, harvesting, collection or catching in the hands of a person other than a farmer or fisherman;

(zl) “prohibition order” means an order issued under section 33 of this Act;

(zm) “risk”, in relation to any article of food, means the probability of an adverse effect on the health of consumers of such food and the severity of that effect, consequential to a food hazard;

(zn) “risk analysis”, in relation to any article of food, means a process consisting of three components, i.e. risk assessment, risk management and risk communication;

(zo) “risk assessment” means a scientifically based process consisting of the following steps : (i) hazard identification,(ii) hazard characterisation; (iii) exposure assessment, and (iv) risk characterisation;

(zp) “risk communication” means the interactive exchange of information and opinions throughout the risk analysis process concerning risks, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, industry, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions;

(zq) “risk management” means the process, distinct from risk assessment, of evaluating policy alternatives, in consultation with all interested parties considering risk assessment and other factors relevant for the protection of health of consumers and for the promotion of fair trade practices, and, if needed, selecting appropriate prevention and control options;

(zr) “sale” with its grammatical variations and cognate expressions, means the sale of any article of food, whether for cash or on credit or by way of exchange and whether by wholesale or retail, for human consumption or use, or for analysis, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any such article, and includes also an attempt to sell any such article;

(zs) “sample” means a sample of any article of food taken under the provisions of this Act or any rules and regulations made thereunder;

(zt) “specified by regulations” means specified by regulations made by the Food Authority;

(zu) “standard”, in relation to any article of food, means the standards notified by the Food Authority;

(zv) “State Government” in relation to a Union territory means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

(zw) “substance” includes any natural or artificial substance or other matter, whether it is in a solid state or in liquid form or in the form of gas or vapour;

(zx) “Sub-standard” an article of food shall be deemed to be sub-standard if it does not meet the specified standards but not so as to render the article of food unsafe;

(zy) “Tribunal” means the Food Safety Appellate Tribunal established under section 70;

(zz) “unsafe food” means an article of food whose nature, substance or quality is so affected as to render it injurious to health :—

(i) by the article itself, or its package thereof, which is composed, whether wholly or in part, of poisonous or deleterious substance; or

(ii) by the article consisting, wholly or in part, of any filthy, putrid, rotten, decomposed or diseased animal substance or vegetable substance; or

(iii) by virtue of its unhygienic processing or the presence in that article of any harmful substance; or

(iv) by the substitution of any inferior or cheaper substance whether wholly or in part; or

(v) by addition of a substance directly or as an ingredient which is not permitted; or

(vi) by the abstraction, wholly or in part, of any of its constituents; or

(vii) by the article being so coloured, flavoured or coated, powdered or polished, as to damage or conceal the article or to make it appear better or of greater value than it really is; or

(viii) by the presence of any colouring matter or preservatives other than that specified in respect thereof; or

(ix) by the article having been infected or infested with worms, weevils, or insects; or

(x) by virtue of its being prepared, packed or kept under insanitary conditions; or

(xi) by virtue of its being mis-branded or sub-standard or food containing extraneous matter; or

(xii) by virtue of containing pesticides and other contaminants in excess of quantities specified by regulations.

(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding Law, if any, in force in that State.

CHAPTER II

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

4. Establishment of Food Safety and Standards Authority of India.

(1) The Central Government shall, by notification, establish a body to be known as the Food Safety and Standards Authority of India to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Food Authority shall be a body corporate by the name aforesaid, having perpetual succession and a seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The head office of the Food Authority shall be at Delhi.

(4) The Food Authority may establish its offices at any other place in India.

5. Composition of Food Authority and qualifications for appointment of its Chairperson and other Members

(1) The Food Authority shall consist of a Chairperson and the following twenty-two members out of which one-third shall be women, namely:-

(a) seven Members, not below the rank of a Joint Secretary to the Government of India, to be appointed by the Central Government, to respectively represent the Ministries or Departments of the Central Government dealing with -

- (i) Agriculture,
- (ii) Commerce,
- (iii) Consumer Affairs,
- (iv) Food Processing,
- (v) Health,
- (vi) Legislative Affairs,
- (vii) Small Scale Industries,

who shall be Members *ex officio*;

(b) two representatives from food industry of which one shall be from small scale industries;

(c) two representatives from consumer organisations;

(d) three eminent food technologists or scientists;

(e) five members to be appointed by rotation every three years, one each in seriatim from the Zones as specified in the First Schedule to represent the States and the Union territories;

(f) two persons to represent farmers' organisations;

(g) one person to represent retailers' organisations.

(2) The Chairperson and other Members of the Food Authority shall be appointed in such a manner so as to secure the highest standards of competence, broad range of relevant expertise, and shall represent, the broadest possible geographic distribution within the country.

(3) The Chairperson shall be appointed by the Central Government from amongst the persons of eminence in the field of food science or from amongst the persons from the administration who have been associated with the subject and is either holding or has held the position of not below the rank of Secretary to the Government of India.

(4) The Chairperson and the Members other than *ex officio* Members of the Food Authority shall be appointed by the Central Government on the recommendations of the Selection Committee.

(5) The Chairperson or Members other than ex-officio Members of the Food Authority shall not hold any other office.

6. Selection Committee for selection of Chairperson and Members of Food Authority.

(1) The Central Government shall, for the purpose of selection of the Chairperson and the Members other than *ex officio* Members of the Food Authority, constitute a Selection Committee consisting of –

- (a) Cabinet Secretary – Chairperson,
- (b) Secretary-in-charge of the Ministry or the Department responsible for administration of this Act as the convener– Member,
- (c) Secretary-in-charge of the Ministries or the Departments of the Central Government dealing with Health ,Legislative and Personnel– Members,
- (d) Chairman of the Public Enterprises Selection Board –Member,
- (e) An eminent food technologist to be nominated by the Central Government – Member.

Explanation– For the purposes of clause (e), the Central Government shall nominate a person from amongst persons holding the post of Director or the Head, by whatever name called, of any national research or technical institution.

(2) The Central Government shall, within two months from the date of occurrence of any vacancy by reason of death, resignation, or removal of the Chairperson or a Member of the Food Authority and three months before the superannuation or completion of the term of office of the Chairperson or any Member of that Authority, make a reference to the Selection Committee for filling up of the vacancy.

(3) The Selection Committee shall finalise the selection of the Chairperson and Members of the Food Authority within two months from the date on which the reference is made to it.

(4) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

(5) Before recommending any person for appointment as a Chairperson or other Member of the Food Authority, the Selection Committee shall satisfy itself that such person does not have any financial or other interest, which is likely to affect prejudicially his functions as a Member.

(6) No appointment of the Chairperson or other Member of the Food Authority shall be invalid merely by reason of any vacancy in the Selection Committee.

7. Term of Office, salary, allowances and other conditions of service of Chairperson and Members of Food Authority

(1) The Chairperson and the members other than *ex officio* Members shall hold office for a term of three years from the date on which they enter upon their offices, and shall be eligible for re-appointment for a further period of three years:

Provided that the Chairperson shall not hold office as such after he has attained the age of sixty-five years.

(a) in the case of the Chairperson, the age of sixty-five years, and

(b) in the case of a Member, the age of sixty-two years.

(2) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and Members other than *ex-officio* Members shall be such as may be prescribed by the Central Government.

(3) The Chairperson and every Member shall, before entering upon his office, make and subscribe to an oath of office and of secrecy in such form and in such manner and before such authority as may be prescribed by the Central Government.

(4) Notwithstanding anything contained in sub-section the Chairperson or any Member may –

(a) relinquish his office by giving in writing to the Central Government a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 8.

(5) The Chairperson or any Member ceasing to hold office as such shall not represent any person before the Food Authority or any State Authority in any manner.

8. Removal of Chairperson and Members of Food Authority.

(1) Notwithstanding anything contained in sub-section (1) of section 7, the Central Government may, by order, remove from office the Chairperson or any other Member, if the Chairperson or as the case may be, such other Member,—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

- (c) has become physically or mentally incapable of acting as a Member; or
- (d) has acquired such financial or other interests as is likely to affect prejudicially his functions as a Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) No Member shall be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

9. Officers and other employees of Food Authority.

(1) There shall be a Chief Executive Officer of the Food Authority, not below the rank of Additional Secretary to the Government of India, who shall be the Member-Secretary of the Authority, to be appointed by the Central Government.

(2) The Food Authority may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required to the Food Authority in the discharge of its functions.

(3) The salaries and allowances payable to and other conditions of service of, the Chief Executive Officer, officers, and other employees shall be such as may be specified by regulations by the Food Authority with the approval of the Central Government.

10. Functions of the Chief Executive Officer

(1) The Chief Executive Officer shall be the legal representative of the Food Authority and shall be responsible for –

- (a) the day-to-day administration of the Food Authority;
- (b) drawing up of proposal for the Food Authority's work programmes in consultation with the Central Advisory Committee;
- (c) implementing the work programmes and the decisions adopted by the Food Authority;
- (d) ensuring the provision of appropriate scientific, technical and administrative support for the Scientific Committee and the Scientific Panel;
- (e) ensuring that the Food Authority carries out its tasks in accordance with the requirements of its users, in particular with regard to the adequacy of the services provided and the time taken;

(f) the preparation of the statement of revenue and expenditure and the execution of the budget of the Food Authority; and

(g) developing and maintaining contact with the Central Government, and for ensuring a regular dialogue with its relevant committees.

(2) Every year, the Chief Executive Officer shall submit to the Food Authority for approval –

(a) a general report covering all the activities of the Food Authority in the previous year;

(b) programmes of work;

(c) the annual accounts for the previous year; and

(d) the budget for the coming year.

(3) The Chief Executive Officer shall, following adoption by the Food Authority, forward, the general report and the programmes to the Central Government and the State Governments and shall have them published.

(4) The Chief Executive Officer shall approve all financial expenditure of the Food Authority and report on the Authority's activities to the Central Government.

(5) The Chief Executive Officer shall exercise the powers of the Commissioner of Food Safety while dealing with matters relating to food safety of such articles.

(6) The Chief Executive Officer shall have administrative control over the officers and other employees of the Food Authority.

11. Central Advisory Committee.

(1) The Food Authority shall, by notification, establish a Committee to be known as the Central Advisory Committee.

(2) The Central Advisory Committee shall consist of two members each to represent the interests of food industry, agriculture, consumers, relevant research bodies and food laboratories and all Commissioners of Food Safety, and the Chairperson of the Scientific Committee shall be *ex officio* member.

(3) The representatives of the concerned Ministries or Departments of the Central Government in Agriculture, Animal Husbandry and Dairying, Bio-technology, Commerce and Industry, Consumer Affairs, Environment and Forests, Food Processing Industries, Health, Panchayati Raj, Small Scale Industries and Food and Public Distribution or

government institutes or organisations and government recognised farmers' shall be invitees to the deliberations of the Central Advisory Committee.

(4) The Chief Executive Officer shall be *ex officio* Chairperson of the Central Advisory Committee.

(5) The Central Advisory Committee shall follow such rules of procedure including its transaction of business as may be specified by regulations.

12. Functions of Central Advisory Committee.

(1) The Central Advisory Committee shall ensure close cooperation between the Food Authority and the enforcement agencies and organisations operating in the field of food.

(2) The Central Advisory Committee shall advise the Food Authority on –

- (a) the performance of its duties under this section and in particular in drawing up of a proposal for the Food Authority's work programme,
- (b) on the prioritisation of work,
- (c) identifying potential risks,
- (d) pooling of knowledge, and
- (e) such other functions as may be specified by regulations.

(3) The Central Advisory Committee shall meet regularly at the invitation of the Chairperson of Central Advisory Committee or at the request of at least one-third of its members, and not less than three times a year.

13. Scientific Panels.

(1) The Food Authority shall establish scientific panels, which shall consist of independent scientific experts.

(2) The Scientific Panel shall invite the relevant industry and consumer representatives in its deliberations.

(3) Without prejudice to the provisions of sub-section (1), the Food Authority may establish as many Scientific Panels as it considers necessary in addition to the Panels on:

- (a) food additives, flavourings, processing aids and materials in contact with food;
- (b) pesticides and antibiotics residues;
- (c) genetically modified organisms and foods;

- (d) functional foods, nutraceuticals, dietetic products and other similar products;
- (e) biological hazards;
- (f) contaminants in the food chain;
- (g) labelling; and
- (h) method of sampling and analysis.

(4) The Food Authority may from time to time re-constitute the Scientific Panels by adding new members or by omitting the existing members or by changing the name of the panel as the case may be.

14. Scientific Committee.

(1) The Food Authority shall constitute Scientific Committee which shall consist of the Chairpersons of the Scientific Panels and six independent scientific experts not belonging or affiliated to any of the Scientific Panels.

(2) The Scientific Committee shall be responsible for providing the scientific opinions to the Food Authority, and shall have the powers, where necessary, of organising public hearings.

(3) The Scientific Committee shall be responsible for the general co-ordination necessary to ensure consistency of the scientific opinion procedure and in particular with regard to the adoption of working procedures and harmonisation of working methods of the Scientific Panels.

(4) The Scientific Committee shall provide opinions on multi-sectoral issues falling within the competence of more than one Scientific Panel, and on issues which do not fall within the competence of any of the Scientific Panels.

(5) Wherever necessary, and particularly, in the case of subjects which do not fall within the competence of any of the Scientific Panel, the Scientific Committee shall set up working groups and in such cases, it shall draw on the expertise of those working groups when establishing scientific opinions.

15. Procedure for Scientific Committee and Scientific Panel.

(1) The members of the Scientific Committee, who are not members of the Scientific Panel and the members of the Scientific Panel shall be appointed by the Food Authority, for a period of three years, which shall be renewable for such period, and the vacancy notice shall be published in the relevant leading scientific publications and on the Food Authority's website for a call for expressions of interest.

(2) The Scientific Committee and the Scientific Panel shall each choose a Chairperson from amongst their members.

(3) The Scientific Committee and the Scientific Panel shall act by a majority of their members and the views of the members shall be recorded.

(4) The procedure for the operation and co-operation of the Scientific Committee and the Scientific Panel shall be specified by regulations.

(5) These procedures shall relate in particular to –

(a) The number of times that a member can serve consecutively on a Scientific Committee or Scientific Panel;

(b) the number of members in each Scientific Panel;

(c) the procedure for re-imbursing the expenses of members of the Scientific Committee and the Scientific Panel;

(d) the manner in which tasks and requests for scientific opinions are assigned to the Scientific Committee and the Scientific Panel;

(e) The creation and organisation of the working groups of the Scientific Committee and the Scientific Panel, and the possibility of external experts being included in those working groups;

(f) The possibility of observers being invited to meetings of the Scientific Committee and the Scientific Panel;

(g) The possibility of organising public hearings; and

(h) Quorum of the meeting, meeting notice, agenda of the meeting and such other matters.

16. Duties and functions of Food Authority.

(1) It shall be the duty of the Food Authority to regulate and monitor the manufacture, processing, distribution, sale and import of food so as to ensure safe and wholesome food.

(2) Without prejudice to the provisions of sub-section (1), the Food Authority may by regulations specify –

- (a) the standards and guidelines in relation to articles of food and specifying an appropriate system for enforcing various standards notified under this Act;
- (b) the limits for use of food additives, crop contaminants, pesticide residues, residues of veterinary drugs, heavy metals, processing aids, myco-toxins, antibiotics and pharmacological active substances and irradiation of food;
- (c) the mechanisms and guidelines for accreditation of certification bodies engaged in certification of food safety management systems for food businesses;
- (d) the procedure and the enforcement of quality control in relation to any article of food imported into India;
- (e) the procedure and guidelines for accreditation of laboratories and notification of the accredited laboratories;
- (f) the method of sampling, analysis and exchange of information among enforcement authorities;
- (g) conduct survey of enforcement and administration of this Act in the country;
- (h) food labelling standards including claims on health, nutrition, special dietary uses and food category systems for foods; and
- (i) the manner in which and the procedure subject to which risk analysis, risk assessment, risk communication and risk management shall be undertaken.

(3) The Food Authority shall also –

- (a) provide scientific advice and technical support to the Central Government and the State Governments in matters of framing the policy and rules in areas which have a direct or indirect bearing on food safety and nutrition;
- (b) search, collect, collate, analyse and summarise relevant scientific and technical data particularly relating to –
 - (i) food consumption and the exposure of individuals to risks related to the consumption of food;
 - (ii) incidence and prevalence of biological risk;
 - (iii) contaminants in food;

- (iv) residues of various contaminants;
 - (v) identification of emerging risks; and
 - (vi) introduction of rapid alert system;
- (c) promote, co-ordinate and issue guidelines for the development of risk assessment methodologies and monitor and conduct and forward messages on the health and nutritional risks of food to the Central Government, State Governments and Commissioners of Food Safety;
- (d) provide scientific and technical advice and assistance to the Central Government and the State Governments in implementation of crisis management procedures with regard to food safety and to draw up a general plan for crisis management and work in close co-operation with the crisis unit set up by the Central Government in this regard;
- (e) establish a system of network of organisations with the aim to facilitate a scientific co-operation framework by the co-ordination of activities, the exchange of information, the development and implementation of joint projects, the exchange of expertise and best practices in the fields within the Food Authority's responsibility;
- (f) provide scientific and technical assistance to the Central Government and the State Governments for improving co-operation with international organisations;
- (g) take all such steps to ensure that the public, consumers, interested parties and all levels of panchayats receive rapid, reliable, objective and comprehensive information through appropriate methods and means;
- (h) provide, whether within or outside their area, training programmes in food safety and standards for persons who are or intend to become involved in food businesses, whether as food business operators or employees or otherwise;
- (i) undertake any other task assigned to it by the Central Government to carry out the objects of this Act;
- (j) contribute to the development of international technical standards for food, sanitary and phyto-sanitary standards;
- (k) contribute, where relevant and appropriate to the development of agreement on recognition of the equivalence of specific food related measures;

(l) promote co-ordination of work on food standards undertaken by international governmental and nongovernmental organisations;

(m) promote consistency between international technical standards and domestic food standards while ensuring that the level of protection adopted in the country is not reduced; and

(n) promote general awareness as to food safety and food standards.

(4) The Food Authority shall make it public without undue delay –

(a) the opinions of the Scientific Committee and the Scientific Panel immediately after adoption;

(b) the annual declarations of interest made by members of the Food Authority, the Chief Executive Officer, members of the Advisory Committee and members of the Scientific Committee and Scientific Panel, as well as the declarations of interest if any, made in relation to items on the agendas of meetings;

(c) the results of its scientific studies; and

(d) the annual report of its activities;

(5) The Food Authority may from time to time give such directions, on matters relating to food safety and standards, to the Commissioner of Food Safety, who shall be bound by such directions while exercising his powers under this Act;

(6) The Food Authority shall not disclose or cause to be disclosed to third parties confidential information that it receives for which confidential treatment has been requested and has been acceded, except for information which must be made public if circumstances so require, in order to protect public health.

17. Proceedings of Food Authority.

(1) The Food Authority shall meet at the head office or any of its offices at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be specified by regulations.

(2) If the Chairperson is unable to attend a meeting of the Food Authority, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination

or where there is no Chairperson, any Member chosen by the Members present from amongst themselves, shall preside at the meeting.

(3) All questions which come up before any meeting of the Food Authority shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or the person presiding over the meeting shall have the right to exercise a second or casting vote.

(4) All orders and decisions of the Food Authority shall be authenticated by the Chief Executive Officer.

(5) The Chief Executive Officer shall take part in the meetings of the Food Authority but without a right to vote.

(6) The Food Authority may invite the Chairperson of the Scientific Committee to attend its meetings but without a right to vote.

(7) No act or proceedings of the Food Authority shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the constitution of Food Authority

CHAPTER III

GENERAL PRINCIPLES OF FOOD SAFETY

18. General principles to be followed in Administration of Act.

The Central Government, the State Governments, the Food Authority and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following principles namely:-

- (1) (a) endeavour to achieve an appropriate level of protection of human life and health and the protection of consumer's interests, including fair practices in all kinds of food trade with reference to food safety standards and practices;
- (b) carry out risk management which shall include taking into account the results of risk assessment and other factors which in the opinion of the Food Authority are relevant to the matter under consideration and where the conditions are relevant, in order to achieve the general objectives of regulations;
- (c) where in any specific circumstances, on the basis of assessment of available information, the possibility of harmful effects on health is identified but scientific uncertainty persists, provisional risk management measures necessary to ensure appropriate level of health protection may be adopted,

pending further scientific information for a more comprehensive risk assessment;

(d) the measures adopted on the basis of clause (c) shall be proportionate and no more restrictive of trade than is required to achieve appropriate level of health protection, regard being had to technical and economic feasibility and other factors regarded as reasonable and proper in the matter under consideration;

(e) The measures adopted shall be reviewed within a reasonable period of time, depending on the nature of the risk to life or health being identified and the type of scientific information needed to clarify the scientific uncertainty and to conduct a more comprehensive risk assessment;

(f) in cases where there are reasonable grounds to suspect that a food may present a risk for human health, then, depending on the nature, seriousness and extent of that risk, the Food Authority and the Commissioner of Food Safety shall take appropriate steps to inform the general public of the nature of the risk to health, identifying to the fullest extent possible the food or type of food, the risk that it may present, and the measures which are taken or about to be taken to prevent, reduce or eliminate that risk; and

(g) where any food which fails to comply with food safety requirements is part of a batch, lot or consignment of food of the same class or description, it shall be presumed until the contrary is proved, that all of the food in that batch, lot or consignment fails to comply with those requirements.

(2) The Food Authority shall, while framing regulations or specifying standards under this Act—

(a) take into account —

(i) prevalent practices and conditions in the country including agricultural practices and handling, storage and transport conditions; and

(ii) international standards and practices, where international standards or practices exist or are in the process of being formulated, unless it is of opinion that taking into account of such prevalent practices and conditions or international standards or practices or any particular part thereof would not be an effective or appropriate means for securing the objectives of such regulations or where there is a scientific justification or where they would result in a different level of protection from the one determined as appropriate in the country;

(b) determine food standards on the basis of risk analysis except where it is of opinion that such analysis is not appropriate to the circumstances or the nature of the case;

(c) undertake risk assessment based on the available scientific evidence and in an independent, objective and transparent manner;

(d) ensure that there is open and transparent public consultation, directly or through representative bodies including all levels of panchayats, during the preparation, evaluation and revision of regulations, except where it is of opinion that there is an urgency concerning food safety or public health to make or amend the regulations in which case such consultation may be dispensed with :

Provided that such regulations shall be in force for not more than six months;

(e) ensure protection of the interests of consumers and shall provide a basis for consumers to make informed choices in relation to the foods they consume;

(f) ensure prevention of –

(i) fraudulent, deceptive or unfair trade practices which may mislead or harm the consumer; and

(ii) unsafe or contaminated or sub-standard food.

(3) The provisions of this Act shall not apply to any farmer or fisherman or farming operations or crops or livestock or aquaculture, and supplies used or produced in farming or products of crops produced by a farmer at farm level or a fisherman in his operations.

CHAPTER IV

GENERAL POVISIONS AS TO ARTICLES OF FOOD

19. Use of food additive or processing aid

No article of food shall contain any food additive or processing aid unless it is in accordance with the provisions of this Act and regulations made thereunder.

Explanation.– For the purposes of this section, “processing aid” means any substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, used in the processing of raw materials, foods or its ingredients to fulfil a

certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product.

20. Contaminants, naturally occurring toxic substances, heavy metals, etc

No article of food shall contain any contaminant, naturally occurring toxic substances or toxins or hormone or heavy metals in excess of such quantities as may be specified by regulations.

21. Pesticides, veterinary drugs residues, antibiotic residues and microbiological counts

(1) No article of food shall contain insecticides or pesticides residues, veterinary drugs residues, antibiotic residues, solvent residues, pharmacological active substances and micro-biological counts in excess of such tolerance limit as may be specified by regulations.

(2) No insecticide shall be used directly on article of food except fumigants registered and approved under the Insecticides Act, 1968 (46 of 1968).

Explanation. – For the purposes of this section, –

(1) “pesticide residue” means any specified substance in food resulting from the use of a pesticide and includes any derivatives of a pesticide, such as conversion products, metabolites, reaction products and impurities considered to be of toxicological significance and also includes such residues coming into food from environment;

(2) “residues of veterinary drugs” include the parent compounds or their metabolites or both in any edible portion of any animal product and include residues of associated impurities of the veterinary drugs concerned.

22. Genetically modified foods, organic foods, functional foods, proprietary foods, etc.

Save as otherwise provided under this Act and regulations made thereunder, no person shall manufacture, distribute, sell or import any novel food, genetically modified articles of food, irradiated food, organic foods, foods for special dietary uses, functional foods, nutraceuticals, health supplements, proprietary foods and such other articles of food which the Central Government may notify in this behalf.

Explanation. – For the purposes of this section, –

(1) “foods for special dietary uses or functional foods or nutraceuticals or health supplements” means:

(a) foods which are specially processed or formulated to satisfy particular dietary requirements which exist because of a particular physical or physiological condition or specific diseases and disorders and which are presented as such, wherein the composition of these foodstuffs must differ significantly from the composition of ordinary foods of comparable nature, if such ordinary foods exist, and may contain one or more of the following ingredients, namely:-

(i) plants or botanicals or their parts in the form of powder, concentrate or extract in water, ethyl alcohol or hydro alcoholic extract, single or in combination;

(ii) minerals or vitamins or proteins or metals or their compounds or amino acids (in amounts not exceeding the Recommended Daily Allowance for Indians) or enzymes (within permissible limits);

(iii) substances from animal origin;

(iv) a dietary substance for use by human beings to supplement the diet by increasing the total dietary intake;

(b) (i) a product that is labelled as a “Food for special dietary uses or functional foods or nutraceuticals or health supplements or similar such foods” which is not represented for use as a conventional food and whereby such products may be formulated in the form of powders, granules, tablets, capsules, liquids, jelly and other dosage forms but not parenterals, and are meant for oral administration;

(ii) such product does not include a drug as defined in clause (b) and ayurvedic, sidha and unani drugs as defined in clauses (a) and (h) of section 3 of the Drugs and Cosmetics Act, 1940 (23 of 1940) and rules made thereunder;

(iii) does not claim to cure or mitigate any specific disease, disorder or condition (except for certain health benefit or such promotion claims) as may be permitted by the regulations made under this Act;

(iv) does not include a narcotic drug or a psychotropic substance as defined in the Schedule of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) and rules made thereunder and substances listed in Schedules E and EI of the Drugs and Cosmetics Rules, 1945;

(2) “genetically engineered or modified food” means food and food ingredients composed of or containing genetically modified or engineered organisms obtained through modern biotechnology, or food and food ingredients

produced from but not containing genetically modified or engineered organisms obtained through modern biotechnology;

- (3) “organic food” means food products that have been produced in accordance with specified organic production standards;
- (4) “proprietary and novel food” means an article of food for which standards have not been specified but is not unsafe:

Provided that such food does not contain any of the foods and ingredients prohibited under this Act and regulations made thereunder.

23. Packaging and labelling of foods.

(1) No person shall manufacture, distribute, sell or expose for sale or despatch or deliver to any agent or broker for the purpose of sale, any packaged food products which are not marked and labelled in the manner as may be specified by regulations:

Provided that the labels shall not contain any statement, claim, design or device which is false or misleading in any particular concerning the food products contained in the package or concerning the quantity or the nutritive value implying medicinal or therapeutic claims or in relation to the place of origin of the said food products.

(2) Every food business operator shall ensure that the labelling and presentation of food, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, does not mislead consumers.

24. Restrictions of advertisement and prohibition as to unfair trade practices.

(1) No advertisement shall be made of any food which is misleading or deceiving or contravenes the provisions of this Act, the rules and regulations made thereunder.

(2) No person shall engage himself in any unfair trade practice for purpose of promoting the sale, supply, use and consumption of articles of food or adopt any unfair or deceptive practice including the practice of making any statement, whether orally or in writing or by visible representation which -

- (a) falsely represents that the foods are of a particular standard, quality, quantity or grade-composition;
- (b) makes a false or misleading representation concerning the need for, or the usefulness;

(c) gives to the public any guarantee of the efficacy that is not based on an adequate or scientific justification thereof:

Provided that where a defence is raised to the effect that such guarantee is based on adequate or scientific justification, the burden of proof of such defence shall lie on the person raising such defence.

CHAPTER V

PROVISIONS RELATING TO IMPORT

25. All imports of articles of food to be subject to this Act.

(1) No person shall import into India –

(i) any unsafe or misbranded or sub-standard food or food containing extraneous matter;

(ii) any article of food for the import of which a licence is required under any Act or rules or regulations, except in accordance with the conditions of the licence; and

(iii) any article of food in contravention of any other provision of this Act or of any rule or regulation made thereunder or any other Act.

(2) The Central Government shall, while prohibiting, restricting or otherwise regulating import of article of food under the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), follow the standards laid down by the Food Authority under the provisions of this Act and the Rules and regulations made thereunder.

CHAPTER VI

SPECIAL RESPONSIBILITIES AS TO FOOD SAFETY

26. Responsibilities of the Food business operator.

(1) Every food business operator shall ensure that the articles of food satisfy the requirements of this Act and the rules and regulations made thereunder at all stages of production, processing, import, distribution and sale within the businesses under his control.

(2) No food business operator shall himself or by any person on his behalf manufacture, store, sell or distribute any article of food –

(i) which is unsafe; or

(ii) which is misbranded or sub-standard or contains extraneous matter; or

(iii) for which a licence is required, except in accordance with the conditions of the licence; or

(iv) which is for the time being prohibited by the Food Authority or the Central Government or the State Government in the interest of public health; or

(v) in contravention of any other provision of this Act or of any rule or regulation made thereunder.

(3) No food business operator shall employ any person who is suffering from infectious, contagious or loathsome disease.

(4) No food business operator shall sell or offer for sale any article of food to any vendor unless he also gives a guarantee in writing in the form specified by regulations about the nature and quality of such article to the vendor:

Provided that a bill, cash memo, or invoice in respect of the sale of any article of food given by a food business operator to the vendor shall be deemed to be a guarantee under this section, even if a guarantee in the specified form is not included in the bill, cash memo or invoice.

(5) Where any food which is unsafe is part of a batch, lot or consignment of food of the same class or description, it shall be presumed that all the food in that batch, lot or consignment is also unsafe, unless following a detailed assessment within a specified time, it is found that there is no evidence that the rest of the batch, lot or consignment is unsafe:

Provided that any conformity of a food with specific provisions applicable to that food shall be without prejudice to the competent authorities taking appropriate measures to impose restrictions on that food being placed on the market or to require its withdrawal from the market for the reasons to be recorded in writing where such authorities suspect that, despite the conformity, the food is unsafe.

27. Liability of the manufacturers, packers, wholesalers, distributors and sellers

(1) The manufacturer or packer of an article of food shall be liable for such article of food if it does not meet the requirements of this Act and the rules and regulations made thereunder.

(2) The wholesaler or distributor shall be liable under this Act for any article of food which is—

- (a) Supplied after the date of its expiry; or
- (b) Stored or supplied in violation of the safety instructions of the manufacturer; or
- (c) Unsafe or misbranded; or

- (d) Unidentifiable of manufacturer from whom the article of food have been received; or
- (e) Stored or handled or kept in violation of the provisions of this Act, the rules and regulations made thereunder; or
- (f) received by him with knowledge of being unsafe.

(2) The seller shall be liable under this Act for any article of food which is –

- (a) sold after the date of its expiry; or
- (b) handled or kept in unhygienic conditions; or
- (c) misbranded; or
- (d) unidentifiable of the manufacturer or the distributors from whom such articles of food were received; or
- (e) received by him with knowledge of being unsafe.

28. Food recall procedures.

(1) If a food business operator considers or has reasons to believe that a food which he has processed, manufactured or distributed is not in compliance with this Act, or the rules or regulations, made thereunder, he shall immediately initiate procedures to withdraw the food in question from the market and consumers indicating reasons for its withdrawal and inform the competent authorities thereof.

(2) A food business operator shall immediately inform the competent authorities and co-operate with them, if he considers or has reasons to believe that a food which he has placed on the market may be unsafe for the consumers.

(3) The food business operator shall inform the competent authorities of the action taken to prevent risks to the consumer and shall not prevent or discourage any person from cooperating, in accordance with this Act, with the competent authorities, where this may prevent, reduce or eliminate a risk arising from a food.

(4) Every food business operator shall follow such conditions and guidelines relating to food recall procedures as the Food Authority may specify by regulations.

CHAPTER VII ENFORCEMENT OF THE ACT

29. Authorities responsible for enforcement of Act.

(1) The Food Authority and the State Food Safety Authorities shall be responsible for the enforcement of this Act.

(2) The Food Authority and the State Food Safety Authorities shall monitor and verify that the relevant requirements of law are fulfilled by food business operators at all stages of food business.

(3) The authorities shall maintain a system of control and other activities as appropriate to the circumstances, including public communication on food safety and risk, food safety surveillance and other monitoring activities covering all stages of food business.

(4) The Food Safety Officers shall enforce and execute within their area the provisions of this Act with respect to which the duty is not imposed expressly or by necessary implication on some other authority.

(5) The regulations under this Act shall specify which of the Food Safety Officers are to enforce and execute them, either generally or in relation to cases of a particular description or a particular area, and any such regulations or orders may provide for the giving of assistance and information by any authority concerned in the administration of the regulations or orders, or of any provisions of this Act, to any other authority so concerned, for the purposes of their respective duties under them.

(6) The Commissioner of Food Safety and Designated Officer shall exercise the same powers as are conferred on the Food Safety Officer and follow the same procedure specified in this Act.

30. Commissioner of Food Safety of the State.

(1) The State Government shall appoint the Commissioner of Food Safety for the State for efficient implementation of food safety and standards and other requirements laid down under this Act and the rules and regulations made thereunder.

(2) The Commissioner of Food Safety shall perform all or any of the following functions, namely:—

(a) prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food, either in the whole of the State or any area or part thereof for such period, not exceeding one year, as may be specified in the order notified in this behalf in the Official Gazette;

(b) carry out survey of the industrial units engaged in the manufacture or processing of food in the State to find out compliance by such units of the standards notified by the Food Authority for various articles of food;

(c) conduct or organise training programmes for the personnel of the office of the Commissioner of Food Safety and, on a wider scale, for different segments of food chain for generating awareness on food safety;

(d) ensure an efficient and uniform implementation of the standards and other requirements as specified and also ensure a high standard of objectivity, accountability, practicability, transparency and credibility;

(e) sanction prosecution for offences punishable with imprisonment under this Act;

(f) such other functions as the State Government may, in consultation with the Food Authority, prescribe.

(3) The Commissioner of Food Safety may, by Order, delegate, subject to such conditions and restrictions as may be specified in the Order, such of his powers and functions under this Act (except the power to appoint Designated Officer, Food Safety Officer and Food Analyst) as he may deem necessary or expedient to any officer subordinate to him.

31. Licensing and registration of food business.

(1) No person shall commence or carry on any food business except under a licence.

(2) Nothing contained in sub-section (1) shall apply to a petty manufacturer who himself manufactures or sells any article of food or a petty retailer, hawker, itinerant vendor or a temporary stall holder or small scale or cottage or such other industries relating to food business or tiny food business operator; but they shall register themselves with such authority and in such manner as may be specified by regulations, without prejudice to the availability of safe and wholesome food for human consumption or affecting the interests of the consumers.

(3) Any person desirous to commence or carry on any food business shall make an application for grant of a licence to the Designated Officer in such manner containing such particulars and fees as may be specified by regulations.

(4) The Designated Officer on receipt of an application under sub-section (3), may either grant the licence or after giving the applicant an opportunity of being heard and for reasons to be recorded in writing, refuse to grant a licence to any applicant, if he is satisfied that it is necessary so to do in the interest of public health and shall make available to the applicant a copy of the order:

Provided that if a licence is not issued within two months from the date of making the application or his application is not rejected, the applicant may start his food business after

expiry of the said period and in such a case, the Designated Officer shall not refuse to issue a licence but may, if he considers necessary, issue an improvement notice, under section 32 and follow procedures in that regard.

(5) Every licence shall be in such form and subject to such conditions as may be specified by regulations.

(6) A single licence may be issued by the Designated Officer for one or more articles of food and also for different establishments or premises in the same area.

(7) If the articles of food are manufactured, stored, sold or exhibited for sale at different premises situated in more than one area, separate applications shall be made and separate licence shall be issued in respect of such premises not falling within the same area.

(8) An appeal against the order of rejection for the grant of licence shall lie to the Commissioner of Food Safety.

(9) A licence unless suspended or cancelled earlier shall be in force for such period as may be specified by regulations: Provided that if an application for a renewal of licence is made before the expiry of the period of validity of the licence, the licence shall continue to be in force until orders are passed on the application.

(10) The licence shall subsist for the benefit of the deceased's personal representative or any other member of his family, until the expiry of –

- (a) the period of three months beginning with his death; or
- (b) such longer period as the Designated Officer may allow.

32. Improvement notices.

(1) If the Designated Officer has reasonable ground for believing that any food business operator has failed to comply with any regulations to which this section applies, he may, by a notice served on that food business operator (in this Act referred to as an “improvement notice”)–

- (a) state the grounds for believing that the food business operator has failed to comply with the regulations;
- (b) specify the matters which constitute the food business operator's failure so to comply;
- (c) specify the measures which, in the opinion of the said Authority, the food business operator must take, in order to secure compliance; and
- (d) require the food business operator to take those measures, or measures which are at least equivalent to them, within a reasonable period (not being less than fourteen days) as may be specified in the notice.

(2) If the food business operator fails to comply with an improvement notice, his licence may be suspended.

(3) If the food business operator still fails to comply with the improvement notice, the Designated Officer may, after giving the licensee an opportunity to show cause, cancel the licence granted to him:

Provided that the Designated Officer may suspend any licence forthwith in the interest of public health for reasons to be recorded in writing.

(4) Any person who is aggrieved by –

- (a) an improvement notice; or
- (b) refusal to issue a certificate as to improvement; or
- (c) cancellation or suspension or revocation of licence under this Act, may appeal to the Commissioner of Food Safety whose decision thereon, shall be final.

(5) The period within which such an appeal may be brought shall be –

- (a) fifteen days from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) in the case of an appeal under sub-section (1), the said period or the period specified in the improvement notice, whichever expires earlier.

Explanation – For the purpose of this sub-section, the making of the complaint shall be deemed to be the bringing of the appeal.

33. Prohibition orders.

(1) If –

- (a) any food business operator is convicted of an offence under this Act; and
- (b) the court by or before which he is so convicted is satisfied that the health risk exists with respect to that food business, the court, after giving the food business operator an opportunity of being heard, may by an order, impose the following prohibitions, namely:-
 - (i) a prohibition on the use of the process or treatment for the purposes of the food business;
 - (ii) a prohibition on the use of the premises or equipment for the purposes of the food business or any other food business of the same class or description;

(iii) a prohibition on the use of the premises or equipment for the purposes of any food business.

(2) The court may, on being satisfied that it is necessary so to do, by an order, impose a prohibition on the food business operator participating in the management of any food business, or any food business of a class or description specified in the order.

(3) As soon as practicable after the making of an order under sub-section (1) or sub-section (2) (in this Act referred to as a “prohibition order”), the concerned Food Safety Officer shall

(a) serve a copy of the order on the food business operator; and

(b) in the case of an order under sub-section (1), affix a copy of the order at a conspicuous place on such premises used for the purposes of the food business, and any person who knowingly contravenes such an order shall be guilty of an offence and be punishable with a fine which may extend to three lakh rupees.

(4) The concerned Food Safety Officer shall with the approval of the Designated Officer issue a certificate to the effect that the food business operator has taken sufficient measures justifying lifting of the prohibition order, within seven days of his being satisfied on an application made by the food business operator for such a certificate or the said officer shall—

(a) determine, as soon as is reasonably practicable and in any event within fourteen days, whether or not he is so satisfied; and

(b) if he determines that he is not so satisfied, give notice to the food business operator of the reasons for that determination.

(5) A prohibition order shall cease to have effect upon the court being satisfied, on an application made by the food business operator not less than six months after the prohibition order has been passed, that the food business operator has taken sufficient measures justifying the lifting of the prohibition order.

(6) The court shall give a direction on an application by the food business operator, if the court thinks it proper so to do having regard to all the circumstances of the case, including in particular, the conduct of the food business operator since the making of the order; but no such application shall be entertained if it is not made –

(a) within six months after the making of the prohibition order; or

(b) within three months after the making by the food business operator of a previous application for such a direction.

Explanation – For the purpose of this section,–

(i) any reference above shall apply in relation to a manager of a food business as it applies in relation to the food business operator; and any reference to the food business operator of the business, or to the food business operator, shall be construed accordingly;

(ii) “manager”, in relation to a food business, means any person who is entrusted by the food business operator with the day-to-day running of the business, or any part of the business.

34. Emergency prohibition notices and orders.

(1) If the Designated Officer is satisfied that the health risk condition exists with respect to any food business, he may, after a notice served on the food business operator (in this Act referred to as an ‘emergency prohibition notice’), apply to the Commissioner of Food Safety for imposing the prohibition.

(2) If the Commissioner of Food Safety is satisfied, on the application of such an officer, that the health risk condition exists with respect to any food business, he shall, by an order, impose the prohibition.

(3) The Designated Officer shall not apply for an emergency prohibition order unless, at least one day before the date of the application, he has served notice on the food business operator of the business of his intention to apply for the order.

(4) As soon as practicable after the making of an emergency prohibition order, the Designated Officer shall require the Food Safety Officer to –

(a) serve a copy of the order on the food business operator of the business; or

(b) affix a copy of the order at a conspicuous place on such premises used for the purposes of that business; and any person who knowingly contravenes such an order shall be guilty of an offence and shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to two lakh rupees.

(5) An emergency prohibition order shall cease to have effect on the issue by the Designated Officer of a certificate to the effect that he is satisfied that the food business operator has taken sufficient measures for justifying the lifting of such order.

(6) The Designated Officer shall issue a certificate under subsection (5) within seven days of an application by the food business operator for such a certificate and on his being

not satisfied, the said officer shall give notice to the food business operator within a period of ten days indicating the reasons for such decision.

35. Notification of food poisoning.

The Food Authority may, by notification, require registered medical practitioners carrying on their profession in any local area specified in the notification, to report all occurrences of food poisoning coming to their notice to such officer as may be specified.

36. Designated Officer.

(1) The Commissioner of Food Safety shall, by order, appoint the Designated Officer, who shall not be below the rank of a Sub-Divisional Officer, to be in-charge of food safety administration in such area as may be specified by regulations.

(2) There shall be a Designated Officer for each district.

(3) The functions to be performed by the Designated Officer shall be as follows, namely :—

- (a) to issue or cancel licence of food business operators;
- (b) to prohibit the sale of any article of food which is in contravention of the provisions of this Act and rules and regulations made thereunder;
- (c) to receive report and samples of article of foods from Food Safety Officer under his jurisdiction and get them analysed;
- (d) to make recommendations to the Commissioner of Food Safety for sanction to launch prosecutions in case of contraventions punishable with imprisonment;
- (e) to sanction or launch prosecutions in cases of contraventions punishable with fine;
- (f) to maintain record of all inspections made by Food Safety Officers and action taken by them in the performance of their duties;
- (g) to get investigated any complaint which may be made in writing in respect of any contravention of the provisions of this Act and the rules and regulations made thereunder;
- (h) to investigate any complaint which may be made in writing against the Food Safety Officer; and

- (i) to perform such other duties as may be entrusted by the Commissioner of Food Safety.

37. Food Safety Officer.

(1) The Commissioner of Food Safety shall, by notification, appoint such persons as he thinks fit, having the qualifications prescribed by the Central Government, as Food Safety Officers for such local areas as he may assign to them for the purpose of performing functions under this Act and the rules and regulations made thereunder.

(2) The State Government may authorise any officer of the State Government having the qualifications prescribed under sub-section (1) to perform the functions of a Food Safety Officer within a specified jurisdiction.

38. Powers of Food Safety Officer.

(1) The Food Safety Officer may –

(a) take a sample –

- (i) of any food, or any substance, which appears to him to be intended for sale, or to have been sold for human consumption; or
- (ii) of any article of food or substance which is found by him on or in any such premises; which he has reason to believe that it may be required as evidence in proceedings under any of the provisions of this Act or of the regulations or orders made thereunder; or

(b) seize any article of food which appears to the Food Safety Officer to be in contravention of this Act or the regulations made thereunder; and

(c) keep it in the safe custody of the food business operator such article of food after taking a sample; and in both cases send the same for analysis to a Food Analyst for the local area within which such sample has been taken:

Provided that where the Food Safety Officer keeps such article in the safe custody of the food business operator, he may require the food business operator to execute a bond for a sum of money equal to the value of such article with one or more sureties as the Food Safety Officer deems fit and the food business operator shall execute the bond accordingly.

(2) The Food Safety Officer may enter and inspect any place where the article of food is manufactured, or stored for sale, or stored for the manufacture of any other article of food, or exposed or exhibited for sale and where any adulterant is manufactured or kept, and take samples of such articles of food or adulterant for analysis.

(3) Where any sample is taken, its cost calculated at the rate at which the article is usually sold to the public shall be paid to the person from whom it is taken.

(4) Where any article of food seized under clause (b) of subsection (1) is of a perishable nature and the Food Safety Officer is satisfied that such article of food is so deteriorated that it is unfit for human consumption, the Food Safety Officer may, after giving notice in writing to the food business operator, cause the same to be destroyed.

(5) The Food Safety Officer shall, in exercising the powers of entry upon, and inspection of any place under this section, follow, as far as may be, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to the search or inspection of a place by a police officer executing a search warrant issued under that Code.

(6) Any adulterant found in the possession of a manufacturer or distributor of, or dealer in, any article of food or in any of the premises occupied by him as such and for the possession of which he is unable to account to the satisfaction of the Food Safety Officer and any books of account or other documents found in his possession or control and which would be useful for, or relevant to, any investigation or proceeding under this Act, may be seized by the Food Safety Officer and a sample of such adulterant submitted for analysis to a Food Analyst:

Provided that no such books of account or other documents shall be seized by the Food Safety Officer except with the previous approval of the authority to which he is subordinate.

(7) Where the Food Safety Officer takes any action under clause (a) of sub-section (1), or sub-section (2), or sub-section (4) or sub-section (6), he shall, call one or more persons to be present at the time when such action is taken and take his or their signatures.

(8) Where any books of account or other documents are seized under sub-section (6), the Food Safety Officer shall, within a period not exceeding thirty days from the date of seizure, return the same to the person from whom they were seized after copies thereof or extracts there from as certified by that person in such manner as may be prescribed by the Central Government have been taken:

Provided that where such person refuses to so certify and a prosecution has been instituted against him under this Act, such books of account or other documents shall be returned to him only after copies thereof and extracts there from as certified by the court have been taken.

(9) When any adulterant is seized under sub-section (6), the burden of proving that such adulterant is not meant for purposes of adulteration shall be on the person from whose possession such adulterant was seized.

(10) The Commissioner of Food Safety may from time to time issue guidelines with regard to exercise of powers of the Food Safety Officer, which shall be binding:

Provided that the powers of such Food Safety Officer may also be revoked for a specified period by the Commissioner of Food Safety.

39. Liability of Food Safety Officer in certain cases.

Any Food Safety Officer exercising powers under this Act or the rules and regulations made thereunder who –

(a) vexatiously and without any reasonable ground seizes any article of food or adulterant; or

(b) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty. shall be guilty of an offence under this Act and shall be liable to a penalty which may extend to one lakh rupees:

Provided that in case any false complaint is made against a Food Safety Officer and it is proved so, the complainant shall be guilty of an offence under this Act and shall be punishable with fine which shall not be less than fifty thousand rupees but may extend to one lakh rupees.

40. Purchaser may have food analysed.

(1) Nothing contained in this Act shall be held to prevent a purchaser of any article of food other than a Food Safety Officer from having such article analysed by the Food Analyst on payment of such fees and receiving from the Food Analyst a report of his analysis within such period as may be specified by regulations:

Provided that such purchaser shall inform the food business operator at the time of purchase of his intention to have such article so analysed:

Provided further that if the report of the Food Analyst shows that the article of food is not in compliance with the Act or the rules or regulations made thereunder, the purchaser shall be entitled to get refund of the fees paid by him under this section.

(2) In case the Food Analyst finds the sample in contravention of the provisions of this Act and rules and regulations made thereunder, the Food Analysts shall forward the report to the Designated Officer to follow the procedure laid down in section 42 for prosecution.

41. Power of search, seizure, investigation, prosecution and procedure thereof

(1) Notwithstanding anything contained in sub-section (2) of section 31, the Food Safety Officer may search any place, seize any article of food or adulterant, if there is a reasonable doubt about them being involved in commission of any offence relating to food, and shall thereafter inform the Designated Officer of the actions taken by him in writing:

Provided that no search shall be deemed to be irregular by reason only of the fact that witnesses for the search are not inhabitants of the locality in which the place searched is situated.

(2) Save as in this Act otherwise expressly provided, provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search, seizure, summon, investigation and prosecution, shall apply, as far as may be, to all action taken by the Food Safety Officer under this Act.

42. Procedure for launching prosecution.

(1) The Food Safety Officer shall be responsible for inspection of food business, drawing samples and sending them to Food Analyst for analysis.

(2) The Food Analyst after receiving the sample from the Food Safety Officer shall analyse the sample and send the analysis report mentioning method of sampling and analysis within fourteen days to Designated Officer with a copy to Commissioner of Food Safety.

(3) The Designated Officer after scrutiny of the report of Food Analyst shall decide as to whether the contravention is punishable with imprisonment or fine only and in the case of contravention punishable with imprisonment, he shall send his recommendations within fourteen days to the Commissioner of Food Safety for sanctioning prosecution.

(4) The Commissioner of Food Safety shall, if he so deems fit decide, within the period prescribed by the Central Government, as per the gravity of offence, whether the matter be referred to,–

(a) a court of ordinary jurisdiction in case of offences punishable with imprisonment for a term up to three years; or

(b) a Special Court in case of offences punishable with imprisonment for a term exceeding three years where such Special Court is established and in case no Special Court is established, such cases shall be tried by a Court of ordinary jurisdiction.

(5) The Commissioner of Food Safety shall communicate his decision to the Designated Officer and the concerned Food Safety Officer who shall launch prosecution before courts of ordinary jurisdiction or Special Court, as the case may be; and such communication shall also be sent to the purchaser if the sample was taken under section 40.

CHAPTER VIII

ANALYSIS OF FOOD

43. Recognition and accreditation of laboratories, research institutions and referral food laboratory

(1) The Food Authority may notify food laboratories and research institutions accredited by National Accreditation Board for Testing and Calibration Laboratories or any other accreditation agency for the purposes of carrying out analysis of samples by the Food Analysts under this Act.

(2) The Food Authority shall, establish or recognise by notification, one or more referral food laboratory or laboratories to carry out the functions entrusted to the referral food laboratory by this Act or any rules and regulations made thereunder.

(3) The Food Authority may frame regulations specifying –

(a) The functions of food laboratory and referral food laboratory and the local area or areas within which such functions may be carried out;

(b) The procedure for submission to the said laboratory of samples of articles of food for analysis or tests, the forms of the laboratory's reports thereon and the fees payable in respect of such reports; and

(c) Such other matters as may be necessary or expedient to enable the said laboratory to carry out its functions effectively.

44. Recognition of organisation or agency for food safety audit.

The Food Authority may recognise any organisation or agency for the purposes of food safety audit and checking compliance with food safety management systems required under this Act or the rules and regulations made thereunder.

45. Food Analysts.

The Commissioner of Food Safety may, by notification, appoint such persons as he thinks fit, having the qualifications prescribed by the Central Government, to be Food Analysts for such local areas as may be assigned to them by the Commissioner of Food Safety:

Provided that no person, who has any financial interest in the manufacture or sale of any article of food shall be appointed to be a Food Analyst under this section:

Provided further that different Food Analysts may be appointed for different articles of food.

46. Functions of Food Analyst.

(1) On receipt of a package containing a sample for analysis from a Food Safety Officer or any other person, the Food Analyst shall compare the seal on the container and the outer cover with specimen impression received separately and shall note the conditions of the seal thereon:

Provided that in case a sample container received by the Food Analyst is found to be in broken condition or unfit for analysis, he shall within a period of seven days from the date of receipt of such sample inform the Designated Officer about the same and send requisition to him for sending second part of the sample.

(2) The Food Analyst shall cause to be analysed such samples of article of food as may be sent to him by Food Safety Officer or by any other person authorised under this Act.

(3) The Food Analyst shall, within a period of fourteen days from the date of receipt of any sample for analysis, send—

(i) where such sample is received under section 38 or section 47, to the Designated Officer, four copies of the report indicating the method of sampling and analysis; and

(ii) where such sample is received under section 40, a copy of the report indicating the method of sampling and analysis to the person who had purchased such article of food with a copy to the Designated Officer:

Provided that in case the sample cannot be analysed within fourteen days of its receipt, the Food Analyst shall inform the Designated Officer and the Commissioner of Food Safety giving reasons and specifying the time to be taken for analysis.

(4) An appeal against the report of Food Analyst shall lie before the Designated Officer who shall, if he so decides, refer the matter to the referral food laboratory as notified by the Food Authority for opinion.

47. Sampling and analysis.

(1) When a Food Safety Officer takes a sample of food for analysis, he shall –

(a) give notice in writing of his intention to have it so analysed to the person from whom he has taken the sample and to the person, if any, whose name, address and other particulars have been disclosed;

(b) except in special cases as may be provided by rules made under this Act, divide the sample into four parts and mark and seal or fasten up each part in such a manner as its nature permits and take the signature or thumb impression Of the person from whom the sample has been taken in such place and in such manner as may be prescribed by the Central Government:

Provided that where such person refuses to sign or put his thumb impression, the Food Safety Officer shall call upon one or more witnesses and take his signature or thumb impression, in lieu of the signature or thumb impression of such person;

- (c) (i) send one of the parts for analysis to the Food Analyst under intimation to the Designated Officer;
- (ii) send two parts to the Designated Officer for keeping these in safe custody; and
- (iii) send the remaining part for analysis to an accredited laboratory, if so requested by the food business operator, under intimation to the Designated Officer:

Provided that if the test reports received under sub clauses (i) and (iii) are found to be at variance, then the Designated Officer shall send one part of the sample kept in his custody, to referral laboratory for analysis, whose decision thereon shall be final.

(2) When a sample of any article of food or adulterant is taken, the Food Safety Officer shall, by the immediate succeeding working day, send the sample to the Food Analyst for the area concerned for analysis and report.

(3) Where the part of the sample sent to the Food Analyst is lost or damaged, the Designated Officer shall, on a requisition made to him, by the Food Analyst or the Food Safety Officer, despatch one of the parts of the sample sent to him, to the Food Analyst for analysis.

(4) An article of food or adulterant seized, unless destroyed, shall be produced before the Designated Officer as soon as possible and in any case not later than seven days after the receipt of the report of the Food Analyst:

Provided that if an application is made to the Designated Officer in this behalf by the person from whom any article of food has been seized, the Designated Officer shall by order in writing direct the Food Safety Officer to produce such article before him within such time as may be specified in the order.

(5) In case of imported articles of food, the authorised officer of the Food Authority shall take its sample and send to the Food Analyst of notified laboratory for analysis who shall send the report within a period of five days to the authorised officer.

(6) The Designated Officer, the Food Safety Officer, the authorised officer and the Food Analyst shall follow such procedure as may be specified by regulations.

CHAPTER IX OFFENCES AND PENALTIES

48. General provisions relating to offences.

(1) A person may render any article of food injurious to health by means of one or more of the following operations, namely:-

- (a) adding any article or substance to the food;
- (b) using any article or substance as an ingredient in the preparation of the food;
- (c) abstracting any constituents from the food; or
- (d) subjecting the food to any other process or treatment, with the knowledge that it may be sold or offered for sale or distributed for human consumption.

(2) In determining whether any food is unsafe or injurious to health, regard shall be had to –

- (a)
 - (i) the normal conditions of use of the food by the consumer and its handling at each stage of production, processing and distribution;
 - (ii) the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods not only to the probable, immediate or short-term or long-term effects of that food on the health of a person consuming it, but also on subsequent generations;
 - (iii) to the probable cumulative toxic effects;
 - (iv) to the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers; and

(v) also to the probable cumulative effect of food of substantially the same composition on the health of a person consuming it in ordinary quantities;

(b) the fact where the quality or purity of the article, being primary food, has fallen below the specified standard or its constituents are present in quantities not within the specified limits of variability, in either case, solely due to natural causes and beyond the control of human agency, then such article shall not be deemed to be unsafe or sub-standard or food containing extraneous matter.

Explanation – For the purposes of this section, “injury”, includes any impairment, whether permanent or temporary, and “Injurious to health” shall be construed accordingly.

49. General provisions relating to penalty.

While adjudging the quantum of penalty under this Chapter, the Adjudicating Officer or the Tribunal, as the case may be, shall have due regard to the following:-

- (a) The amount of gain or unfair advantage, wherever quantifiable, made as a result of the contravention,
- (b) The Amount of loss caused or likely to cause to any person as a result of the contravention,
- (c) The repetitive nature of the contravention,
- (d) Whether the contravention is without his knowledge, and
- (e) Any other relevant factor,

50. Penalty for selling food not of the nature or substance or quality demanded.

Any person who sells to the purchaser’s prejudice any food which is not in compliance with the provisions of this Act or the regulations made thereunder, or of the nature or substance or quality demanded by the purchaser, shall be liable to a penalty not exceeding five lakh rupees.

Provided that the persons covered under sub-section (2) of section 31, shall for such non-compliance be liable to a penalty not exceeding twenty five thousand rupees.

51. Penalty for sub-standard food.

Any person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is sub-standard, shall be liable to a penalty which may extend to five lakh rupees.

52. Penalty for misbranded food.

(1) Any person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is misbranded, shall be liable to a penalty which may extend to three lakh rupees.

(2) The Adjudicating Officer may issue a direction to the person found guilty of an offence under this section, for taking corrective action to rectify the mistake or such article of food shall be destroyed.

53. Penalty for misleading advertisement.

(1) Any person who publishes, or is a party to the publication of an advertisement, which—

(a) falsely describes any food; or

(b) is likely to mislead as to the nature or substance or quality of any food or gives false guarantee, shall be liable to a penalty which may extend to ten lakh rupees.

(2) In any proceeding the fact that a label or advertisement relating to any article of food in respect of which the contravention is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the contravention was committed.

54. Penalty for food containing extraneous matter.

Any person whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption containing extraneous matter, shall be liable to a penalty which may extend to one lakh rupees.

55. Penalty for failure to comply with the directions of Food Safety Officer.

If a food business operator or importer without reasonable ground, fails to comply with the requirements of this Act or the rules or regulations or orders issued thereunder, as directed by the Food Safety Officer, he shall be liable to a penalty which may extend to two lakh rupees.

56. Penalty for unhygienic or unsanitary processing or manufacturing of food.

Any person who, whether by himself or by any other person on his behalf, manufactures or processes any article of food for human consumption under unhygienic or unsanitary conditions, shall be liable to a penalty which may extend to one lakh rupees.

57. Penalty for possessing adulterant.

(1) Subject to the provisions of this chapter, if any person who whether by himself or by any other person on his behalf, imports or manufactures for sale, or stores, sells or distribute any adulterant shall be liable –

- (i) where such adulterant is not injurious to health, to a penalty not exceeding two lakh rupees;
- (ii) where such adulterant is injurious to health, to a penalty not exceeding ten lakh rupees.

(2) In a proceeding under sub-section (1), it shall not be a defence that the accused was holding such adulterant on behalf of any other person.

58. Penalty for contraventions for which no specific penalty is provided.

Whoever contravenes any provisions of this Act or the rules or regulations made thereunder, for the contravention of which no penalty has been separately provided in this Chapter, shall be liable to a penalty which may extend to two lakh rupees.

59. Punishment for unsafe food.

Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable,–

- (i) where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;
- (ii) where such failure or contravention results in a non-grievous injury, with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees;
- (iii) where such failure or contravention results in a grievous injury, with imprisonment for a term which may extend to six years and also with fine which may extend to five lakh rupees;
- (iv) where such failure or contravention results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh Rupees.

60. Punishment for interfering with seized items.

If a person without the permission of the Food Safety Officer, retains, removes or tampers with any food, vehicle, equipment, package or labelling or advertising material or other thing that has been seized under this Act, he shall be punishable with imprisonment for a term which may extend to six months and also with fine which may extend to two lakh rupees.

61. Punishment for false information.

If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees.

62. Punishment for obstructing or impersonating a Food Safety Officer.

If a person without reasonable excuse, resists, obstructs, or attempts to obstruct, impersonate, threaten, intimidate or assault a Food Safety Officer in exercising his functions under this Act, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to one lakh rupees.

63. Punishment for carrying out a business without licence.

If any person or food business operator (except the persons exempted from licensing under sub-section (2) of section 31 of this Act), himself or by any person on his behalf who is required to obtain licence, manufactures, sells, stores or distributes or imports any article of food without licence, shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees.

64. Punishment for subsequent offences.

(1) If any person, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—

- (i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence;
- (ii) a further fine on daily basis which may extend up to one lakh rupees, where the offence is a continuing one; and
- (iii) his licence shall be cancelled.

(2) The Court may also cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

65. Compensation in case injury of death of consumer

(1) Without prejudice to the other provisions of this Chapter, if any person whether by himself or by any other person on his behalf, manufactures or distributes or sells or imports any article of food causing injury to the consumer or his death, it shall be lawful for the Adjudicating Officer or as the case may be, the court to direct him to pay compensation to the victim or the legal representative of the victim, a sum—

- (a) not less than five lakh rupees in case of death;
- (b) not exceeding three lakh rupees in case of grievous injury;
- and
- (c) not exceeding one lakh rupees, in all other cases of injury:

Provided that the compensation shall be paid at the earliest and in no case later than six months from the date of occurrence of the incident:

Provided further that in case of death, an interim relief shall be paid to the next of the kin within thirty days of the incident.

(2) Where any person is held guilty of an offence leading to grievous injury or death, the Adjudicating Officer or the court may cause the name and place of residence of the person held guilty, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the Adjudicating Officer or the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

(3) The Adjudicating Officer or the court may also,—

- (a) order for cancellation of licence, re-call of food from market, forfeiture of establishment and property in case of grievous injury or death of consumer;
- (b) issue prohibition orders in other cases.

66. Offences by companies.

(1) Where an offence under this Act which has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be

deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Head or the person in-charge of such establishment, branch, unit nominated by the company as responsible for food safety shall be liable for contravention in respect of such establishment, branch or unit:

Provided further that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) “company” means anybody corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

67. Penalty for contravention of provisions of this Act in case of import of articles of food to be in addition to penalties provided under any other Act.

(1) Any person who imports any article of food which is in contravention of the provisions of this Act, rules and regulations made thereunder, shall, in addition to any penalty to which he may be liable under the provisions of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) and the Customs Act, 1962 (52 of 1962) be also liable under this Act and shall be proceeded against accordingly.

(2) Any such article of food shall be destroyed or returned to the importer, if permitted by the competent authority under the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or the Customs Act, 1962 (52 of 1962), or any other Act, as the case may be.

CHAPTER X

ADJUDICATION AND FOOD SAFETY APPELLATE TRIBUNAL

68. Adjudication.

(1) For the purposes of adjudication under this Chapter, an officer not below the rank of Additional District Magistrate of the district where the alleged offence is committed, shall be notified by the State Government as the Adjudicating Officer for adjudication in the manner as may be prescribed by the Central Government.

(2) The Adjudicating Officer shall, after giving the person a reasonable opportunity for making representation in the matter, and if, on such inquiry, he is satisfied that the person has committed the contravention of provisions of this Act or the rules or the regulations made thereunder, impose such penalty as he thinks fit in accordance with the provisions relating to that offence.

(3) The Adjudicating Officer shall have the powers of a civil court and—

(a) all proceedings before him shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860);

(b) shall be deemed to be a court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

(3) while adjudicating the quantum of penalty under this Chapter, the Adjudicating Officer shall have due regard to the guidelines specified in section 49.

69. Power to compound offences.

(1) The Commissioner of Food Safety may, by order, empower the Designated Officer, to accept from petty manufacturers who himself manufacture and sell any article of food, retailers, hawkers, itinerant vendors, temporary stall holders against whom a reasonable belief exists that he has committed an offence or contravention against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

(2) On the payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.

- (4) The sum of money accepted or agreed to be accepted as composition under sub section (1), shall not be more than one lakh rupees and due regard shall be made to the guidelines specified in section 49:

Provided that no offence, for which punishment of imprisonment has been prescribed under this Act, shall be compounded.

70. Establishment of Food Safety Appellate Tribunal.

(1) The Central Government or as the case may be, the State Government may, by notification, establish one or more tribunals to be known as the Food Safety Appellate Tribunal to hear appeals from the decisions of the Adjudicating Officer under section 68.

(2) The Central Government or the State Government, as the case may be, shall prescribe, the matters and areas in relation to which the Tribunal may exercise jurisdiction.

(3) The Tribunal shall consist of one person only (hereinafter referred to as the Presiding Officer of the Tribunal) to be appointed, by notification, by the Central Government or the State Government, as the case may be:

Provided that no person shall be qualified for appointment as a Presiding Officer to the Tribunal unless he is or has been a District Judge.

(4) The qualifications, appointment, term of office, salary and allowances, resignation and removal of the Presiding Officer shall be such as may be prescribed by the Central Government.

(5) The procedure of appeal and powers of the Tribunal shall be such as may be prescribed by the Central Government.

71. Procedure and powers of the Tribunal.

(1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and the rules made thereunder, the Tribunal shall have powers to regulate its own procedure including the place at which it shall have its sittings.

(2) The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents or other electronic records;
 - (c) receiving evidence on affidavits;
 - (d) issuing commissions for the examination of witnesses or documents;
 - (e) reviewing its decisions;
 - (f) dismissing an application for default or deciding it *ex parte*;
 - (g) any other matter which may be prescribed by the Central Government.
- (3) Every proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code (45 of 1860), it shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).
- (4) The appellant may either appear in person or authorise one or more legal practitioners or any of its officers to represent his case before the Tribunal.
- (5) The provisions of the Limitation Act, 1963 (36 of 1963), shall, except as otherwise provided in this Act, apply to an appeal made to the Tribunal.
- (6) Any person aggrieved by any decision or order of the Tribunal may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Tribunal to him on any question of fact or law arising out of such order:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

72. Civil court not to have jurisdiction.

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Adjudicating Officer or the Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

73. Power of court to try cases summarily.

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), all offences not triable by a Special Court, shall be tried in a summary way by a Judicial Magistrate of the first class or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such a trial:

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

74. Special courts and Public Prosecutor.

1) Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government or the State Government in their respective jurisdictions may, if consider expedient and necessary in the public interest, for the purposes of the trial of offences relating to grievous injury or death of the consumer for which punishment of imprisonment for more than three years has been prescribed under this Act, constitute, by notification in the Official Gazette, as many Special Courts with the concurrence of the Chief Justice of the High Court as may be necessary for such area or areas and for exercising such jurisdiction, as may be specified in the notification.

(2) A Special Court may, on its own motion, or on an application made by the Public Prosecutor and if it considers it expedient or desirable so to do, sit for any of its proceedings at any place other than its ordinary place of sitting.

(3) The trial under this Act of any offence by a Special Court shall have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference to the trial of such other case and accordingly the trial of such other case shall remain in abeyance.

(4) For every Special Court, the Central Government or the State Government, as the case may be, shall appoint a person to be the Public Prosecutor and may appoint more than one person to be the Additional Public Prosecutors:

Provided that the Central Government or the State Government, as the case may be, may also appoint for any case or class or group of cases, a Special Public Prosecutor.

(5) A person shall not be qualified to be appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an Advocate for not less than seven years or has held any post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

75. Power to transfer cases to regular courts.

Where, after taking cognizance of any offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for the trial of such offence to any court having jurisdiction under the Code of Criminal Procedure, 1973 (2 of 1974) and the court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

76. Appeal.

(1) Any person aggrieved by a decision or order of a Special Court may, on payment of such fee as may be prescribed by the Central Government and after depositing the amount, if any, imposed by way of penalty, compensation or damage under this Act, within forty-five days from the date on which the order was served, prefer an appeal to the High Court:

Provided that the High Court may entertain any appeal after the expiry of the said period of forty-five days, if it is satisfied that the appellant was prevented by sufficient cause for filing the appeal within the said period.

(2) An appeal preferred under this section shall be disposed of by the High Court by a bench of not less than two judges.

77. Time limit for prosecutions.

Notwithstanding anything contained in this Act, no court shall take cognizance of an offence under this Act after the expiry of the period of one year from the date of commission of an offence:

Provided that the Commissioner of Food Safety may, for reasons to be recorded in writing, approve prosecution within an extended period of up to three years.

78. Power of court to implead manufacturer etc.

Where at any time during the trial of any offence under this Act alleged to have been committed by any person, not being the importer, manufacturer, distributor or dealer of any article of food, the court, is satisfied, on the evidence adduced before it, that such importer, manufacturer, distributor or dealer is also concerned with that offence, then the court may, notwithstanding anything contained in sub-section (3) of section 319 of the Code of Criminal Procedure, 1973 (2 of 1974), or in section 71 of this Act, proceed against him as though a prosecution has been instituted under this Act.

79. Magistrate's power to impose enhanced punishment.

Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for the court of ordinary jurisdiction to pass any sentence authorised by this Act, except a sentence of imprisonment for a term exceeding six years in excess of his powers under the said section.

80. Defences which may or may not be allowed in prosecution under this Act.

(A) Defence relating to publication of advertisements

(1) In any proceeding for an offence under this Act in relation to the publication of an advertisement, it is a defence for a person to prove that the person carried on the business of publishing or arranging for the publication of advertisements and that the person published or arranged for the publication of the advertisement in question in the ordinary course of that business.

(2) Clause (1) does not apply if the person—

(a) should reasonably have known that the publication of the advertisement was an offence; or

(b) had previously been informed in writing by the relevant authority that publication of such an advertisement would constitute an offence; or

(c) is the food business operator or is otherwise engaged in the conduct of a food business for which the advertisements concerned were published.

(B) Defence of due diligence—

(1) In any proceedings for an offence, it is a defence if it is proved that the person took all reasonable precautions and exercised all due diligence to

prevent the commission of the offence by such person or by another person under the person's control.

(2) Without limiting the ways in which a person may satisfy the requirements of clause (1), a person satisfies those requirements if it is proved—

- (a) that the commission of the offence was due to—
 - (i) an act or default of another person; or
 - (ii) reliance on information supplied by another person; and
- (b) (i) the person carried out all such checks of the food concerned as were reasonable in all the circumstances; or
 - (ii) it was reasonable in all the circumstances to rely on checks carried out by the person who supplied such food to the person; and
- (c) that the person did not import the food into the jurisdiction from another country; and
- (d) in the case of an offence involving the sale of food, that—
 - (i) the person sold the food in the same condition as and when the person purchased it; or
 - (ii) the person sold the food in a different condition to that in which the person purchased it, but that the difference did not result in any contravention of this Act or the rules and regulations made thereunder; and
- (e) that the person did not know and had no reason to suspect at the time of commission of the alleged offence that the person's act or omission would constitute an offence under the relevant section.

(3) In sub-clause (a) of clause (2), another person does not include a person who was—

- (a) an employee or agent of the defendant; or
- (b) in the case of a defendant which is a company, a director, employee or agent of that company.

(5) Without limiting the ways in which a person may satisfy the requirements of clause (1) and item (i) of sub-clause (b) of clause (2), a person may satisfy those requirements by proving that—

- (a) in the case of an offence relating to a food business for which a food safety programme is required to be prepared in accordance with the regulations, the

person complied with a food safety programme for the food business s that complies with the requirements of the regulations, or

(b) In any other case, the person complied with a scheme (for example, a quality assurance programme or an industry code of practice) that was—

(i) Designed to manage food safety hazards and based on national or international standards, codes or guidelines designed for that purpose, and

(ii) Documented in some manner.

(C) Defence of mistaken and reasonable belief not available—

In any proceedings for an offence under the provisions of this Act, it is no defence that the defendant had a mistaken but reasonable belief as to the facts that constituted the offence.

(D) Defence in respect of handling food—

In proceedings for an offence under section 56, it is a defence if it is proved that the person caused the food to which the offence relates to be destroyed or otherwise disposed of immediately after the food was handled in the manner that was likely to render it unsafe.

(E) Defences of significance of the nature, substance or quality of food—

It shall be no defence in a prosecution for an offence pertaining to the sale of any unsafe or misbranded article of food to allege merely that the food business operator was ignorant of the nature, substance or quality of the food sold by him or that the purchaser having purchased any article for analysis was not prejudiced by the sale.

CHAPTER XI

FINANCE, ACCOUNTS, AUDIT AND REPORTS

81. Budget of Food Authority.

(1) The Food Authority shall prepare, in such form and at such time in each financial year as may be prescribed by the Central Government, its budget for the next financial year, showing the estimated receipts and expenditure of the Food Authority and forward the same to the Central Government.

(2) The Food Authority with the prior approval of the Central Government, shall adopt financial regulation which specifies in particular, the procedure for drawing up and implementing the Authority's budget.

82. Finances of the Food Authority.

(1) The Central Government may, after due appropriation, make to the Food Authority grants of such sums of money as the Central Government may think fit.

(2) The Food Authority on the recommendation of the Central Advisory Committee shall specify a graded fee from licensed food business operators, accredited laboratories or food safety auditors to be charged by the commissioner of Food Safety.

83. Accounts and audit of Food Authority.

(1) The Food Authority shall maintain proper accounts and relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Food Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Food Authority.

(3) The accounts of the Food Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Food Authority and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

84. Annual report of Food Authority.

(1) The Food Authority shall prepare once every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government and State Governments.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER XII MISCELLANEOUS

85. Power of Central Government to issue directions to Food Authority and obtain reports and returns.

(1) Without prejudice to the foregoing provisions of this Act, the Food Authority shall, in exercise of its powers and in performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Food Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) If any dispute arises between the Central Government and the Food Authority as to whether a question is or is not a question of policy, the decision of the Central Government thereon shall be final.

(3) The Food Authority shall furnish to the Central Government such returns or other information with respect to its activities as the Central Government may, from time to time, require.

86. Power of Central Government to give directions to State Governments.

The Central Government may give such directions, as it may deem necessary, to a State Government for carrying out all or any of the provisions of this Act and the State Government shall comply with such directions.

87. Members, officers of Food Authority and Commissioner of Food Safety to be public servants.

The Members, officers of the Food Authority and the Commissioners of Food Safety and their officers shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning section 21 of the Indian Penal Code (45 of 1860).

88. Protection of action taken in good faith.

No suit, prosecution or other legal proceedings shall lie against the Central Government, the State Government, the Food Authority and other bodies constituted under this Act or any officer of the Central Government, the State Government or any member, officer or other employee of such Authority and bodies or any other officer acting under this

Act for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

89. Overriding effect of this Act over all other food related laws.

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

90. Transfer of existing employees of Central Government Agencies governing various foods related Acts or Orders to the Food Authority.

On and from the date of establishment of the Food Authority, every employee holding office under the Central Government Agencies administering food laws immediately before that date shall hold his office in the Food Authority by the same tenure and upon the same terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such office if the Food Authority had not been established and shall continue to do so as an employee of the Food Authority or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Food Authority.

91. Power of Central Government to make rules.

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) salary, terms and conditions of service of Chairperson and Members other than ex officio Members under subsection (2) and the manner of subscribing to an oath of office and secrecy under sub-section (3) of section 7;
- (b) qualifications of Food Safety Officer under sub-section (1) of section 37;
- (c) the manner of taking the extract of documents seized under sub-clause (8) of section 38;
- (d) determination of cases for referring to appropriate courts and time-frame for such determination under sub-section (4) of section 42;
- (e) qualifications of Food Analysts under section 45;

- (f) the manner of sending sample for analysis and details of the procedure to be followed in this regard under subsection (1) of section 47;
- (g) the procedure to be followed in adjudication of cases under sub-section (1) of section 68;
- (h) qualifications, terms of office, resignation and removal of Presiding Officer under sub-section (4), the procedure of appeal and powers of Tribunal under sub-section (5) of section 70;
- (i) any other matter relating to procedure and powers of Tribunal under clause (g) of sub-section (2) of section 71;
- (j) the fee to be paid for preferring an appeal to the High Court under sub-section (1) of section 76;
- (k) form and time of preparing budget under sub-section (1) of section 81;
- (l) form and statement of accounts under sub-section (1) of section 83;
- (m) the form and time for preparing annual report by Food Authority under sub-section (1) of section 84; and
- (n) any other matter which is required to be, or may be, prescribed or in respect of which provision is to be made by rules by the Central Government.

92. Power of Food Authority to make regulations.

(1) The Food Authority may, with the previous approval of the Central Government and after previous publication, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (a) salaries and other conditions of service of officers and other employees of the Food Authority under sub-section (3) of section 9;
- (b) rules of procedure for transaction of business under subsection (5) of section 11;
- (c) other functions of the Central Advisory Committee under sub-section (2) of section 12;

- (d) procedure of Scientific Committee and Panels under subsection (4) of section 15;
- (e) notifying standards and guidelines in relation to articles of food meant for human consumption under sub-section (2) of section 16;
- (f) procedure to be followed by Food Authority for transaction of business at its meetings under sub-section (1) of section 17;
- (g) making or amending regulations in view of urgency concerning food safety or public health under clause (d) of sub-section (2) of section 18;
- (h) limits of additives under section 19;
- (i) limits of quantities of contaminants, toxic substance and heavy metals, etc., under section 20;
- (j) tolerance limit of pesticides, veterinary drugs residues, etc, under section 21;
- (k) the manner of marking and labelling of foods under section 23;
- (l) form in which guarantee shall be given under sub-section (4) of section 26;
- (m) conditions and guidelines relating to food recall procedures under sub-section (4) of section 28;
- (n) regulations relating to functioning of Food Safety Officer under sub-section (5) of section 29;
- (o) notifying the registering authority and the manner of registration; the manner of making application for obtaining licence, the fees payable therefore and the circumstances under which such licence may be cancelled or forfeited under section 31;
- (p) the respective areas of which the Designated Officer shall be in-charge for food safety administration under subsection (1) of section 36;
- (q) procedure in getting food analysed, details of fees etc., under sub-section (1) of section 40;

- (r) functions, procedure to be followed by food laboratories under sub-section (3) of section 43;
- (s) procedure to be followed by officials under sub-section (6) of section 47;
- (t) financial regulations to be adopted by the Food Authority in drawing up its budget under sub-section (2) of section 81;
- (u) issue guidelines or directions for participation in Codex Meetings and preparation of response to Codex matters; and
- (v) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.]

93. Laying of rules and regulations before Parliament.

Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

94. Power of State Government to make rules.

(1) Subject to the powers of the Central Government and the Food Authority to make rules and regulations respectively, the State Government may, after previous publication and with the previous approval of the Food Authority, by notification in the Official Gazette, make rules to carry out the functions and duties assigned to the State Government and the State Commissioner of Food Safety under this Act and the rules and regulations made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) other functions of the Commissioner of Food Safety under clause (f) of sub-section (2) of section 30;

(b) earmarking a fund and the manner in which reward shall be paid to a person rendering assistance in detection of offence or apprehension of offender under section 95; and

(c) any other matter which is required to be, or may be prescribed or in respect of which provision is to be made by rules by the State Government.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses or where such State Legislature consists of one House, before that House.

95. Reward by State Government.

The State Government may empower the Commissioner of Food Safety to order payment of reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offender, from such fund and in such manner as may be prescribed by the State Government.

96. Recovery of penalty.

A penalty imposed under this Act, if it is not paid, shall be recovered as an arrear of land revenue and the defaulters licence shall be suspended till the penalty is paid.

97. Repeal and savings.

(1) With effect from such date as the Central Government may appoint in this behalf, the enactment and Orders specified in the Second Schedule shall stand repealed:

Provided that such repeal shall not affect:—

- (i) the previous operations of the enactment and Orders under repeal or anything duly done or suffered there under; or
- (ii) any right, privilege, obligation or liability acquired, accrued or incurred under any of the enactment or Orders under repeal; or
- (ii) any penalty, forfeiture or punishment incurred in respect of any offences committed against the enactment and Orders under repeal; or
- (iv) any investigation or remedy in respect of any such penalty, forfeiture or punishment, and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

(2) If there is any other law for the time being in force in any State, corresponding to this Act, the same shall upon the commencement of this Act, stand repealed and in such case, the provisions of section 6 of the General Clauses Act, 1897(10 of 1897) shall apply as if such provisions of the State law had been repealed.

(3) Notwithstanding the repeal of the aforesaid enactment and Orders, the licences issued under any such enactment or Order, which are in force on the date of commencement of this Act, shall continue to be in force till the date of their expiry for all purposes, as if they had been issued under the provisions of this Act or the rules or regulations made thereunder.

(4) Notwithstanding anything contained in any other law for the time being in force, no court shall take cognizance of an offence under the repealed Act or Orders after the expiry of a period of three years from the date of the commencement of this Act.

98. Transitory provisions for food standards.

Notwithstanding the repeal of the enactment and Orders specified in the Second Schedule, the standards, safety requirements and other provisions of the Act and the rules and regulations made thereunder and Orders listed in that Schedule shall continue to be in force and operate till new standards are specified under this Act or rules and regulations made thereunder:

Provided that anything done or any action taken under the enactment and Orders under repeal shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act:

99. Milk and Milk Products Order, 1992 shall be deemed to be regulations made under this Act.

(1) On and from the date of commencement of this Act, the Milk and Milk Products Order, 1992 issued under the Essential commodities Act, 1955 (10 of 1955) shall be deemed to be the Milk and Milk Products Regulations, 1992 issued by the Food Authority under this Act.

(2) The Food Authority may, with the previous approval of the Central Government and after previous publication, by notification, amend the regulations specified in sub-section (1) to carry out the purposes of this Act.

100. Amendments to the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992.

As from the notified day, the provisions of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992) (herein referred to as the principal Act) shall apply subject to the following amendments, namely:-

(a) throughout the principal Act, any reference to “the Prevention of the Food Adulteration Act, 1954 (37 of 1954)” shall be substituted by reference to “the Food Safety and Standards Act, 2006”;

(b) in section 12 of the principal Act, the reference to “any Food Inspector appointed under section 9 of the Prevention of the Food Adulteration Act, 1954 (37 of 1954)” shall be substituted by reference to “any Food Safety Officer appointed under the Food Safety and Standards Act, 2006”;

(c) throughout the principal Act, any reference to “Food Inspector” shall be substituted by the expression “the Food Safety Officer”; and

(d) in section 21 of the principal Act, in sub-section (1), the reference to clause (a) shall be substituted by the following, namely:- “(a) the Designated Officer or the Food Safety Officer directed under sub-section (5) of section 42 of the Food Safety and Standards Act, 2006; or”.

101. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary, for removing the difficulty:

Provided that no order shall be made under this section after of the expiry of the period of three years from the date of commencement of this Act,

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE FIRST SCHEDULE

[See section 5(1) (e)]

Zone 1

1. Andhra Pradesh
2. Goa
3. Karnataka
4. Kerala
5. Maharashtra
6. Orissa
7. Tamil Nadu

Zone II

1. Haryana
2. Himachal Pradesh
3. Jammu and Kashmir
4. Punjab
5. Uttaranchal
6. Uttar Pradesh

Zone III

1. Bihar
2. Chhattisgarh
3. Gujarat
4. Jharkhand
5. Madhya Pradesh
6. Rajasthan
7. West Bengal

Zone IV

1. Arunachal Pradesh
2. Assam
3. Manipur
4. Meghalaya
5. Mizoram
6. Nagaland
7. Sikkim
8. Tripura

Zone V

1. Andaman and Nicobar Islands
2. Chandigarh
3. Dadra and Nagar Haveli
4. Daman and Diu
5. Delhi
6. Lakshadweep
7. Pondicherry.

THE SECOND SCHEDULE
(See section 97)

1. The Prevention of Food Adulteration Act, 1954 (37 of 1954).
2. The Fruit Products Order, 1955.
3. The Meat Food Products Order, 1973.
4. The Vegetable Oil Products (Control) Order, 1947.
5. The Edible Oils Packaging (Regulation) Order, 1998.
6. The Solvent Extracted Oil, De oiled Meal, and Edible Flour
(Control) Order, 1967.
7. The Milk and Milk Products Order, 1992.
8. Any other order issued under the Essential Commodities
Act, 1955 (10 of 1955) relating to food.

K.N.CHATURVEDI
Secy. To the Govt. Of India

PREVENTION OF CRUELTY TO ANIMALS (SLAUGHTER HOUSE) RULES, 2001

NOTIFICATION

New Delhi, the 26th March, 2001

S.O.270(E) - Whereas the draft **Prevention of Cruelty to Animals (Slaughter House) Rules, 2000** were published, as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O. 1165 (E) dated the 26th December, 2000 in the Gazette of India, Extraordinary, Part II, Section 3, Sub Section (ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public.

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

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

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

1. Short title and commencement : (1) These rules may be called the **Prevention of Cruelty to Animals (Slaughter House) Rules, 2001**

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

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

- a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
- b) "Slaughter" means the killing or destruction of any animal for the purpose of food and includes all the processes and operations performed on all such animals in order to prepare it for being slaughtered.
- c) "Slaughter house" means a slaughter house wherein 10 or more than 10 animals are slaughtered per day and is duly licensed or recognised under a Central, State or Provincial Act or any rules or regulations made thereunder.
- d) "veterinary doctor" means a person registered with the Veterinary Council of India established under the Indian Veterinary Council Act, 1984 (52 of 1984).

3. Animals not to be slaughtered except in recognised or licensed houses - (1) No person shall slaughter any animal within a municipal area except in a slaughter house recognised or licensed by the concerned authority empowered under the law for the time being in force to do so.

(2) No animal which -

- (i) is pregnant, or
- (ii) has an offspring less than three months old, or

(iii) is under the age of three months or

(iv) has not been certified by a veterinary doctor that it is in a fit condition to be slaughtered.
shall be slaughtered

(3) The municipal or other local authority specified by the Central Government for this purpose shall, having regard to the capacity of the slaughter house and the requirement of the local population of the area in which a slaughter house is situated, determine the maximum number of animals that may be slaughtered in a day.

4. Reception area or resting grounds - (1) The slaughter house shall have a reception area of adequate size sufficient for livestock subject to veterinary inspection.

(2) The veterinary doctor shall examine thoroughly not more than 12 animals in an hour and not more than 96 animals in a day.

(3) The veterinary doctor after examining the animal shall issue a fitness certificate in the form specified by the Central Government for this purpose.

(4) The reception area of slaughter house shall have proper ramps for direct unloading of animals from vehicles or railway wagons and the said reception area shall have adequate facility sufficient for feeding and watering of animals.

(5) Separate isolation pens shall be provided in slaughter house with watering and feeding arrangements for animals suspected to be suffering from contagious and infectious diseases, and fractious animals, in order to segregate them from the remaining animals.

(6) Adequate holding area shall be provided in slaughter house according to the class of animals to be slaughtered and the said holding area shall have water and feeding facilities.

(7) The resting grounds in slaughter house shall have overhead protective shelters.

(8) Ante-mortem and pen area in slaughter house shall be paved with impervious material such as concrete non-slippery herring-bone type suitable to stand wear and tear by hooves, or brick, and pitched to suitable drainage facilities and the curbs of said impervious material 150 to 300 mm high shall be provided around the borders of livestock pen area, except at the entrances and such pen shall preferably be covered.

5. Lairages - (1) Every animal after it has been subjected to veterinary inspection shall be passed on to a lairage for resting for 24 hours before slaughter.

(2) The lairage of the slaughter house shall be adequate in size sufficient for the number of animals to be laired;

(3) The space provided in the pens of such lairage shall be not less than 2.8 sq.mt. per large animal and 1.6 sq.mt. per small animal

(4) The animals shall be kept in such lairage separately depending upon their type and class and such lairage shall be so constructed as to protect the animals from heat, cold and rain

(5) The lairage shall have adequate facilities for watering and post-mortem inspection.

6. Slaughter - (1) No animal shall be slaughtered in a slaughter house in sight of other animals

(2) No animal shall be administered any chemical, drug or hormone before slaughter except drug for its treatment for any specific disease or ailment.

- (3) The slaughter halls in a slaughter house shall provide separate sections of adequate dimensions sufficient for slaughter of individual animals to ensure that the animal to be slaughtered is not within the sight of other animals.
 - (4) Every slaughter house as soon as possible shall provide a separate space for stunning of animals prior to slaughter, bleeding and dressing of the carcasses
 - (5) Knocking section in slaughter house may be so planned as to suit the animal and particularly the ritual slaughter; if any and such knocking section and dry landing area associated with it shall be so built that escape from this section can be easily carried out by an operator without allowing the animal to pass the escape barrier.
 - (6) A curbed-in bleeding area of adequate size as specified by the Central Government shall be provided in a slaughter house and it shall be so located that the blood could not be splashed on other animals being slaughtered or on the carcass being skinned.
 - (7) The blood drain and collection in a slaughter house shall be immediate and proper
 - (8) A floor wash point shall be provided in a slaughter house for intermittent cleaning and a hand-wash basin and knife sterilizer shall also be provided for the sticker to sterilize knife and wash his hands periodically.
 - (9) Dressing of carcasses in a slaughter house shall not be done on floor and adequate means and tools for dehiding or belting of the animals shall be provided in a slaughter house with means for immediate disposal of hides or skins;
 - (10) Hides or skins shall be immediately transported from a slaughter house either in a closed wheelbarrow or by a chute provided with self-closing door and in no case such hides or skins shall be spread on slaughter floor for inspection
 - (11) Floor wash point and adequate number of hand wash basins with sterilizer shall be provided in a dressing area of a slaughter house with means for immediate disposal of legs, horns, hooves and other parts of animals through spring load floor chutes or sidewall doors or closed wheelbarrows and in case wheelbarrows or trucks are used in a slaughter house, care shall be taken that no point wheelbarrow or truck has to ply under the dressing rails and a clear passage is provided for movement of the trucks.
 - 12. Adequate space and suitable and properly located facilities shall be provided sufficient for inspection of the viscera of the various types of animals slaughtered in a slaughter house and it shall have adequate facilities for hand washing, tool sterilisation and floor washing and contrivances for immediate separation and disposal of condemned material.
 - 13. Adequate arrangements shall be made in a slaughter house by its owner for identification, inspection and correlation of carcass, viscera and head.
 - 14. In a slaughter house, a curbed and separately drained area or an area of sufficient size, sloped 33 mm per metre to a floor drain, where the carcasses may be washed with a jet of water, shall be provided by the owner of such slaughter house.
- 7. Slaughter house building** - The different construction of a slaughter house shall be built and maintained by its owner in the manner as specified below, namely :

- a) Plant Building - (i) Materials used shall be impervious, easily cleansable, and resistant to wear and corrosion. (ii) Materials such as wood, plaster board, and porous acoustic-type boards, which are absorbent and difficult to keep clean shall not be used.
- b) Floors - The floors shall be non-absorbent and non-slippery with rough finish and shall have suitable gradient for drainage.
- c) Coves - Coves with radii sufficient to promote sanitation shall be installed at the juncture of floors and walls in all rooms and which shall not be less than 100 mm.
- (d) Interior Walls - (i) Interior walls shall be smooth and flat and constructed of impervious materials such as glazed brick, glazed tile, smooth surface Portland cement plaster, or other non-toxic, non-absorbent material applied to a suitable base. (ii) Walls shall be provided with suitable sanitary type bumpers to prevent damage by hand trucks, carcass shunks, and the like. (iii) The interior walls shall have washable surface up to the height of 2 meters from the floor so that the splashes may be washed and disinfected.
- (e) Ceilings - (i) Ceilings shall be of the height of 5 mtrs or more in workrooms and so far as structural conditions permit, ceilings shall be smooth and flat. (ii) Ceilings shall be constructed of Portland cement plaster, large size cement asbestos boards with joints sealed with a flexible sealing compound, or other acceptable impervious material and finished so as to minimise condensation, mould development, flaking and accumulation of dirt. (iii) The walls above glazed type portion and ceiling shall be painted with water-resistant paint to maintain them clean.
- (f) Window Ledges - Window ledges shall be sloped at 45 degrees to promote sanitation and to avoid damage to glass in windows from impact of hand trucks and similar equipment, the windowsills shall be 1200 mm above the floor level with proper ventilation through mechanical venting or through working vents shall be provided in the roof structure.
- (g) Doorways and Doors - (i) Doorways through which product is transferred on rails or in hand trucks shall be at least 1500 mm high and shall be atleast 1 500 mm wide. (ii) Doors shall either be of rust-resistant metal construction throughout, or if made with rust-resistant metal having tight softwood, they shall be clad on both sides with soldered or welded seams. (iii) Doorjambes shall be clad with rust-resistant metal securely affixed so as to provide no crevices for dirt or vermin and the juncture at which the door joins the walls shall be effectively sealed with a flexible sealing compound.
- (h) Screens and Insect control - All windows, doorways and other openings that may admit flies shall be equipped with effective insect and rodent screens and 'Fly chaser' fans and ducts or air curtains shall be provided over doorways in outside wall of food handling areas that are used for dispatch or receiving.
- (i) Rodent-Proofing-Except in the case of solid masonry, walls constructed of glazed tile, glazed brick, and the like, expanded metal or wire mesh not exceeding 12.5 mm mesh, shall be embedded in walls and floor at their junction and such mesh shall extend vertically and horizontally to a sufficient distance to exclude the entrance of rats and other rodents.
- (j) Vehicular areas for Trucks - (i) Concrete paved areas, properly drained and extending at least 6 metres from building, loading docks or livestock platforms shall be provided at places where vehicles are loaded or unloaded. (ii) Pressure washing jets and disinfection facilities for trucks carrying animals shall also be provided at such places.
- (k) Drainage - (i) All parts of floors where wet operations are conducted shall be well drained and as

far as possible, one drainage inlet shall be provided for each 37 metre square of floor space (ii) A slope of about 20 mm per metre to drainage inlets shall be provided for usual conditions and it shall be ensured that the floor slopes uniformly to drains with no low spots, which collect liquid. (iii) Floor drains shall not be provided in freezer rooms or dry storage areas and when floor drains are installed in rooms where the water seal in traps is likely to evaporate without replenishment, they shall be provided with suitable removable metal screw plugs.

- (l) Traps and vents on drainage lines - (i) Each floor drain, including blood drains, shall be equipped with a deep seal trap (P-, U-, or S-shape) (ii) Drainage lines shall be properly vented to the outside air and be equipped with effective rodent screens.
- (m) Sanitary drainage lines - Drainage line from toilet pans and urinals shall not be connected with other drainage lines within the plant and shall not discharge into a grease catch basin and such lines shall be installed so that if leakage develops, it shall not affect the product or the equipment.
- (n) Lighting and ventilation - (i) Unrefrigerated work rooms shall be provided with adequate direct natural light and ventilation or ample artificial light and ventilation by mechanical means. (ii) Uncoloured glass having a high transmissibility of light shall be used in skylights and windows (iii) The glass area shall be approximately one-fourth of the floor area of a workroom and such ratio shall be increased where there are obstructions, such as adjacent buildings, overhead catwalks, and hoists, which interfere with the admittance of direct natural light. (iv) Distributed artificial lighting of much quality and at such distances as may be specified by the Central Government shall be provided at all places where adequate natural light is not available or is insufficient.
- (o) Every abattoir shall be provided with distributed artificial light of an overall intensity of not less than 200 lux at the distances as may be specified by the Central Government throughout the slaughter hall and workrooms and at places where meat inspection is carried out, the overall intensity of artificial light shall be not less than 500 lux.
- (p) every abattoir shall be provided with suitable and sufficient means of ventilation to the outside air and the construction of the slaughter hall shall be so arranged that the dressed carcasses are not exposed to direct sunlight;
- (q) a sufficient, safe, potable and constant supply of fresh water shall be available at adequate pressure through the premises.
- (r) the pressure for the general purpose of floor washing may preferably be 200 to 330 kPa for through floor cleaning
- (s) for thorough and efficient washing of carcasses, a higher pressure between 1000 kPa to 1700 kPa shall be maintained.
- (t) floor washing point shall be provided preferably for minimum 37 meter square on slaughter floor and working departments.
- (u) a constant supply of clean hot water shall be available in the slaughter hall and workrooms during working hours and the hotwater required for frequent sterilising of equipment shall not be less than 82 degree celsius.
- (v) where necessary for sanitary maintenance, equipment shall be constructed and installed so as to be completely self-draining.
- (w) the following materials shall not be used in an abattoir, namely-
 - (i) copper and its alloys in equipment used for edible products.
 - (ii) cadmium in any form in equipment handling edible products

- (iii) equipment with painted surface in product zone
 - (iv) enamel containers or equipment is not desirable and
 - (v) lead.
 - (x) all permanently mounted equipment shall either be installed sufficiently away from walls (minimum 300 mm) to provide access for cleaning and inspection.
 - (y) all permanently mounted equipment shall either be installed sufficiently above the floor (minimum 300 mm) to provide access for cleaning and inspection or be completely sealed (watertight) to the floor area.
- 8. Engagement in slaughter house** - (1) No owner or occupier of a slaughter house shall engage a person for slaughtering animals unless he possesses a valid license or authorisation issued by the municipal or other local authority.
- (2) No person who has not attained the age of 18 years shall be employed in any manner in a slaughter house.
- (3) No person who is suffering from any communicable or infectious disease shall be permitted to slaughter an animal.
- 9. Inspection of slaughter house** - (1) The Animal Welfare Board of India or any person or Animal Welfare Organisation authorised by it may inspect any slaughter house without notice to its owner or the person in charge of it at any time during the working hours to ensure that the provisions of these rules are being complied with.
- (2) The person or the Animal Welfare Organisation authorised under sub rule (1) shall after inspection send its report to Animal Welfare Board of India as well as to the municipal or local authority for appropriate action including initiation of legal proceedings if any, in the event of violation of any provisions of these rules.

(F.No.19/1/2000-AWD)
DHARMENDRA DEO, Jt. Secy.

The greatness of a nation and its moral progress can be judged by the way its animals are treated.

- Mahatma Gandhi

Real kindness comes from a sense of friendship with animals.

- Pandit Jawaharlal Nehru

PREVENTION OF CRUELTY TO ANIMALS (TRANSPORT OF ANIMALS ON FOOT) RULES, 2001

NOTIFICATION

New Delhi, the 26th March, 2001

S.O.268 (E) - Whereas the draft **Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2000** were published as required by sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment number S.O.1163(E) dated the 26th December 2000 in the Gazette of India, Extraordinary, Part II, Section 3, Sub Section (ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public.

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

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

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

1. Short title and commencement :

- (1) These rules may be called the **Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001**
- (2) They shall come into force on the date of their publication in the Official Gazette.

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

a. "animal" means livestock and includes the following animals namely-

- (i) cattle including cow, bulls and bullocks, buffalo bulls and bullocks, cows, buffaloes, Mithuns, yaks and calves.
- (ii) equines including horses, ponies, mules and donkeys.
- (iii) horse including entire (stallions), goldings, brood mares, colts and fillies
- (iv) goat including adult goat, male or female of two years age and above.
- (v) ruck including male goat
- (vi) kid young goat below one year of age.
- (vii) nanny female goat
- (viii) sheep including adult sheep, male or female of two years age and above
- (ix) ewe female sheep
- (x) lamb young sheep below one year of age
- (xi) ram male sheep
- (xii) wether includes male lamb that has been castrated before reaching sexual maturity
- (xiii) pig includes adult pig, male or female of one year of age or above
- (xiv) piglet includes young pig below one year of age.

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

c. "Schedule" means a schedule appended to these rules.

3. Application of the rules - These rules shall apply to transport of animals on foot when the distance from the boundary of village or town or city of the origin of such transport to the last destination is 5 km or more than 5 km.

4. Condition of health of animals transported on foot-

(1) Every animal to be transported on foot shall be healthy and in good condition for such transport.

(2) A certificate of a veterinary doctor in respect of each animal to be transported to the effect that such animal is in a fit condition for such transportation and is not suffering from any infectious, contagious or parasitic diseases and that it has been vaccinated against any infectious, contagious or parasitic diseases shall accompany such animal.

(3) The certificate under sub rule (1) shall be in the form as specified in the **First Schedule**.

5. Certain animals not to transport on foot - New born animals of which the navel has not completely healed, diseased, blind, emaciated, lame, fatigued, or having given birth during the preceding seventy two hours or likely to give birth during transport shall not be transported on foot.

6. Transport in on-farm social group - Animal shall be transported in their on farm social groups (established at least one week prior to journey)

7. First aid equipment to accompany animals transported on foot - The owner of the animals shall provide veterinary first aid equipment to be accompanied with such animals while transported on foot.

8. Certificate to be carried during transportation - In case the person transporting the animals on foot is not the owner of the animal then such person shall carry a certificate as specified in the **Second Schedule** during such transportation.

9. Watering arrangement during transportation of animals - The owner of the animals shall make watering arrangement in route during transport of such animals on foot.

10. Feed and fodder arrangements during transportation of animals - Sufficient feed and fodder with adequate reserve of such feed and fodder for the animals shall be made available by their owner during their transport on foot.

11. Prohibition of the use of whip, etc during transportation of animals on foot -

(1) No person shall use a whip or a stick in order to force the animal to walk or to hasten the pace of their walk nor such person shall apply chillies or any other substance to any part of the body of the animal for this purpose during their transportation on foot.

(2) If any animal needs to be tied during transport on foot, it shall be tied by a rope covered with suitable cushioning such as cloth around its leg and such animal shall not be tied by its nose, all legs or any other part of the body except by its neck.

(3) If more than one animal is to be tied adjacent to one another by a single rope during their transport on foot, the space between any two of such animals shall be minimum two feet and animals so tied shall be of similar physical condition and strength and no more than two such animals shall be tied adjacent to each other by a single rope.

12.Certain Prohibition on transport of animals on foot

(1) No person shall transport on foot an animal before sunrise or after sunset.

(2) No animal shall be transported on foot beyond the distance, time, rest interval and temperature specified for such animal in the Table below, namely :-

Species (Animal)	Maximum distance covered/ day/hour	Maximum no. of walking/day of hours (Travelling)	Period of rest (Interval)	Temperature range	
				Max.	Min.
Cattle (Cows)	30 km/day 4 km/hr	8 hours	At every 2hours for drinking and at every 4 hrs for feeding	12deg.C to 30 deg.C	
Buffaloes	25 km/day 3 km/hr	8 hours	At every 2 hours for drinking and at every 4 hrs for feeding	12 degC to 30 deg.C	
Cows and Buffaloes Calves	16 km/day 2.5 km/hr	6 hours	At every 1½ hrs drinking and at every 3 hrs. for feeding	15degC to 25 deg.C	
Horses, Ponies, Mules, Donkeys	45 km/day 6 km/hr	8 hours	At every 3 hrs for drinking and at every 6 hrs. for feeding	12deg.C to 30 deg.C	
Young ones (Foal)	25 km/day 4 km/hr	6 hours	At every 2hrs. for drinking and at every 4 hrs. for feeding	15 degC to 25 deg.C	
Goats and Sheep	30 km/day 4 km/hr	8 hours	At every 2 hrs. for drinking and at every 4 hrs. for feeding	12 degC to 30 deg.C	
Kids and Lambs	16 km/day 2.5km/hr	6 hours	At every 1½ hrs.for drinking and at every 3 hrs. for feeding	15degC to 25deg.C	
Pigs	15 km/day 2 km/hr	8 hours	At every 1½ hrs. for drinking and at every 3 hrs. for feeding	12degC to 25deg.C	
Piglets	10 km/day 1.5 km/hr	6 hours	At every 1½hrs. for drinking and at every 3 hrs. for feeding	15 degC to 25 deg.C	

Note : After being provided with water every animal shall be given a break of 20 minutes before the commencement of the transport of the animal on foot and in case of feeding the break shall be given for one hour before the commencement of the transport of the animal on foot.

(3) No animal shall be made to walk under conditions of heavy rain, thunderstorms or extremely dry or sultry conditions during its transport on foot.

13. Transportation of animals in certain cases not permitted without shoes - Animals whose hooves are not provided with shoes (as in the case of pack or draught animals) shall not be transported on foot on hard cement, bitumen-coated or metalled roads, steep gradients or hilly and rocky terrain, irrespective of weather conditions (summer or winter)

14. Power of Police to require the owner to take animal to nearest Magistrate -

- (1) If any police officer above the rank of constable or any other person authorised in this behalf by the Central or state Government or by the Animal Welfare Board of India by the general or special order, has reason to believe that an offence has been or is being committed in respect of an animal in contravention of these rules, he may require the owner or other person in charges of such animal to take the animal to the nearest magistrate.
- (2) If the owner or the person in charge of the animals referred to in sub rule (1) refuses to comply with the demands of the police officer under that sub rule, it shall be lawful for such police officer or such other persons to take the animal to the nearest magistrate.

FIRST SCHEDULE

Form for Certificate of fitness for transport of animals

(See rule 4 (3))

This Certificate should be completed and signed by a qualified Veterinary Doctor

Date and time of examination

Species

Number of Trucks/Railway Wagons

Number of Cattle

Sex Age

Identification

Breed (giving characteristics) - Area where it is found
with status regarding general resistance and heat tolerance

Individual Features of the animal -

Body colour

Height

Body weight (approx)

Animal length

Breadth (measured between pelvic bones)

Colour of the eyes

Shape of the horns

General conditions (like fleshy, bony projections)

Health Status

History of the animal, feed status whether or not sign of anorexia/diarrhea

1. Record Body Temperature
2. Examine eyes for bulging or protrusion of eyeball,
 blindness, Corneal opacity & specify
3. Condition of skin,
 (including signs of dehydration, injuries,
 anorexia (check for presence of warts on the skin)
4. Ears
 Examine ears - (check for animal body response to
 hearing, check for any infection, inflammation or secretion
 (a) excess of wax, blood or any fluid)
5. Examine sub maxillary space for swelling
 (for any abnormality or pain)
6. Check for status of pregnancy of female animal

If yes - which stage 1st, 2nd or 3rd stage

7. Examine udder & teats & specify
 - a. Relative size of quarters
 - b. Check for signs of swelling/atrophy/fibrous
 - c. in duration on palpation of individual quarter and specify.
 - d. Check teat canal for teat tumour or fibrosis of teat canal and specify.
8.
 - a) If female - check
Check for sign of vaginal discharge on examination of the vulva and specify
 - b) In male - check
Testicles- Size, any sign/abnormalities for monogastric animals
Penis - injury, abrasions or the sheath, discharges to be recorded
9. Sign of abdominal pain (check for gait or posture of the animal, check for signs of abdominal distention, left flank to be checked for rumen examination (full, empty) tympani/blood
10. Digestive System
Examine mouth and specify
 - 1 Detail out dentition
 - 2 Specify - evidences of
 - tooth damage
 - broken or worn incisors
11. Respiratory system
 - a. Record Respiration rate
 - b. Auscultation & specify for signs of dyspnoea, respiratory distress & specify
12. In cows possessing horns check and specify
 - a. shape of horns
 - b. number of horn rings
 - c. any difference in the direction
 - d. or appearance of two horns
13. Examine ribs for fracture and specify
14. Examine abdominal wall for presence of ventral or umbilical hernia and specify.
15. Examine limbs and joints for bony enlargements or synovial distentions & specify check for signs of lameness - specify
16. Examine interdigital space for any lesions check and specify
17. Any indications of foot soreness, excessive wear of soles or laminitis

18. Examine circulatory system

1. Specify pulse rate
2. Check for presence of oedema dependent portion or ascitis and specify

19. Transported from _____ to _____ via

I hereby certify that I have read the Prevention of Cruelty to Animals (Transport of animals on Foot) Rules, 2001.

1. That, at the request of (Consignor) , I examined the above mentioned Cattle in the goods vehicle/ railway wagons not more than 12 hours before their departure.
2. That each cattle appeared to be in a fit condition to travel by rail/road and is not showing any signs of infectious or contagious or parastic disease and that it has been vaccinated against rinderpest and any other infections or contagious or parasitic disease(s)
3. That the cattle were adequately fed and watered for the purpose of the journey.
4. That the cattle have been vaccinated.
(a) Type of vaccine (b) Date of vaccination :

Date _____

Signed _____

Address _____

Qualification _____

SECOND SCHEDULE
Authorisation certificate
(See rule 8)

1. Name and age of the owner :
2. Father's Name :
3. Address of the Owner :
4. No. of animals for transport specifying species, age and sex of each animal
5. Name of the person/persons transporting the animals
6. Specify the place of origin and the place of last destination of such animals for transport
7. Attach a copy of the veterinary certificate granted under Rule 8
8. Details of feed, fodder and watering arrangements provided during transport of such animals

I do hereby declare that I am the owner of the aforementioned animals. I have authorized Shri _____ S/o _____ r/o _____ to transport the said animals. I have read and understood the Transport of Animals on Foot Rules, 2001 and undertake that the said Rules have been and would be complied with during transport.

I do hereby state that the above information is true and correct.

Sd/-
(Owner)

To be filled in by the Transporter

I _____ S/o _____ r/o _____ do hereby give my consent to transport the aforementioned animals from the aforesaid place of origin to the place of destination.

I have read and understood the Transport of Animals on Foot Rules, 2001 and undertake that the said Rules would be complied with during transport.

I do hereby state that the above information is true and correct.

Sd/-
(Transporter)
[F.No.19/1/2000-AWD]
DHARMENDRA DEO, Jt. Secy.

TRANSPORT OF ANIMALS, RULES, 1978

In exercise of the powers conferred by clause (h) of sub-section (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960); the Central Government hereby makes the following rules, the same having been previously published as required by the said Section, namely: -

CHAPTER I

TRANSPORT OF ANIMALS, RULES, 1978

1. Short Title:

These rules may be called the Transport of Animals, Rules, 1978.

2. Definition:

In these rules, unless the context otherwise requires:

- a. qualified veterinary surgeon means one who holds a diploma or a degree of a recognized veterinary college.
- b. "Schedule" means a schedule appended to these rules.

CHAPTER II

TRANSPORT OF DOGS AND CATS

- 3. Rules 4 to 14 shall apply to the transport of dogs and cats of all breeds whether by rail, road, inland, waterway, sea or air.
- 4.
 - (a) A valid health certificate by a qualified veterinary surgeon to the effect that the dogs and cats are in a fit condition to travel by rail, road, inland, waterways, sea or air and are not showing any sign of infectious or contagious disease including rabies, shall accompany each consignment and the certificate shall be in the form specified in Schedule – A
 - (b) in the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.
- 5. No dog or cat in an advanced stage of pregnancy shall be transported.
- 6.
 - (a) Dogs or cats to be transported in the same container shall be of the same species and breed
 - (b) Unweaned puppies of kittens shall not be transported with adult dogs or cats other than their dams.
 - (c) No female dog or cat in season (oestrus) shall be transported with any male.
- 7.
 - (a) Any dog or cat reported to be vicious or exhibiting a vicious disposition shall be transported individually in a cage, muzzled and labelled to give warning to the handlers
 - (b) In extreme cases, the dogs and cats shall be administered with sedative drugs by a qualified veterinary surgeon.

8. (1) when dogs and cats are to be transported for long distances:
 - a) They shall be fed and given water at least two hours prior to their transport and shall not be packed for transport if they are hungry or thirsty.
 - b) They should be exercised as late as possible before dispatch.
 - c) They shall be given adequate water for drinking every four hours in summer or every six hours during winter.
 - d) They shall be fed once in twelve hours in the case of adult dogs or cats and they shall be fed once in four hours in the case of puppies and kittens in accordance with the instructions of the consignors if any.
 - e) Adequate arrangements shall be made for their care and management during the journey.(2) When the dogs or cats are to be transported by rail involving a journey of more than six hours, an attendant shall accompany the dogs or cats to supply them with food and water on the way and the attendant shall have access to the dogs or cats for this purpose at all stations and no dog or cat shall be exposed to the direct blast of air during such journey.
9. Where dogs or cats are to be transported for short distance by road in a public vehicle, the following precautions are to be taken namely:-
 - a. they shall be put in a cage and the cage containing the dogs or cats shall not be put on the roof of the vehicle but shall be inside the vehicle preferably near the end of the vehicle
 - b. the vehicle transporting the dogs or cats shall as far as possible maintain constant speed, avoiding sudden stops and reducing effects of shocks and jolts to the minimum.
 - c. at least one attendant shall be present at all times during transit who shall ensure that proper transit conditions are observed and shall also replenish food and water whenever necessary.
10. **Where dogs or cats are to be transported by air:**
 - a. The cages shall be properly cleaned and disinfected before the dogs or cats are put in the cages.
 - b. Sufficient paddy straw or saw dust or paper cuttings shall be provided for cats in the cages as resting material.
 - c. For international transport, the dogs or cats shall be kept in pressurized compartment with regulated temperature.
11. The size and type of crates for transport of dogs and cats shall conform as clearly as may be to the size and type specified in schedule – B and schedule – C respectively.
12. All containers of dogs or cats shall be clearly labeled showing the names address and telephone number (if any) of the consignor.
13. The consignee shall be informed about the train or transport arrival or flight number and its time of arrival in advance.
14. Consignment of dogs or cats to be transported by rail or road shall be booked by the next

passenger or main train or bus and should not be detained after accepting the consignment for booking.

CHAPTER III

TRANSPORT OF MONKEYS

15. Rules 16 to 23 shall apply to the transport of all type of monkeys from the trapping area to the nearest rail-head.
16. (a) A valid health certificate by a qualified veterinary surgeon to the effect that the monkeys are in a fit condition to travel from the trapping area to the nearest unit-head and are not showing any sign of infections or contagious disease shall accompany each consignment.
(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for the transport.
(c) The certificate shall be in a form specified in schedule – D.
17. (1) Monkeys from one trapping area shall not be allowed to mix with monkeys from any other trapping area for preventing the dangers of cross-infection.
(2) The time in transit from trapping area shall to the nearest rail-head shall be as short as possible and factors causing stress to monkeys shall be reduced to the minimum.
(3) if the travel time is longer than six hours provision shall be made to feed and to give water to the monkeys en route.
(4) During transit, precautions shall be taken to protect the monkeys from extreme weather conditions and monkeys that die en route shall be removed at the earliest available opportunity.
18. Monkeys that are not completely weaned, that is, under 1.8 kilogram in weight, shall not be transported except when specifically permitted by the Central Government.
19. (a) Pregnant and nursing monkeys shall not be transported except when specifically permitted by the Central Government.
(b) Pregnant and nursing monkeys as well as monkeys weighing more than 5 kilograms shall be transported in compartmented cages.
20. All monkeys in the same cage shall be of the same species and of approximately the same weight and size.
21. Monkeys captured within their natural habitat shall be placed in new, sterilized or thoroughly cleaned cages and subsequent transfer, if any, shall also be new, disinfected or thoroughly cleaned cages.
22. Monkeys shall be transported from trapping area to the nearest rail-head by the fastest means of transport available and the monkeys shall not be left un-attended at any time during the journey.
23. 1.(a) Monkeys shall be transported in suitable wooden or bamboo cages, so constructed as not

to allow the escape of the monkeys but permit sufficient passage of air ventilation.

- (b) No nails, metallic projections or sharp edges shall be exposed on the exterior or in the interior of the cages.
 - (c) Each cage shall be equipped with appropriate water and feed receptacles which are leak proof and capable of being cleaned and refilled during transit.
2. The floor of the cages shall be made of bamboo reapers and the space between each reaper shall range between 20 mm and 30 mm.
 3. To facilitate carriage of these cages, provision may be made for rope loops at the four top ends.
 4. The weight of any one loaded cage shall not exceed 45 kilograms.
 5. The following two sizes of cages shall be used.
 - (a) 910 x 760 x 510 mm – to contain not more than twelve monkeys, weighing between 1.8 and 3.00 kilograms each or ten monkeys weighing between 3.1 and 5.0 kilograms, each.
 - (b) 710 x 710 x 510 mm – to contain not more than ten monkeys weighing between 1.8 and 3.00 kilograms each or eight monkeys weighing between 3.1 and 5.00 kilograms each.
- Provided that wooden cages as specified in Schedule – F to these rules may also be used for carrying monkeys from the trapping area to the nearest rail – head.
- (6) The construction details of two types of cages shall be given in Schedule–E.
24. Rules 25 to 32 shall apply to transport of monkeys from a rail – head to another rail – head or from a rail – head to nearest airport.
 25.
 - (a) loading and unloading shall be carried out quickly and efficiently.
 - (b) cages shall be stored in such a manner that ventilation is adequate and the monkeys are not exposed to draught and direct heat or cold.
 - (c) Monkeys found dead shall be removed as quickly as possible for suitable disposal.
 26. The transport cages shall be in accordance with specifications given in rule 28.
 27.
 - (1) Due provision shall be made by the sender for a sufficient supply of food and water for the journey.
 - (2) In case the journey is over six hours an attendant shall accompany the monkeys to supply them food, water and such other things, on route and he shall have access to the monkeys for feeding, giving water and attention at all stations en route.
 - (3) The food and water containers shall be checked at least every six hours and refilled, if necessary.
 - (4) Monkeys shall not be disturbed during the night hours.
 28. Not more than one cage shall be placed over the other and gunny packing shall be placed between two cages, when one is placed over the other.
 29. Monkeys shall be brought to the airport sufficiently early.

30. Monkeys shall be provided with food and water immediately before loading on the aircraft.
31.
 - (a) The cages shall be clearly labelled showing the name, address and telephone number (if any) of the consignor and the consignee in bold red letters.
 - (b) The consignee shall be informed about the train in which the consignment of monkeys is being sent and its arrival time in advance.
 - (c) The consignment of monkeys to be transported shall be booked by the next passenger or main train and should not be detained after the consignment is accepted for booking.
32.
 - (a) A valid health certificate by a qualified Veterinary Surgeon to the effect that the monkeys are in a fit condition to travel from the nearest rail-head to another rail-head or from a rail-head to the nearest airport and are not showing any signs of infectious or contagious disease shall accompany each consignment.
 - (b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.
 - (c) The certificate shall be in a form specified in Schedule – D.
33. Rules 34 to 45 shall apply in relation to the transport of monkeys by air.
34. The time in transit shall be as short as possible and factors causing stress to monkeys shall be reduced to the minimum.
35. Monkeys that are not completely weaned, that is, under 1.8 kilograms in weight, shall not be transported except when specifically permitted by the Central Government.
36. Pregnant and nursing monkeys shall not be transported except when specifically permitted by the Central Government. Pregnant and nursing monkeys and monkeys weighing over 5 kilograms shall be transported in specially designed individual cages.
37. All monkeys in the same cage shall be of the same species and of approximately the same weight and size.
38.
 - (1) In view of the dangers of infection, only monkeys of the same species shall be transported in the same cabin or compartment of the aircraft.
 - (2) Apparently sick or disabled monkeys exhibiting external injuries or infested with parasites shall not be transported.
 - (3) Transport of other species of animals, birds, fish food stuff or poisonous materials, such as pesticides and insecticides, in the same cabin or compartment shall not be permitted.
39.
 - (1) At no time during transit shall the monkeys be left unattended when carried in a freighter aircraft.
 - (2) At least one attendant shall be present at all times when the aircraft is on the ground.
40.
 - (1) Monkeys shall be transported in suitable wooden cages, so constructed as not to allow the escape of the monkeys and shall allow sufficient passage of air for ventilation; no nails, metallic projections or sharp edges shall be exposed in the interior or on the exterior of such cages. Each cage shall be equipped with water and food receptacles which shall be

leak – proof and be capable of being cleaned and refilled during transit. A suitable absorbent material such as saw dust shall be kept in the dropping trays.

- (2) The weight of any one loaded cage shall not exceed 45 kilograms in any case.
 - (3) The following two sizes of cages shall be used:
 - (a) 460 x 460 x 460 mm – to contain not more than ten monkeys weighing from 1.8 to 3.0 kilograms each or four monkeys weighing from 3.1 to 5.0 kilograms each; and
 - (b) 760 x 530 x 460 mm – to contain not more than ten monkeys weighing from 1.8 to 3.0 kilograms each or eight monkeys weighing from 3.1 to 5.0 kilograms each.
 - (4) The construction details of the two types of cages shall be as given in Schedule – F.
 - (5) The construction details of the two types of cages used for the transport of pregnant and nursing monkeys shall be as given in Schedule – G.
41. (a) The cages shall be clearly labelled showing the name, address and telephones number (if any) of the consignor and the consignee in bold red letters.
- (b) The consignee shall be informed in advance about the flight number of the freighter aircraft in which the consignment of monkeys is being sent and its arrival time.
- (c) The consignment of monkeys to be transported shall be booked by the next flight of the freighter aircraft and should not be detained after the consignment is accepted for booking.
42. (1) A valid health certificate by a qualified veterinary surgeon to the effect that the monkeys are fit to travel by air and are not showing any signs of infectious or contagious disease shall accompany each consignment of monkeys.
- (2) In the absence of such a certificate, the carrier shall refuse to accept the consignment for shipment.
- (3) The form of certificate under sub-rule (1) be as given in Schedule – D.
43. (1) The air shall be changed not less than twelve times per hour and draughts shall be avoided and there shall be no dead pockets of air.
- (2) Except when the monkeys are being fed and given water; they shall travel in semi darkness to make them quieter and less inclined to flight and thus given them better opportunities of resting.
44. The food and water containers shall be checked at every stop and refilled; if necessary, and a sufficient stock of food shall be available on the aircraft and at likely stopping places.
- Note :* About 85 grams of food per monkey is required daily. Suitable foods are dry cereal grains or gram. It is recommended that whole gram made into biscuits or wheat meal bread should be fed. A minimum of 140-ml. of water shall be allowed for each monkey per day.
45. An empty cage of the usual dimensions with its sides covered except 50mm at the top to allow for ventilation shall be provided in the freighter aircraft for housing the monkeys which fall sick or are injured during the journey.

CHAPTER IV

TRANSPORT OF CATTLE

46. Rules 47 to 56 shall apply to the transport by rail of cows, bulls, bullocks, buffaloes, yaks and calves. (hereinafter in these rules referred to as cattle).
47. (a) A valid certificate by a qualified veterinary surgeon to the effect that the cattle are in a fit condition to travel by rail or road and are not suffering from any infectious or contagious or parasitic diseases and that they have been vaccinated against rinderpest and any other infectious or contagious or parasitic diseases, shall accompany each consignment.
- (b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.
- (c) The certificate shall be in the form specified in Schedule – E.
48. Veterinary first-aid equipment shall accompany all batches of cattle.
49. (a) Each consignment shall bear a label showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee, the number and types of cattle being transported and quantity of rations and food provided.
- (b) The consignee shall be informed about the train or vehicle in which the consignment of cattle is being sent and its arrival time in advance.
- (c) The consignment of cattle shall be booked by the next train or vehicle and shall not be detained after the consignment is accepted for booking.
50. The average space provided per cattle in Railway wagon or vehicle shall not be less than two square metres.
51. (a) Suitable rope and platforms should be used for loading cattle from vehicles.
- (b) In case of railway wagon the dropped door of the wagon may be used as a ramp when loading or unloading is done to the platform.
52. Cattle shall be loaded after they are properly fed and given water.
53. Cattle in advanced stage of pregnancy shall not be mixed with young cattle in order to avoid stampede during transportation.
54. (1) Watering arrangements on route shall be made and sufficient quantities of water shall be carried for emergency.
- (2) Sufficient feed and fodder with adequate reserve shall be carried to last during the journey.
- (3) Adequate ventilation shall be ensured.
55. When cattle is to be transported by rail.
- (a) An ordinary goods wagon shall carry not more than ten adult cattle or fifteen calves on broad gauge, not more than six adult cattle or ten calves on metre gauge, or not more than four cattle or six calves on narrow gauge.

- (b) Every wagon carrying cattle shall have at least one attendant.
 - (c) Cattle shall be loaded parallel to the rails, facing each other.
 - (d) Padding material such as straw, shall be placed on the floor to avoid injury if a cattle lies down and this shall not be less than 6 cms thick.
 - (e) Rations for the journey shall be carried in the middle of the wagon.
 - (f) To provide adequate ventilation, upper door of one side of the wagon shall be kept open properly fixed and the upper door of the wagon shall have wire gauge closely welded mesh arrangements to prevent burning cinders from the engines entering the wagon and leading to fire outbreak.
 - (g) Cattle wagon should be attached in the middle of the train.
 - (h) Cooking shall not be allowed in the wagons nor hurricane lamps without chimneys.
 - (i) Two breast bars shall be provided on each side of the wagon, one at height of 60 to 80 cm and the other at 100 to 110 cm.
 - (j) Cattle-in-milk shall be milked at least twice a day and the calves shall be given sufficient quantity of milk to drink.
 - (k) As far as possible, cattle may be moved during the nights only.
 - (l) During day time, if possible, they should be unloaded, fed , given water and rested and if in milk, milking shall be carried out.
56. When cattle are to be transported by goods vehicle, the following precautions are to be taken namely:
- (a) Specially fitted goods vehicles with a special type of tail board and padding around the sides should be used.
 - (b) Ordinary goods vehicles shall be provided with anti-slipping material, such as coir matting or wooden board on the floor and the superstructure, if low, should be raised.
 - (c) No goods vehicle shall carry more than six cattle.
 - (d) Each goods vehicle shall be provided with one attendant.
 - (e) While transporting, the cattle, the goods, vehicles shall not be loaded with any other merchandise; and
 - (f) to prevent cattle being frightened or injured, they should preferably, face the engine.

CHAPTER V

TRANSPORT OF EQUINES

57. Rules 57 to 63 shall apply to the transport by rail, road or sea or horses, mules and donkeys (hereinafter in these rules referred to as 'equines')
58. (a) A valid certificate by a qualified veterinary surgeon to the effect that the equines are in a fit condition to travel by rail; road or sea and are not suffering from any infectious or contagious disease or diseases shall accompany each consignment.
- (b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.
- (c) The certificate shall be in a form specified in Schedule – I.
59. (a) Each consignment shall bear a label showing in bold red letters the name address and telephone number (if any) of the consignor and consignee the number and type of equines being transported and quantity of ratios and food provided.
- (b) The consignee shall be informed in advance about the train or vehicle or ship in which the consignment of equines is being sent and its arrival time.
- (c) The consignment of equines shall be booked by the next train or vehicle or ship and shall be accepted for booking.
60. (a) Pregnant and young equines shall not be mixed with other animals.
- (b) Different species of equines shall be kept separately.
- (c) Equines shall be loaded after being fed and given water adequately, watering arrangements shall be made enroute and sufficient food carried to last during the journey.
- (d) Veterinary first-aid equipment shall accompany all batches of equines.
- (e) Adequate ventilation shall be ensured.
- (f) Suitable ramps and platforms, improved where not available, shall be used for loading and unloading equines.
61. For the transport of equines by rail, the following precautions shall be taken:
- (a) Equines shall be transported by passenger or mixed trains only;
- (b) Ordinary goods wagon when used for transportation shall carry not more than eight to ten horses or ten mules or ten donkeys on broad gauge and not more than six horses or eight donkeys on meter-gauge ;
- (c) In extreme hot, water shall be sprinkled over the wagons containing equines by the railway authorities to bring down temperature. Ice slabs in specially made containers may be placed inside the wagon, if recommended by a qualified veterinary surgeon;
- (d) Every wagon shall have two attendants if the equines are more than two in number;
- (e) Equines shall be loaded parallel to the rails, facing each other;
- (f) Material for padding, such as paddy, straw shall be placed on the floor to avoid injury if an animal lies down and this shall not be less than 6 cm thick;

- (g) To provide adequate ventilation, upper door of the side of the wagon shall be kept open and properly fixed and the upper door of the wagon shall have wire gauge closely welded mesh arrangements to prevent burning cinders from the engines entering the wagon and leading to fire break out;
 - (h) Two breast bars shall be provided on each side of the wagon, one at a height of 50 to 80 cm and the other at 110 cm.
62. For the transport of equines by goods – Vehicles, the following precautions shall be taken, namely:
- (a) Specially fitted vehicles with a special type of tail – board and padding around the sides shall be used;
 - (b) Ordinary goods vehicles shall; be provided with antislipping material on the floor and the super structure, if low, should be raised;
 - (c) Bamboo poles of at least 8 cm diameter between each animal and two stout batons at the back shall be provided to prevent the animal from falling;
 - (d) To prevent horses from being frightened or injured their heads should face left away from the passing traffic;
 - (e) Each vehicle shall not carry more than four to six equines;
 - (f) Each vehicle shall be provided with one attendant;
 - (g) These vehicles shall be driven at a speed not more than 35 kilometers per hour.
63. For the transport of equines by sea the following precautions shall be taken, namely:
- (a) Horses may normally be accommodated in single stalls and mules in pens, each pen holding four to five mules;
 - (b) Ample ventilation shall be ensured by keeping portholes and providing permanent air trunks or electric blowers on all decks, and exhaust fans shall be installed to blow out foul air;
 - (c) All standing shall be athwart the ship with heads facing inwards;
 - (d) To avoid distress specially during hot weather, the ship may go underway immediately after embarking and disembarking shall be done as early as possible after anchoring.
 - (e) Colts and fillies shall be kept on the exposed decks;
 - (f) A pharmacy and spare stalls for five per cent of equines shall be available;
 - (g) Passage between two rows of pens shall not be less than 1.5 meters.

CHAPTER - VI

TRANSPORT OF SHEEP AND GOATS

64. Rules 65 to 75 shall apply to the transport of sheep and goats by rail or road involving journeys of more than six hours.
65. (a) A valid health certificate by a qualified veterinary surgeon to the effect that the sheep and goats are in a fit condition to travel by rail or road and are not suffering from infectious or contagious or parasitic disease shall accompany each consignment.
- (b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

- (c) The certificate shall be in a form specified in Schedule – J.
66. (a) Each consignment shall bear a label showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee the number and type of sheep or goats being transported and quantity of rations and food provided.
- (b) The consignee shall be informed in advance about the train or vehicle in which the consignments of sheep or goats are being sent and its arrival time.
- (c) The consignment of sheep or goats shall be booked by the next train or vehicle and shall not be detained after the consignment is accepted for booking.
67. (a) First-aid equipment shall accompany the sheep or goats in transit.
- (b) Suitable ramps shall be provided for loading and unloading the sheep or goats.
- (c) In the case of a railway wagon, when the loading or unloading is done on the platform the dropped door of the wagon shall be used as a ramp.
68. Sheep and goats shall be transported separately; but if lots are small special partition shall be provided to separate them.
69. Rams and male young stock shall not be mixed with female stock in the same compartment.
70. Sufficient food and fodder shall be carried to last during the journey and watering facility shall be provided at regular intervals.
71. Material for padding, such as straw, shall be placed on the floor to avoid injury if an animal lies down, and this shall be not less than 5 cm thick.
72. The animals shall not be fettered unless there is a risk of their jumping out and their legs shall not be tied down.
73. The space required for a goat shall be the same as that for a woolled sheep and the approximate space required for a sheep in a goods vehicle or a railway wagon shall be as under: -

Approximate weight of animal in Kilogram

	Space required in square Meters	
	Woolled	Shorn
Not more than 20	0.18	0.16
More than 20 but not more than 25	0.20	0.18
More than 25 but not more than 30	0.23	0.22
More than 30	0.28	0.26

74. (a) No railway wagon shall accommodate more than the following number of the sheep or goats:

Broad guage		Metre gauge		Narrow gauge
(1)	(2)	(3)	(4)	(5)
Area of Wagon	Area of Wagon	Area of Wagon	Area of Wagon	Area of Wagon
Less than 21.1 Square Metres	21.1 Square Metres and above	Less than 12.5 Square Metres	12.5 Square Metres and above	
70	100	50	60	25

- (b) Adequate ventilation shall be provided in every wagon. Upper door of one side of wagon shall be kept open and properly fixed and the upper door of the wagon shall have wire guage closely welded mesh arrangements to prevent burning cinders from the engines entering the wagon and leading to fire breakout.
75. (1) Goods vehicles of capacity of 5 or 4 ½ tons, which are generally used for transporting animals, shall carry not more than forty sheep or goats.
- (2) In the case of large goods vehicles and wagons, partitions shall be provided at every two or three metres across the width to prevent the crowding and trapping of sheep and goats.
- (3) In the case of ewes, goats or lambs or kids under six weeks of age, separate panels shall be provided.

SCHEDULE – A
(SEE RULE 4)

Performa for certificate of fitness to Travel – Dogs / Cats

This Certificate should be completed and signed by a qualified Veterinary Surgeon

Date and Time of Examination:.....

Species of dogs/cats:.....

Number of cages:..... Number of dogs/cats:.....

Sex:..... Age:.....

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

Transported from.....To.....Via.....

I hereby certify that I have read rules 8 to 14 in Chapter II of the Transport of Animals Rules, 1978.

- 1) That, at the request of (consignor).....I have examined the above mentioned dogs/cats in their travelling cages not more than 12 hours before their departure.
- 2) That each of the dogs/cats appeared to be in good health, free from signs of injury, contagious and infectious disease including rabies and in a fit condition to travel by rail/road/inland/waterway/ sea/air.
- 3) That the dogs/cats were adequately fed and watered for the purpose of the journey.
- 4) That the dogs/cats have been vaccinated.
(a) Type of vaccine/s:
(b) Date of vaccination/s:

Signed:.....

Address:.....

.....

Date:.....

Qualifications.....

2. SCHEDULE – B

(SEE RULE 11)

Size and Type of Crate for Transport of Dogs

The design of the cage mentioned in rule 11 in Chapter II of the Transport of Animals Rules, 1978 shall be as per the design as printed on page 7 of IS : 4746 – 1968 Published by the Indian Standards Institution.

- All dimensions in centimeters

By Rail/Road/Inland Waterways/Sea, By Air

Length (L)	$A \times 1 \frac{1}{2}$	$A + C + 10$
Width (W)	A	$D + 2 + 10$
Height (H)	$B + 15$	$B + 0$

Length - Tip of nose to root of tail (A)

Width - Width across the shoulders (D)

Height - Tip of ears to toe while standing (B)

Elbow size – Toe to tip of elbow (C)

Note: Cages, Cartons or crates, used to transport dogs, shall be of such material, which- will not tear or crumble. They shall be well constructed, well ventilated and designed to protect the health of dogs by giving them adequate space and safety. It is essential that wire mesh should be nose and paw proof; suitable material is that welded wire mesh of not less than 3mm with a spacing 12 x 12mm. Expanded metal and wire netting are unsuitable for this purpose. There should be no protruding nails or unprotected edges of wire. Dogs Kennels in rail coaches shall be so placed as to give protection to dogs from extremes of temperature and disturbance from and by giving them adequate space for health and safety.

3. SCHEDULE – C

(SEE RULE 11)

Size and Type of Crate for Transport of Cats

The design of the cage mentioned in rule 11 in Chapter II of the Transport of Animals Rules, 1978 shall be as per the design as printed on page 8 of ISI : 4746 – 1968 published by the Indian Standards Institution.

All Dimensions in Centimeters By rail/road/inland waterways/sea/by air

Length (L)	A x 2	A x 2
Width (W)	A	A
Height (H)	B + 15	B + 10
Length – Tip of nose to root of tail (A)		
Width – Width across the shoulders (D)		
Elbow size – Toe to tip of elbow (C)		

Note: Cages, Cartons or crates, used to transport cats, shall be of such material, which will not tear or crumble. They shall be well constructed, well ventilated and designed to protect the health of the cats by giving them adequate space and safety. It is essential that wire mesh should be nose and paw proof; suitable material is a welding wire mesh of not less than 3mm with a spacing 12 x 12mm. Expanded metal wire netting are unsuitable for this purpose. There should be no protruding nails or unprotected edges of wire. Cats Kennels in rail coaches shall be so placed as to give protection to cats from extremes of temperature and disturbance from birds and by giving them adequate space for health and safety.

4. SCHEDULE – D

(SEE RULE 16 AND 32)

Proforma for Certificate of fitness to Travel - Monkeys

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

Date & time examination:.....

Species of Monkeys:.....

Number of Cages:..... Number of Monkeys:.....

Sex:..... Age:.....

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

Transported from To.....Via

I hereby certify that I have read rules 15 to 45 in Chapter III of the Transport of Animals Rules, 1978.

- 1) That, at the request of (consignor).....I have examined the above mentioned monkeys in their travelling cages not more than 12 hours before their departure.
- 2) That each of the monkeys appeared to be in a fit condition to travel from the trapping area to the nearest rail-head/from the nearest rail-head to another rail-head/from the rail-head to the nearest airport/by air and is not showing any signs of infectious or contagious disease.
- 3) That the monkeys appeared to be under 6 months of age and that no animal appeared to be pregnant.
- 4) That the monkeys were adequately fed and watered for the purpose of the journey.
- 5) That the monkeys have been vaccinated.
 - (a) Type of vaccine/s:
 - (b) Date of vaccination/s:

Signed:.....

Address:.....

.....

Date:.....

Qualifications.....

5. SCHEDULE – E

(SEE RULE 23(5) (a) RULE 23(6))

Size and Type of Crate for transport of Monkeys from trapping area to nearest rail – head

The construction details of two types of cages mentioned in rule 22(5) (a) in Chapter III of the Transport of Animals Rules, 1978 shall be as per dimensions and design as printed on page 5 of IS: 3699 (Part – I) – 1966 published by Indian Standards Institution.

6. SCHEDULE – F

(See Rule 40 (4))

Size and Type of Crate for Transport of Monkeys by Air

The construction details of two types of cages mentioned in rule 40(3) (a) and (b) in Chapter III of the Transport of Animals Rules, 1978 shall be as per the dimensions and design as printed on page 6 of IS : 3059 - 1965 published by Indian Standards Institution.

7. SCHEDULE – G

(See Rule 40(5))

Size and Type of crate for Transport by Air of pregnant and Nursing Monkeys and Monkeys weighing over 5 kg.

The construction details of two types of cages mentioned in rule 40(5) in Chapter III of the Transport of Animals Rules, 1978 shall be as per the dimensions and design as printed on page 7 of IS: 3059 – 1965 published by Indian Standards Institution.

8. SCHEDULE – H

(See Rule 47)

Proforma for Certificate of fitness to travel - Cattle

This Certificate should be completed and signed by a qualified Veterinary Surgeon

Date and Time of Examination:.....

Species of cattle:.....

Number of Trucks/Railway Wagons.....

Number of cattle:.....

Sex:..... Age:.....

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

Transported from.....To.....Via.....

I hereby certify that I have read rules 46 to 56 in Chapter IV of the Transport of Animals Rules, 1978.

1. That, at the request of (consignor).....I have examined the above mentioned Cattle in the goods vehicle/railway wagons not more than 12 hours before their departure.
2. That each cattle appeared to be in a fit condition to travel by rail/road and is not showing any signs of infectious or contagious or parasitic disease and that it has been vaccinated against rinderpest and any other infectious or contagious or parasitic disease(s).

3. That the cattle were adequately fed and watered for the purpose of the journey.
4. That the cattle have been vaccinated.
 - (a) Type of vaccine/s:
 - (b) Date of vaccination/s:

Signed:.....

Address:.....

Date:.....

Qualifications:.....

9. SCHEDULE – I

(See Rule 58)

Proforma for Certificate of fitness to travel - Equines

This Certificate should be completed and signed by a qualified Veterinary Surgeon

Date and Time of Examination:.....

Species of Equines:.....

Number of Equines:.....

Sex:..... Age:.....

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

Transported from.....To.....Via.....

I hereby certify that I have read rules 57 to 63 in Chapter V of the Transport of Animals Rules, 1978.

- 1) That, at the request of (consignor).....I have examined the above mentioned equines not more than 12 hours before their departure.
- 2) That each equines appeared to be in a fit condition to travel by rail/road/sea and is not showing any signs of any infectious or contagious disease(s) and that it has been vaccinated against any infectious or contagious disease(s).
- 3) That the equines were adequately fed and watered for the purpose of the journey.
- 4) That the equines have been vaccinated.
 - (a) Type of vaccine/s:
 - (b) Date of vaccination/s:

Signed:.....

Address:.....

Date:.....

Qualifications:.....

10. SCHEDULE – J

(See Rule 65)

Proforma for certificate of fitness to travel – Sheep and Goats

This Certificate should be completed and signed by a qualified Veterinary Surgeon

Date and Time of Examination:.....

Species of Animals:.....

Number of Animals:.....

Sex:.....

Age:.....

I hereby certify that I have read rules 64 to 75 in Chapter VI of the Transport of Animals Rules, 1978.

- 1). That, at the request of (consignor).....I have examined the above mentioned animals in their travelling cages not more than 12 hours before their departure.
- 2). That each of the animals appeared to be in a fit condition to travel by rail/road and is not showing any signs of any infectious or contagious or parasitic disease(s) and that it has been vaccinated against any infectious or contagious or parasitic disease(s).
- 3). That the animals were adequately fed and watered for the purpose of the journey.
- 4). That the animals have been vaccinated.
 - (a) Type of vaccine/s:
 - (b) Date of vaccination/s:

Signed:.....

Address:.....

.....

Date:.....

Qualifications.....

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 22nd September, 2009

S.O.2465 (E) – Whereas the draft Transport of the Animals Amendment Rules, 2008, were published as required by sub-section (1) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) under the notification of Government of India, Ministry of Environment and Forest number S.O 1876(E) dated 31st July 2009 in the Gazette of India, Extraordinary, Part II, Section 3, Sub Section (ii) dated 3rd August 2009 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification are made available to the public.

And, whereas copies of the said Gazette were made available to the public on the 3rd August, 2009.

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

Now, therefore in exercise of the powers conferred by sub-sections (1) and (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules further to amend the Transport of Animals Rules 1978, namely:-

- (1) These rules may be called Transport of Animals (Amendment) Rules, 2009.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
- In the Transport of Animals Rules, 1978 (herein after referred to as the said rules), for rule 50, the following rule 50 shall be substituted, namely:-

“50. The average space provided per cattle in Railway wagon or vehicle shall be as provided in Tables I and II as given below:-

TABLE – I
Space Allowance per Cattle

Cattle weighing upto 200 Kg.	1 Square Meter (Sq.mtr.)
Cattle weighing 200-300 Kg	1.20 Square Meter
Cattle weighing 300-400 Kg	1.40 Square Meter
Cattle Weighing above 400 Kg.	2.0 Square Meter

TABLE – II

Space requirement for Cattle while being transported in commonly sized road vehicles

Vehicle Size Length x Width Square Meter	Floor Area of the vehicle in Square Meter (Sq.mtr.)	Number of Cattle			
		Cattle weighing upto 200 Kg (1 Sq.mtr. space per cattle)	Cattle weighing 200-300 Kg (1.20 Sq.mtr space per cattle)	Cattle weighing 300-400Kg (1.40 Sq.mtr. space per cattle)	Cattle weighing above 400Kg (2.0 Sq.mtr space per cattle)
6.9 x 2.4	16.56	16	14	12	8
5.6 X 2.3	12.88	12	10	8	6
4.16X1.9	7.904	8	6	6	4
2.9X1.89	5.481	5	4	4	2

3. In the said rules, in rule 58, after entry (c), the following entry shall be inserted, namely:

“(d) Horses: Space requirement while being transported by road/rail

Horses	Space in Square Meter
Stallion Horses	2.25
Mares (including pregnant)	2
Ponies	1.5
6 Months to 12 Months	1.4
12 Months to 18 Months	1.6
Over 18 Months and upto 2 years	2
Mares with Foal at Foot (upto 6 months)	2.25

4. In the said rules, in rule 73, after the words “for a sheep”, the following shall be substituted namely:-

“and Goat while being transported by rail/road shall be as under:-

Sheep and Goat: Space requirement while being transported by Rail/Road

Approximate weight of animal in Kilogram	Space required in Square Meter	
	Wooled	Shorn
Not more than 20	0.17	0.16
More than 20 but not more than 25	0.19	0.18
More than 25 but not more than 30	0.23	0.22
More than 30 but not more than 40	0.27	0.25
More than 40	0.32	0.29”

5. In the said rules, in rule 94, after sub rule (a), in the TABLE, under the heading Broad gauge, in column (1), for the entry, the following entry shall be substituted namely:-

“Broad Gauge (1)
Area of Wagon
VPU having Floor Area 63.55 Square Meter
Number of Pigs 104 (0.61 Square Meter per Pig)”

6. In the said rules, in rule 95, for the clause (a), the following clause shall be substituted namely:-

“(a) Maximum Number of Pigs permitted for commonly sized road vehicle

S.No.	Type of Animal	Maximum Number of Pigs Permitted for Road Vehicles			
		Vehicle having size 5.6mx2.35m	Vehicle having size 5.15mx2.18m	Vehicle having size 3.03mx2.18m	Vehicle having size 2.9mx2.0m
1.	Weaner	43	37	22	19
2.	Young	31	26	15	13
3.	Adult	21	18	10	9

Note:- For the purpose of Pigs of all breeds, ages and sex, the following Space allowances shall apply:

- (d) Weaner - Piglet which has just been separated from the mother for the purpose of independent rearing and commonly in the weight range of 12kg - 15 kg.
- (e) Young - Male or female pig between 0.3 to 0.6 months of age and commonly in the weight range of 15 Kg - 50 Kg.
- (f) Adult - A male or female pig above 06 months of age and having weight more than 50kg.

(F.No.27-15/2006-AWD)
Hem Pande, Jt. Secy. (AW)

Note:- The Principal rules were published in the Gazette of India, Extraordinary, vide number Part 1, Section 2(ii) vide Government of India, Ministry of Agriculture and Irrigation (Department of Agriculture), Notification NO.18-6/70-LDI dated 23rd March 1978 and subsequently amended by the Ministry of Social Justice and Empowerment vide number S.O.269(E) dated 26th March, 2001.

NOTIFICATION

New Delhi, the 23rd May, 2017

G.S.R.495(E).—Whereas the draft Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2016 were published, as required under sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), vide the Ministry of Environment, Forest and Climate Change notification number G.S.R. 35(E), dated the 16th January, 2017 in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), the 16th January, 2017 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas the copies of the said Gazette were made available to the public on the 16th January, 2017;

And whereas objections and suggestions received from the public have been considered by the Central Government;

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

1. **Short title and commencement.**— (1) These rules may be called the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**— In these rules, unless the context otherwise requires, —
 - (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
 - (b) "Animal Welfare Organisation" means an organisation recognised by the Animal Welfare Board of India and includes a Society for Prevention of Cruelty to Animals established in any district under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 made under the Act;
 - (c) "cattle" means a bovine animal including bulls, cows, buffalos, steers, heifers and calves and includes camels;
 - (d) "Society for Prevention of Cruelty to Animals (SPCA)" means a SPCA established under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 made under the Act;
 - (e) "State Board" means the State Animal Welfare Board constituted, in a State, by the State Government;
 - (f) "vehicle" means any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road;

- (g) words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. **Custody of animals pending litigation.**— When an animal has been seized under the provision of the Act or the rules made thereunder—

(a) the authority seizing the animal shall ensure health inspection, identification and marking such animal, through the jurisdictional veterinary officer deployed at Government Veterinary Hospital of the area and marking may be done by ear tagging or by chipping or by any less irksome advance technology but marking by hot branding, cold branding and other injurious marking shall be prohibited;

(b) the magistrate may direct the animal to be housed at an infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala during the pendency of the litigation.

4. **Cost of care and keeping of animal pending litigation.**— (1) The State Board shall within three months from the date of commencement of these 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 animal that is commonly seized in the State.

(2) The magistrate shall use the rates specified by the State Board as the minimum specified rates for transport, maintenance and treatment of the seized animals under sub-section (4) of section 35 of the Act.

(3) In case the animal under consideration is not on the rate sheet specified by the State Board, the magistrate shall fix the cost of transport, treatment and maintenance of the animal based on the input provided by the jurisdictional veterinary officer.

5. **Execution of bond.**— (1) The magistrate when handing over the custody of animal to an infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala shall determine an amount which is sufficient to cover all reasonable cost incurred and anticipated to be incurred for transport, maintenance and treatment of the animal based on the input provided by the jurisdictional veterinary officer and shall direct the accused and the owner to execute a bond of the determined value with sureties within three days and if the accused and owner do not execute the bond, the animal shall be forfeited to infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala.

(2) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala having the custody of the animal may draw on from the bond on a fortnightly basis the actual reasonable cost incurred in caring for the animal from the date it received custody till the date of final disposal of the animal.

(3) The magistrate shall call for the accused and the owner to execute additional bond with sureties once eighty per cent. of the initial bond amount has been exhausted as cost for caring for the animal.

(4) Where a vehicle has been involved in an offence, the magistrate shall direct that the vehicle be held as a security.

(5) In case of offence relating to transport of animals, the vehicle owner, consignor, consignee, transporter, agents and any other parties involved shall be jointly and severally liable for the cost of transport, treatment and care of animals.

(6) In cases where a body corporate owns the animal, the Chief Executive Officer, President or highest-ranking employee of the body corporate, the body corporate and the accused shall be jointly and severally liable for the cost of transport, treatment and care of the animal.

(7) In cases where the Government owns the animal, the Head of the Department and the accused shall be jointly and severally liable for the cost of transport, treatment and care of the animal.

(8) If the owner and the accused do not have the means to furnish the bond, the magistrate shall direct the local authority to undertake the costs involved and recover the same as arrears of land revenue.

6. **Abandoned animal.**— (1) In case where the investigating officer files a report that prima facie offence under the Act has been made out but he is unable to determine the accused or the owner of the animal, then the magistrate shall direct the local authority to undertake the costs involved and it shall be deemed that the owner has relinquished the ownership of the animal.

(2) The relinquishment of ownership shall have no effect on any criminal charges against the unknown offender or the owner.

7. **Voluntary relinquishment.**— Nothing in these rules shall be construed to prevent the voluntary and permanent relinquishment of any animal by the owner who is the accused, to infirmary, pinjarapole, SPCA, Animal Welfare Organisation or Gaushala in lieu of executing a bond but the voluntary and permanent relinquishment shall have no effect on any criminal charges against the accused or owner.

8. **Status of animal upon disposal of litigation.**— (1) If the accused is convicted, or pleads guilty, the magistrate shall deprive him of the ownership of animal and forfeit the seized animal to the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala already having custody for proper adoption or other disposition.

(2) If the accused is found not guilty of all charges, the seized animal shall be returned to the accused or owner of the animal and the unused portion of any bond amount executed shall be returned to the person who executed the bond.

(9) **Process of adoption or other disposition.**— (1) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala having custody of the animal during the litigation or post litigation may euthanize the animal in its custody as per section 13 of the Act.

(2) Where the animal has been forfeited to the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala after conviction, abandonment or voluntary relinquishment, as the case may be, the animal shall be put up for adoption.

(3) A person who has been charged under the Act or any cattle preservation law made by the State Government shall be prohibited from adopting animals from the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala.

(4) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala prior to giving the animal for adoption shall,—

- (a) in case of cattle, take an undertaking in form of an affidavit that the animals are adopted for agriculture purposes and not for slaughter, and verify that the person adopting the animal is an agriculturist by seeing the relevant revenue document;
- (b) in case of draught and pack animals, take an undertaking in the form of an affidavit that the animals are adopted for draught and pack purposes and not for slaughter;
- (c) in case of dogs and cats, ensure that the animal is spayed or neutered before adoption;
- (d) keep a record of name and address of the person adopting the animal and procure an identity proof and address proof of the person adopting the animal;
- (e) obtain from the person adopting the animal a declaration in the form of an affidavit that he shall not alienate the animal up to six months from the date of adoption and shall abide by the rules for transport framed under the Act or any other law for the time being in force and shall get regular veterinary checkup done for the animal.

(5) The person adopting the animal shall—

- (a) not sell the animal;
- (b) not abandon the animal;
- (c) follow the State cattle protection and preservation law;
- (d) not sacrifice the animal for any religious purpose;
- (e) not sell the cattle to a person outside the State without permission as per the State cattle protection and preservation law.

(6) Where a cattle or a draught and pack animal has been adopted, before its removal from the premises of the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, the proof of adoption shall be issued in five copies, out of which first copy shall be handed over to person adopting the animal, second copy to infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, third copy to tehsil office of the residence of person adopting the animal, fourth copy to the Chief Veterinary Officer, Office of District of person adopting the animal and last copy shall be sent to the court to be filed in the case file.

(7) The adoption of animal shall not create an irrevocable right to the person adopting the animal, and the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, may from time to time inspect the animal and in case it finds that the person who has adopted the animal is not providing sufficient care or it has reasons to believe that an offence under the Act or any cattle preservation law is anticipated, then the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, shall take possession of the animal.

(8) The person adopting the animal shall only be the lawful guardian of the animal and shall not have any rights bestowed generally to an owner of the animal, but shall have the duty to take all responsible measures to ensure the well being of such animal and to prevent infliction upon such animal of unnecessary pain or suffering.

[F. No. 1/1/2016-AWD]

RAVI S. PRASAD, Jt. Secy.

MINISTRY OF HEALTH AND FAMILY WELFARE
(Food Safety and Standards Authority of India)

Notification

New Delhi, dated the 1st August, 2011

F.No. 2-15015/30/2010 Whereas in exercise of the powers conferred by clause (k) of subsection (2) of section 92 read with section 23 of Food Safety and Standards Act, 2006 (34 of 2006) the Food Safety and Standards Authority of India proposes to make Food Safety and Standards Regulations in so far they relates to Food Safety and Standards (Packaging and Labelling) Regulations, 2011, and;

Whereas these draft Regulations were published in consolidated form at pages 1 to 776 in the Gazette of India Extraordinary Part III – Sec. 4 dated 20th October 2010 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification were made available to the public;

And whereas the copies of the Gazette were made available to the public on the 21st October 2010;

And whereas objections and suggestions received from the stakeholders within the specified period on the said draft Regulations have been considered and finalized by the Food Safety and Standards Authority of India.

Now therefore, the Food Safety and Standards Authority of India hereby makes the following Regulations, namely,—

FOOD SAFETY AND STANDARDS (PACKAGING AND LABELLING) REGULATIONS, 2011

CHAPTER 1
GENERAL

1.1: Short title and commencement

1.1.1: These regulations may be called the Food Safety and Standards (Packaging and labelling) Regulations, 2011

1.1.2: These regulations shall come into force on or after 5th August, 2011

1.2: Definitions—

1.2.1: In these regulations unless the context otherwise requires:

1. “Best before” means the date which signifies the end of the period under any stated storage conditions during which the food shall remain fully marketable and shall retain any specific qualities for which tacit or express claims have been made and beyond that date, the food may still be perfectly safe to consume, though its quality may have diminished. However the food shall not be sold if at any stage the product becomes unsafe.

2. “Date of manufacture” means the date on which the food becomes the product as described;

3. “Date of packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold;

4. “Infant” means a child not more than twelve months of age;

5. “Lot number” or “code number” or “batch number” means the number either in numericals or alphabets or in combination thereof, representing the lot number or code number or batch number, being preceded by the words “Lot No” or “Lot” or “code number” or “Code” or Batch No” or “Batch” or any distinguishing prefix by which the food can be traced in manufacture and identified in distribution.

6. “Multipiece package” means a package containing two or more individually packaged or labelled pieces of the same commodity of identical quantity, intended for retail either in individual pieces or packages as a whole.

7. “Non- Vegetarian Food” means an article of food which contains whole or part of any animal including birds, fresh water or marine animals or eggs or products of any animal origin, but excluding milk or milk products, as an ingredient;

8. “Prepackaged” or “Pre-packed food”, means food, which is placed in a package of any nature, in such a manner that the contents cannot be changed without tampering it and which is ready for sale to the consumer.

Note: The expression “package” wherever it occurs in these Regulations, shall be construed as package containing pre-packed food articles.

9. “Principal Display Panel” means that part of the container/package which is intended or likely to be displayed or presented or shown or examined by the customer under normal and customary conditions of display, sale or purchase of the commodity contained therein.

10. “Use – by date” or “Recommended last consumption date” or “Expiry date” means the date which signifies the end of the estimated period under any stated storage conditions, after which the food probably will not have the quality and safety attributes normally expected by the consumers and the food shall not be sold;

11. “Vegetarian Food” means any article of Food other than Non- Vegetarian Food as defined in regulation 1.2.1 (7).

12. “Wholesale package” means a package containing —

(a) a number of retail packages, where such first mentioned package is intended for sale, distribution or delivery to an intermediary and is not intended for sale direct to a single consumer; or

(b) a commodity of food sold to an intermediary in bulk to enable such intermediary to sell, distribute or deliver such commodity of food to the consumer in smaller quantities.

CHAPTER-2

PACKAGING AND LABELLING

2.1: Packaging

2.1.1: General Requirements

1. A utensil or container made of the following materials or metals, when used in the preparation, packaging and storing of food shall be deemed to render it unfit for human consumption:—

(a) containers which are rusty;

(b) enameled containers which have become chipped and rusty;

(c) copper or brass containers which are not properly tinned

(d) containers made of aluminium not conforming in chemical composition to IS:20 specification for Cast Aluminium & Aluminium Alloy for utensils or IS:21 specification for Wrought Aluminium and Aluminium Alloy for utensils.

2. Containers made of plastic materials should conform to the following Indian Standards Specification, used as appliances or receptacles for packing or storing whether partly or wholly, food articles namely :—

(i) IS : 10146 (Specification for Polyethylene in contact with foodstuffs);

(ii) IS : 10142 (Specification for Styrene Polymers in contact with foodstuffs);

(iii) IS : 10151 (Specification for Polyvinyl Chloride (PVC), in contact with foodstuffs);

(iv) IS : 10910 (Specification for Polypropylene in contact with foodstuffs);

(v) IS : 11434 (Specification for Ionomer Resins in contact with foodstuffs);

(vi) IS: 11704 Specification for Ethylene Acrylic Acid (EAA) copolymer.

(vii) IS: 12252 - Specification for Poly alkylene terephthalates (PET).

(viii) IS: 12247 - Specification for Nylon 6 Polymer;

(ix) IS: 13601 - Ethylene Vinyl Acetate (EVA);

(x) IS: 13576 - Ethylene Metha Acrylic Acid (EMAA);

(xi) Tin and plastic containers once used, shall not be re-used for packaging of edible oils and fats;

Provided that utensils or containers made of copper though not properly tinned, may be used for the preparation of sugar confectionery or essential oils and mere use of such utensils or containers shall not be deemed to render sugar confectionery or essential oils unfit for human consumption.

3. General packaging requirements for Canned products,

- (i) All containers shall be securely packed and sealed.
- (ii) The exterior of the cans shall be free from major dents, rust, perforations and seam distortions.
- (iii) Cans shall be free from leaks.

2.1.2: Product specific requirements

1. Packaging requirements for Milk and Milk Products

(a) Bottling or filling of containers with heat-treated milk and milk product shall be carried out mechanically and the sealing of the containers shall be carried out automatically.

(b) Wrapping or packaging may not be re-used for dairy products, except where the containers are of a type which may be re-used after thorough cleaning and disinfecting.

(c) Sealing shall be carried out in the establishment in which the last heat-treatment of drinking milk or liquid milk-base products has been carried out, immediately after filling, by means of a sealing device which ensures that the milk is protected from any adverse effects of external origin on its characteristic. The sealing device shall be so designed that once the container has been opened, the evidence of opening remains clear and easy to check.

(d) Immediately after packaging, the dairy products shall be placed in the rooms provided for storage.

2. Packaging requirements for Edible oil/ fat:

Tin Plate used for the manufacture of tin containers for packaging edible oils and fats shall conform to the standards of prime grade quality contained in B.I.S. Standards No. 1993 or 13955 or 9025 or 13954 as amended from time to time and in respect of Tin containers for packaging edible oils and fats shall conform to IS No. 10325 or 10339 as amended from time to time.

3. Packaging requirements for Fruits and Vegetables Products

(i) Every container in which any fruit product is packed shall be so sealed that it cannot be opened without destroying the licensing number and the special identification mark of the manufacture to be displayed on the top or neck of the bottle.

(ii) For Canned fruits, juices and vegetables, sanitary top cans made up of suitable kind of tin plates shall be used.

(iii) For Bottled fruits, juices and vegetables, only bottles/ jars capable of giving hermetic seal shall be used.

(iv) Juices, squashes, crush, cordials, syrups, barley waters and other beverages shall be packed in clean bottles securely sealed. These products when frozen and sold in the form of ice shall be packed in suitable cartons. Juices and Pulps may be packed in wooden barrels when sulphited.

(v) For packing Preserves, Jams, Jellies, and Marmalades, new cans, clean jars, new canisters, bottles, chinaware jars, aluminium containers may be used and it shall be securely sealed.

(vi) For Pickles, clean bottles, jars, wooden casks, tin containers covered from inside with polythene lining of 250 gauge or suitable lacquered cans shall be used.

(vii) For Tomato Ketchups and Sauces, clean bottles shall be used. If acidity does not exceed 0.5% as acetic acid, open top sanitary cans may also be used.

(viii) Candied fruits and peels and dried fruits and vegetables can be packed in paper bags, cardboard or wooden boxes, new tins, bottles, jars, aluminium and other suitable approved containers.

(ix) Fruits and Vegetable products can also be packed in aseptic and flexible packaging material having good grade quality conforming to the standards laid down by BIS.

4. Packaging requirements for Canned Meat Products

(i) New sanitary top cans made from suitable kind of tin plate shall be used. The cans shall be lacquered internally; they shall be sealed hermetically after filling. The lacquer used shall be sulphur resistant and shall not be soluble in fat or brine.

(ii) Cans used for filling pork luncheon meat shall be coated internally with edible gelatin, lard or lined with vegetable parchment paper before being filled.

(iii) Meat products packed in hermetically sealed containers shall be processed to withstand spoilage under commercial conditions of storage and transport.

5. Packaging requirements for Drinking Water (Both Packaged and Mineral Water)

It shall be packed in clean, hygienic, colourless, transparent and tamperproof bottles/containers made of polyethylene (PE) (conforming to IS:10146 or polyvinyl chloride (PVC) conforming to IS : 10151 or polyalkylene terephthalate (PET and PBT) conforming to IS : 12252 or polypropylene conforming to IS : 10910 or foodgrade polycarbonate or sterile glass bottles suitable for preventing possible adulteration or contamination of the water.

All packaging materials of plastic origin shall pass the prescribed overall migration and colour migration limits.

2.2: Labelling

2.2.1: General Requirements

1. Every prepackaged food shall carry a label containing information as required here under unless otherwise provided, namely,—

2. The particulars of declaration required under these Regulations to be specified on the label shall be in English or Hindi in Devnagri script:

Provided that nothing herein contained shall prevent the use of any other language in addition to the language required under this regulation.

3. Pre-packaged food shall not be described or presented on any label or in any labelling manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect;

4. Label in pre-packaged foods shall be applied in such a manner that they will not become separated from the container;

5. Contents on the label shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use;

6. Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper and not obscured by it;

2.2.2: Labelling of Pre-packaged Foods

In addition to the General Labelling requirements specified in 2.2.1 above every package of food shall carry the following information on the label, namely,—

1. The Name of Food: The name of the food shall include trade name or description of food contained in the package.

2. List of Ingredients: Except for single ingredient foods, a list of ingredients shall be declared on the label in the following manner:—

(a) The list of ingredients shall contain an appropriate title, such as the term “Ingredients”;

(b) The name of Ingredients used in the product shall be listed in descending order of their composition by weight or volume, as the case may be, at the time of its manufacture;

(c) A specific name shall be used for ingredients in the list of Ingredients;

Provided that for Ingredients falling in the respective classes, the following class titles may be used, namely:—

Classes	Class Titles
Edible vegetable oils/Edible vegetable fat	Edible vegetable oil/ Edible vegetable fat or both hydrogenated or Partially hydrogenated oil
Animal fat / oil other than milk fat	Give name of the source of fat. Pork fat, lard and beef fat or extracts thereof shall be declared by specific names
Starches, other than chemically modified starches	Starch
All species of fish where the fish constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a species of fish	Fish

All types of poultry meat where such meat constitutes an ingredient of another food and provided that the labelling and presentation of such a food does not refer to a specific type of poultry meat	Poultry meat
All types of cheese where cheese or mixture of cheeses constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a specific type of cheese	Cheese
All spices and condiments and their extracts	Spices and condiments or mixed spices/ condiments as appropriate
All types of gum or preparations used in the manufacture of gum base for chewing gum	Gum Base
Anhydrous dextrose and dextrose monohydrate	Dextrose or Glucose
All types of Caseinates	Caseinates
Press, expeller or refined cocoa butter	Cocoa butter
All crystallized fruit	Crystallized fruit
All milk and milk products derived solely from milk	Milk solids
Cocoa bean, Coconib, Cocomass, Cocoa press cakes, Cocoa powder (Fine/Dust)	Cocoa solids

Provided further that pork fat, lard and beef fat or extract thereof shall be declared by their specific names;

(d) Where an ingredient itself is the product of two or more ingredients, such a compound ingredients shall be declared in the list of ingredients, and shall be accompanied by a list, in brackets, of its ingredients in descending order of weight or volume, as the case may be:

Provided that where a compound ingredient, constitutes less than five percent of the food, the list of ingredients of the compound ingredient, other than food additive, need not to be declared;

(e) Added water shall be declared in the list of ingredients except in cases where water forms part of an ingredient, such as, brine, syrup or broth, used in the compound food and so declared in the list of ingredients:

Provided that water or other volatile ingredients evaporated in the course of manufacture need not be declared;

Provided further that in the case of dehydrated or condensed food, which are intended to be reconstituted by addition of water, the ingredients in such reconstituted food shall be declared in descending order of weight or volume as the case may be, and shall contain a statement such as "Ingredients of the product when prepared in accordance with the directions on the label";

(f) Every package of food sold as a mixture or combination shall disclose the percentage of the ingredient used at the time of the manufacture of the food (including compound ingredients or categories of ingredients), if such ingredient—

(i) is emphasised as present on the label through words or pictures or graphics; or

(ii) is not within the name of the food but, is essential to characterise the food and is expected to be present in the food by consumers, and if the omission of the quantitative ingredient declaration will mislead or deceive the consumer.

Provided that where the ingredient has been used as flavouring agent, the disclosure of such ingredient is not required:

Provided further that where the drained net weight is indicated on the label as required or in case of such food products where specific provisions are stipulated under these Regulations or where a pictorial representation of a serving suggestion is made for consumer information and use, the disclosure of such ingredient is not required.

Provided further that in case of any bottle containing liquid milk or liquid beverage having milk as an ingredient, soft drink, carbonated water or ready-to-serve fruit beverages, the declarations with regard to addition of fruit pulp and fruit juice shall invariably appear on the body of the bottle.

3. Nutritional information – Nutritional Information or nutritional facts per 100 gm or 100ml or per serving of the product shall be given on the label containing the following:—

- (i) energy value in kcal;
- (ii) the amounts of protein, carbohydrate (specify quantity of sugar) and fat in gram (g) or ml;
- (iii) the amount of any other nutrient for which a nutrition or health claim is made:

Provided that where a claim is made regarding the amount or type of fatty acids or the amount of cholesterol, the amount of saturated fatty acids, monounsaturated fatty acids and polyunsaturated fatty acids in gram (g) and cholesterol in milligram (mg) shall be declared, and the amount of trans fatty acid in gram (g) shall be declared in addition to the other requirement stipulated above;

(iv) Wherever, numerical information on vitamins and minerals is declared, it shall be expressed in metric units;

(v) Where the nutrition declaration is made per serving, the amount in gram (g) or milliliter (ml) shall be included for reference beside the serving measure;

Provided that the food claimed to be enriched with nutrients, such as, minerals, proteins, vitamins, metals or their compounds, amino acids or enzymes shall give the quantities of such added nutrients on the label.

Provided that —

(i) the nutritional information may not be necessary, in case of foods such as raw agricultural commodities, like, wheat, rice, cereals, spices, spice mixes, herbs, condiments, table salt, sugar, jaggery, or non –nutritive products, like, soluble tea, coffee, soluble coffee, coffee-chicory mixture, packaged drinking water, packaged mineral water, alcoholic beverages or fruit and vegetables, processed and pre- packaged assorted vegetables, fruits, vegetables and products that comprise of single ingredient, pickles, papad, or foods served for immediate consumption such as served in hospitals, hotels or by food services vendors or *halwais*, or food shipped in bulk which is not for sale in that form to consumers.

(ii) The compliance to quantity of declared nutrients on the label shall be according to the established practices.

Explanation — For the purpose of this provision, at the time of analysis, due consideration, based on shelf-life, storage, and inherent nature of the food shall be kept in view in case of quantity declared nutrients;

(iii) The food, in which hydrogenated vegetable fats or bakery shortening is used shall declare on the label that ‘hydrogenated vegetable fats or bakery shortening used- contains trans fats;

Provided further that, a health claim of ‘trans fat free’ may be made in cases where the trans fat is less than 0.2 gm per serving of food and the claim ‘saturated fat free’ may be made in cases where the saturated fat does not exceed 0.1 gm per 100 gm or 100 ml of food.

For the purpose of regulation 2.2.2 (3);

(i) “Health claims” means any representation that states, suggests or implies that a relationship exists between a food or a constituent of that food and health and include nutrition claims which describe the physiological role of the nutrient in growth, development and normal functions of the body, other functional claims concerning specific beneficial effect of the consumption of food or its constituents, in the context of the total diet, on normal functions or biological activities of the body and such claims relate to a positive contribution to health or to the improvement of function or to modifying or preserving health, or disease, risk reduction claim relating to the consumption of a food or food constituents, in the context of the total diet, to the reduced risk of developing a disease or health related condition;

(ii) “Nutrition claim” means any representation which states, suggests or implies that a food has particular nutritional properties which are not limited to the energy value but include protein, fat carbohydrates, vitamins and minerals;

(iii) “Risk reduction” in the context of health claims means significantly altering a major risk factor for a disease or health-related condition;

Provided further that in the case of returnable new glass bottle manufactured and used for packing of such beverages on or after 19th March 2009, the list of ingredient and nutritional information shall be given on the bottle.

4. Declaration regarding Veg or Non veg –

(i) Every package of “Non Vegetarian” food shall bear a declaration to this effect made by a symbol and colour code as stipulated below to indicate that the product is Non-Vegetarian Food. The symbol shall consist of a brown colour filled circle having a diameter not less than the minimum size specified in the Table mentioned in the regulation 2.2.2 (4) (iv), inside a square with brown outline having sides double the diameter of the circle as indicated below :



Brown colour

(ii) Where any article of food contains egg only as Non-Vegetarian ingredient, the manufacturer, or packer or seller may give declaration to this effect in addition to the said symbol.

(iii) Every package of Vegetarian Food shall bear a declaration to this effect by a symbol and colour code as stipulated below for this purpose to indicate that the product is Vegetarian Food. The symbol shall consist of a green colour filled circle, having a diameter not less than the minimum size specified in the Table below, inside the square with green outline having size double the diameter of the circle, as indicated below :



Green colour

(iv) Size of the logo

Sl No.	Area of principal display panel	Minimum size of diameters in mm
1.	Upto 100 cms. Square.	3
2.	Above 100 cms. square upto 500 cms square.	4
3.	Above 500 cms square upto 2500 cms square.	6
4.	Above 2500 cms. Square.	8

The symbol shall be prominently displayed

(i) on the package having contrast background on principal display panel;

(ii) just close in proximity to the name or brand name of the product;

(iii) on the labels, containers, pamphlets, leaflets, advertisements in any media;

Provided also that the provisions of regulation 2.2.2(4) shall not apply in respect of mineral water or packaged drinking water or carbonated water or alcoholic drinks, or liquid milk and milk powders.

5. Declaration regarding Food Additives-

(i) For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the following class titles shall be used together with the specific names or recognized international numerical identifications:

Acidity Regulator, Acids, Anticaking Agent, Antifoaming Agent, Antioxidant, Bulking Agent, Colour, Colour Retention Agent, Emulsifier, Emulsifying Salt, Firming Agent, Flour Treatment Agent, Flavour Enhancer, Foaming Agent, Gelling Agent, Glazing Agent, Humectant, Preservative, Propellant, Raising Agent, Stabilizer, Sweetener, Thickener:

(ii) Addition of colours and/or Flavours—

(a) Extraneous addition of colouring matter to be mentioned on the label – Where an extraneous colouring matter has been added to any article of food, there shall be displayed one of the following

statements in capital letters, just beneath the list of the ingredients on the label attached to any package of food so coloured, namely:

CONTAINS PERMITTED NATURAL COLOUR(S)

OR

CONTAINS PERMITTED SYNTHETIC FOOD COLOUR(S)

OR

CONTAINS PERMITTED NATURAL AND SYNTHETIC FOOD COLOUR(S)

Provided that where such a statement is displayed along with the name or INS no of the food colour, the colour used in the product need not be mentioned in the list of ingredients.

(b) Extraneous addition of flavouring agents to be mentioned on the label.

Where an extraneous flavouring agent has been added to any article of food, there shall be written just beneath the list of ingredients on the label attached to any package of food so flavoured, a statement in capital letters as below :

CONTAINS ADDED FLAVOUR (specify type of flavouring agent as per Regulation 3.1.10(1) of Food Safety and Standards (Food product standards and food additive) Regulation, 2011

(c) In case both colour and flavour are used in the product, one of the following combined statements in capital letters shall be displayed, just beneath the list of ingredients on the label attached to any package of food so coloured and flavoured, namely :—

CONTAINS PERMITTED NATURAL COLOUR(S) AND ADDED FLAVOUR(S)

OR

CONTAINS PERMITTED SYNTHETIC FOOD COLOUR(S) AND ADDED FLAVOUR(S)

OR

CONTAINS PERMITTED NATURAL AND SYNTHETIC FOOD COLOUR(S) AND ADDED FLAVOUR(S)

Provided that in case of artificial flavouring substances, the label shall declare the common name of the flavours, but in case of the natural flavouring substances or nature identical flavouring substances, the class name of flavours shall be mentioned on the label and it shall comply with the requirement of label declaration as specified under the regulation 2.2.2 (5) (ii)

Note: — When statement regarding addition of colours and/or flavours is displayed on the label in accordance with regulation 2.2.2(5)(ii) and regulation 3.2.1 of Food Safety and Standards (Food Product Standards and Food Additive) Regulation, 2011, addition of such colours and/or flavours need not be mentioned in the list of ingredients. Also, in addition to above statement, the common name or class name of the flavour shall also be mentioned on label.

Provided further that when combined declaration of colours and flavours are given, the International Numerical Identification number of colours used shall also be indicated either under the list of ingredients or along with the declaration.

Provided also further that every package of synthetic food colours preparation and mixture shall bear a label upon which is printed a declaration giving the percentage of total dye content

6. Name and complete address of the manufacturer

(i) The name and complete address of the manufacturer and the manufacturing unit if these are located at different places and in case the manufacturer is not the packer or bottler, the name and complete address of the packing or bottling unit as the case may be shall be declared on every package of food;

(ii) Where an article of food is manufactured or packed or bottled by a person or a company under the written authority of some other manufacturer or company, under his or its brand name, the label shall carry the name and complete address of the manufacturing or packing or bottling unit as the case may be, and also the name and complete address of the manufacturer or the company, for and on whose behalf it is manufactured or packed or bottled;

(iii) Where an article of food is imported into India, the package of food shall also carry the name and complete address of the importer in India.

Provided further that where any food article manufactured outside India is packed or bottled in India, the package containing such food article shall also bear on the label, the name of the country of origin of the food article and the name and complete address of the importer and the premises of packing or bottling in India.

7. Net quantity

(i) Net quantity by weight or volume or number, as the case may be, shall be declared on every package of food; and

(ii) In addition to the declaration of net quantity, a food packed in a liquid medium shall carry a declaration of the drained weight of the food.

Explanation 1.— For the purposes of this requirement the expression “liquid medium” include water, aqueous solutions of sugar and salt, fruit and vegetable juices or vinegar, either singly or in combination.

Explanation 2.— In declaring the net quantity of the commodity contained in the package, the weight of the wrappers and packaging materials shall be excluded:

(iii) Where a package contains a large number of small items of confectionery, each of which is separately wrapped and it is not reasonably practicable to exclude from the net weight of the commodity, the weight of such immediate wrappers of all the items of the confectionery contained in the package, the net weight declared on the package containing such confectionery or on the label thereof may include the weight of such immediate wrapper if the total weight of such immediate wrapper does not exceed –

(a) eight per cent, Where such immediate wrapper is a waxed paper or other paper with wax or aluminium foil under strip; or

(b) six per cent. In case of other paper of the total net weight of all the items of confectionery contained in the package minus the weight of immediate wrapper.

8. Lot/Code/Batch identification

A batch number or code number or lot number which is a mark of identification by which the food can be traced in the manufacture and identified in the distribution, shall be given on the label.

Provided that in case of packages containing bread and milk including sterilised milk, particulars under this clause shall not be required to be given on the label.

9. Date of manufacture or packing.—

The date, month and year in which the commodity is manufactured, packed or pre-packed, shall be given on the label:

Provided that the month and the year of manufacture, packing or pre-packing shall be given if the “Best Before Date” of the products is more than three months:

Provided further that in case any package contains commodity which has a short shelf life of less than three months, the date, month and year in which the commodity is manufactured or prepared or pre-packed shall be mentioned on the label.

10. Best Before and Use By Date

(i) the month and year in capital letters upto which the product is best for consumption, in the following manner, namely:—

“BEST BEFORE MONTHS AND YEAR

OR

“BEST BEFORE MONTHS FROM PACKAGING

OR

“BEST BEFORE MONTHS FROM MANUFACTURE

(Note: — blank be filled up)

(ii) In case of package or bottle containing sterilised or Ultra High Temperature treated milk, soya milk, flavoured milk, any package containing bread, dhokla, bhelpuri, pizza, doughnuts, khoa, paneer, or any

uncanned package of fruits, vegetable, meat, fish or any other like commodity, the declaration be made as follows:—

“BEST BEFORE DATE/MONTH/YEAR”

OR

“BEST BEFORE.....DAYS FROM PACKAGING”

OR

“BEST BEFORE DAYS FROM MANUFACTURE”

Note:

(a) blanks be filled up

(b) Month and year may be used in numerals

(c) Year may be given in two digits

(iii) On packages of Aspartame, instead of Best Before date, Use by date/recommended last consumption date/expiry date shall be given, which shall not be more than three years from the date of packing;

(iv) In case of infant milk substitute and infant foods instead of Best Before date, Use by date/recommended last consumption date/expiry date shall be given,

Provided further that the declaration of best before date for consumption shall not be applicable to

(i) wines and liquors

(ii) alcoholic beverages containing 10 percent or more by volume of alcohol.

Provided further that above provisions except net weight/net content, nutritional information, manufacturer's name and address, date of manufacture and “best before” shall not apply in respect of carbonated water (plain soda and potable water impregnated with carbon dioxide under pressure) packed in returnable glass bottles

11. Country of origin for imported food:

(i) The country of origin of the food shall be declared on the label of food imported into India.

(ii) When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

12. Instructions for use:

(i) Instructions for use, including reconstitution, where applicable, shall be included on the label, if necessary, to ensure correct utilization of the food.

2.3: Manner of declaration

2.3.1: General Conditions

1. Any information or pictorial device written, printed, or graphic matter may be displayed in the label provided that it is not in conflict with the requirements of these Regulations.

2. Every declaration which is required to be made on package under these regulations shall be:

(i) Legible and prominent, definite, plain and unambiguous

(ii) Conspicuous as to size number and colour,

(iii) as far as practicable, in such style or type of lettering as to be boldly, clearly and conspicuously present in distinct contrast to the other type, lettering or graphic material used on the package, and shall be printed or inscribed on the package in a colour that contrasts conspicuously with the background of the label

Provided that —

(a) Where any label information is blown, formed or moulded on a glass or plastic surface or where such information is embossed or perforated on a package, that information shall not be required to be presented in contrasting colours:

(b) Where any declaration on a package is printed either in the form of a handwriting or hand script, such declaration shall be clear, unambiguous and legible.

3. No declaration shall be made so as to require it to be read through any liquid commodity contained in the package.

4. Where a package is provided with an outside container or wrapper, such container or wrapper shall also contain all the declarations which are required to appear on the package except where such container or wrapper itself is transparent and the declarations on the package are easily readable through such outside container or wrapper.

5. Labels not to contain false or misleading statements: A label shall not contain any statement, claim, design, device, fancy name or abbreviation which is false or misleading in any particular concerning the food contained in the package, or concerning the quantity or the nutritive value or in relation to the place of origin of the said food:

Provided that this regulation shall not apply in respect of established trade or fancy names of confectionery, biscuits and sweets, such as, barley, sugar, bull's eye, cream cracker or in respect of aerated waters, such as, Ginger Beer or Gold-Spot or any other name in existence in international trade practice.

2.3.2 Principal display panel: The information required under these Regulations shall be given on the principal display panel of the package or container and such information may be given in the following manner.

(a) All information should be grouped together and given at one place.

OR

The pre-printed information be grouped together and given in one place and ,

(b) Online information or those not pre-printed be grouped together in another place.

1. Area of the principal display panel

The area of principal Display panel shall not be less than —

(a) In the case of a rectangular container, forty percent of the product of height and width of the panel of such container having the largest area;

(b) In case of cylindrical or nearly cylindrical, round or nearly round, oval or nearly oval container, twenty percent of the product of the height and average circumference of such container; or

(c) In the case of container of any other shape, twenty percent of the total surface area of the container except where there is label, securely affixed to the container, such label shall give a surface area of not less than ten percent of the total surface area of the container.

Provided that in the case of package having a capacity of five cubic centimeters or less, the principal display panel may be card or tape affixed firmly to the package or container and bearing the required information under these regulations.

2.3.3 The height of numeral in the declaration

(i) The height of any numeral required under these regulations, on the principal display panel shall not be less than—

(a) as shown in Table - I below, if the net quantity is declared in terms of weight or volume and

(b) as shown in Table II below, if the net quantity is declared in terms of length, area or number.

TABLE – I When net quantity is in weight or volume

Sl. No	Weight/volume	Minimum height of numeral in mm	
		Normal case	When blown, formed Moulded, or perforated on container
1.	Upto 50g/ml	1	2
2.	Above 50g/ml upto 200g/ml	2	4
3.	Above 200 g/ml upto 1 kg/litre	4	6
4.	Above 1 kg/litre	6	8

TABLE – II When net quantity is in length, area, number

Sl. No	Area of principal display panel	Minimum height of numeral in mm	
		Normal case	When blown, formed Moulded, or perforated on container
1.	Upto 100 cms square	1	2
2.	Above 100 cms. Square upto 500 cms. Square	2	4
3.	Above 500 cms. Square upto 2500 cms. Square	4	6
4.	Above 2500 cms. Square	6	8

(ii) The height of letters in the declaration under 2.2 shall not be less than 1 mm height when blown, formed, moulded, embossed or perforated, the height of letters shall not be less than 2mm.

Provided that the width of the letter or numeral shall not be less than one-third of its height, but this proviso shall not apply in the case of numeral “I” and letters i, I& I:

Provided further that in case of label declarations required under 2.4 except in case declaration specifying instructions for use or preparation of the product, the size of letters shall not be less than 3mm.

2.4: Specific Requirements/ Restrictions on manner of labelling

2.4.1: Labelling of infant milk substitute and infant food

1. An article of infant milk substitutes /infant foods, whose standards are not prescribed under Food Safety and Standards (Food Products standards and Food Additives) Regulations, 2011 shall be manufactured for sale, exhibited for sale or stored for sale only after obtaining the approval of such articles of food and its label from the Authority.

2. Without prejudice to any other provisions relating to labelling requirements contained in these regulations, every container of infant milk substitute or infant food or any label affixed thereto shall indicate in a clear, conspicuous and in an easily readable manner, the words “IMPORTANT NOTICE” in capital letters and indicating there under the following particulars, namely:—

(i) a statement “MOTHER’S MILK IS BEST FOR YOUR BABY” in capital letters. The types of letters used shall not be less than five millimeters and the text of such statement shall be in the Central Panel of every container of infant milk substitute or infant food or any label affixed thereto. The colour of the text printed or used shall be different from that of the background of the label, container as the case may be. In case of infant food, a statement indicating “infant food shall be introduced only (after the age of six months and upto the age of two years)” shall also be given;

(ii) a statement that infant milk substitute or infant food should be used only on the advice of a health worker as to the need for its use and the proper method of its use;

(iii) a warning that infant milk substitute or infant food is not the sole source of nourishment of an infant;

(iv) a statement indicating the process of manufacture (e.g spray dried) except in case of infant foods, instruction for appropriate and hygienic preparation including cleaning of utensils, bottles and teats and warning against health hazards of inappropriate preparations, as under;

“Warning/ caution-Careful and hygienic preparation of infant foods/infant milk substitute is most essential for health. Do not use fewer scoops than directed since diluted feeding will not provide adequate nutrients needed by your infant. Do not use more scoops than directed since concentrated feed will not provide the water needed by your infant”.

(v) the approximate composition of nutrients per 100 gms. of the product including its energy value in Kilo Calories/Joules;

(vi) the storage condition specifically stating “store in a cool and dry place in an air tight container” or the like (after opening use the contents within the period mentioned or the expiry date whichever is earlier);

(vii) the feeding chart and directions for use and instruction for discarding leftover feed;

(viii) Instruction for use of measuring scoop (level or heaped) and the quantity per scoop (scoop to be given with pack);

(ix) indicating the Batch No. Month and Year of its manufacture and expiry date

(x) the protein efficiency ratio (PER) which shall be minimum 2.5 if the product other than infant milk substitute is claimed to have higher quality protein;

(xi) the specific name of the food additives, if permitted, shall be declared in addition to appropriate class names.

3. No containers or label referred to in 2.4.1(2) relating to infant milk substitute or infant food shall have a picture of infant or women or both. It shall not have picture or other graphic materials or phrases designed to increase the saleability of the infant milk substitute or infant food. The terms “Humanised” or “Maternalised” or any other similar words shall not be used. The Package and/or any other label of infant milk substitute or infant food shall not exhibit the words, “Full Protein Food”, “energy Food”, “Complete food” or “Health Food” or any other similar expression.

4. The containers of infant milk substitute meant for (premature baby (born before 37 weeks)/low birth weight infant (less than 2500gm) or labels affixed thereto shall indicate the following additional information, namely:—

(i) the words [PREMATURE BABY (BORN BEFORE 37 WEEKS) LOW BIRTH WEIGHT (LESS THAN 2.5 KG)] in capital letters along with the product name in central panel;

(ii) a statement “the low birth weight infant milk substitute shall be withdrawn under medical advice as soon as the mother’s milk is sufficiently available”; and

(iii) a statement “TO BE TAKEN UNDER MEDICAL ADVICE” in capital letters.

5. The product which contains neither milk nor any milk derivatives shall be labelled “contains no milk or milk product” in conspicuous manner.

6. The container of infant milk substitute for lactose or lactose and sucrose intolerant infants or label affixed thereto shall indicate conspicuously “LACTOSE-FREE or SUCROSE-FREE or LACTOSE and SUCROSE-FREE” in capital letters and statement “TO BE TAKEN UNDER MEDICAL ADVICE” and shall also bear the following statements, namely:—

“Lactose free Infant Milk Substitute should only be used in case of diarrhea due to lactose intolerance.

The lactose free/sucrose free Infant Milk Substitute should be withdrawn if there is no improvement in symptoms of intolerance”.

7. The container of infant milk substitute meant for infants with allergy to cow’s /buffalo’s milk protein or soy protein or label affixed thereto shall indicate conspicuously “HYPOALLERGENIC FORMULA” in capital letters and statement “TO BE TAKEN UNDER MEDICAL ADVICE”.

8. Declaration to be surrounded by line:

There shall be a surrounding line enclosing the declaration where the words “unsuitable for babies” are required to be used.

(i) Distance of surrounding line:

The distance between any part of the words “unsuitable for babies” surrounding the line enclosing these words shall not be less than 1.5 mm.

2.4.2: Labelling of edible oils and fats

1. The package, label or the advertisement of edible oils and fats shall not use the expressions “Super-Refined”, “Extra-Refined”, “Micro-Refined”, “Double-Refined”, “Ultra-Refined”, “Anti-Cholesterol”, “Cholesterol Fighter”, “Soothing to Heart”, “Cholesterol Friendly”, “Saturated Fat Free” or such other expressions which are an exaggeration of the quality of the Product.

2. Every container in which solvent-extracted oil or de-oiled meal or edible flour is packed for sale shall, at the time of sale by the producer, bear the following particulars in English or Hindi (Devnagri script) :—

(i) the name, trade name, if any, or description of the solvent-extracted oil or de-oiled meal or edible flour, as the case may be:

(ii) in the case of oil not conforming to the standards of quality for “refined” grade solvent extracted oils specified in regulation 2.2.6 (1) of Food Safety and Standards (Food Products Standards and Food Additive) Regulation, 2011 for Edible vegetable oil/Vanaspati, a declaration in a type-size of not less than 50 mm, as follows shall appear on the label:

(a) “NOT FOR DIRECT EDIBLE CONSUMPTION”, in the case of oils complying with the requirements for the “semi-refined” or “raw-grade 1” grades of oil specified in regulation 2.2.6 (1) of Food Safety and Standards (Food Products standards and Food Additive) Regulation, 2011

(b) “FOR INDUSTRIAL NON-EDIBLE USES ONLY”, in the case of oils not complying with the requirements under item (a) above;

(iii) the name and business particulars of the producer;

(iv) the net weight of the contents in the container;

(v) the batch number, month and year of manufacture:

Provided that where solvent extracted oils are transported in bulk in rail tank-wagons or road tankers, or where de-oiled meal or edible flour is transported in bulk either for storage in silos or transferred to ship for bulk shipment, it shall be sufficient if the aforesaid particulars are furnished in the accompanying documents.

3. Every container in which solvent is packed shall, at the time of sale by the manufacturer or dealer thereof, bear the Indian Standards Institution certification mark.

4. Every container in which vanaspati, margarine, bakery shortening, blended edible vegetable oils, mixed fat spread and refined vegetable oil is packed in addition to other labelling requirements provided in these regulations shall bear the following particulars in English or Hindi in Devnagri script:

(a) The name/description of the contents, “free from Argemone Oil”;

(b) The mass/volume of the contents;

5. Every container of refined vegetable oil shall bear the following label, namely,—

Refined (name of the Oil) Oil

Provided that the container of imported edible oil shall also bear the word, “Imported”, as prefix.

6. Every package containing an admixture of palmolein with groundnut oil shall carry the following label, namely,—

BLEND OF PALMOLEIN AND GROUNDNUT OIL

Palmolein.....per cent

Groundnut oil....per cent

7. Every package containing an admixture of imported rape-seed oil with mustard oil, shall carry the following label, namely :

BLEND OF IMPORTED RAPE-SEED OIL AND MUSTARD OIL

Imported rape-seed oil.....per cent

Mustard oil.....per cent

8. Every package of vanaspati made from more than 30 percent of Rice bran oil shall bear the following label, namely :—

This package of vanaspati is made from more than 30 per cent Rice bran oil by weight

9. Every package containing Fat Spread shall carry the following labels namely:—

Milk Fat Spread

Use before

Date of packing
 Total Milk Fat Content Per cent by weight.....

 Mixed Fat Spread
 Use before
 Date of packing
 Per cent by weight.....
 Milk Fat Content.....
 Total Milk Fat Content Percent by weight.....
 Vegetable Fat Spread
 Use before
 Date of packing
 Total Fat Content Per cent by weight

10. A package containing annatto colour in vegetable oils shall bear the following label namely :—

Annatto colour in oil (Name of oil/oils) used

11. Every package containing an admixture of edible oils shall carry the following label, namely:—

This blended edible vegetable oil contains an admixture of :

(i)% by Weight
 (ii)% by Weight

(Name and nature of edible vegetable oils i.e. in raw or refined form)

Date of Packing.....

There shall also be the following declaration in bold capital letters along with the name of product on front/ central panel,—

NOT TO BE SOLD LOOSE

2.4.3: Labelling of permitted food colours

1. No person shall sell a permitted synthetic food colours for use in or upon food unless its container carries a label stating the following particulars:—

- (i) the words “Food Colours”;
- (ii) the chemical and the common or commercial name and colour index of the dye-stuff.

2. No person shall sell a mixture of permitted synthetic food colours for use in or upon food unless its container carries a label stating the following particulars:—

- (i) the words “Food Colour Mixture”;
- (ii) the chemical and the common or commercial name and colour index of the dye stuff contained in the mixture.

3. No person shall sell a preparation of permitted synthetic food colours for use in or upon food unless its container carries a label stating the following particulars:—

- (i) the words “Food Colour Preparation”;
- (ii) the name of the various ingredients used in the preparation.

2.4.4: Labelling of irradiated Food

Irradiated foods.- The label of a food, which has been treated with ionizing radiation, shall carry a written statement indicating the treatment in close proximity to the name of the food.

In addition all packages of irradiated food shall bear the following declaration and logo, namely:—

PROCESSED BY IRRADIATION METHOD
DATE OF IRRADIATION



LICENSE NO of Irradiation Unit.....
PURPOSE OF IRRADIATION.....

2.4.5: Specific Labelling Requirements of other Products

1. Coffee-Chicory Mixture:- (i) Every package containing a mixture of coffee and chicory shall have affixed to it a label upon which shall be printed the following declaration:

Coffee blended with Chicory
This mixture contains
Coffee..... Per cent
Chicory..... Per cent

(ii) Every package containing Instant Coffee-Chicory mixture shall have affixed to it a label upon which shall be printed the following declarations;

Instant Coffee-Chicory mixture made from
blends of coffee and chicory
Coffee..... Per cent
Chicory..... Per cent

2. CONDENSED MILK OR DESICCATED (DRIED) MILK:

Every package containing condensed milk or desiccated (dried) milk shall bear a label upon which is printed such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the State Government, namely,—

(i) In the case of condensed milk (unsweetened):

CONDENSED MILK UNSWEETENED
(Evaporated Milk) (This tin contains the equivalent) of (x)..... litres of toned milk

(ii) In the case of condensed milk (sweetened):

CONDENSED MILK SWEETENED
This tin contains the equivalent of (x)..... litres of toned milk with sugar added

(iii) In the case of condensed skimmed milk (unsweetened):

CONDENSED SKIMMED MILK UNSWEETENED
(Evaporated Skimmed Milk) This tin contains the equivalent of (x)..... litres of skimmed milk

(iv) In the case of condensed skimmed milk (sweetened):

CONDENSED SKIMMED MILK SWEETENED
This tin contains the equivalent of (x).....litres of skimmed milk with sugar added”

(v) In the case of condensed milk (sweetened and flavoured):

This has been flavoured with.....
NOT TO BE USED FOR
INFANTS BELOW SIX MONTHS

(vi) In the case of condensed milk/condensed Skimmed milk (unsweetened) Sterilised by Ultra High Temperature (UHT) treatment:

This has been sterilised by UHT Process

(vii) In the case of milk powder:

MILK POWDER
This tin contains the equivalent of
(x)..... litres of toned milk

(viii) In the case of milk powder which contains lecithin:

MILK POWDER IN THIS PACKAGE CONTAINS LECITHIN

(ix) In the case of partly skimmed milk powder :

PARTLY SKIMMED MILK POWDER
This tin contains the equivalent of
(x)..... litres of partly skimmed milk
having..... per cent milk fat

(x) In the case of skimmed milk powder:

SKIMMED MILK POWDER
This tin contains the equivalent of (x)..... litres of skimmed milk

3. The declaration shall in each case be completed by inserting at (x) the appropriate number in words and in figures, for example, “one and a half (1½)”, any fraction being expressed as eight quarters or a half, as the case may be.

4. There shall not be placed on any package containing condensed milk or desiccated (dried) milk any comment on, explanation of, or reference to either the statement of equivalence, contained in the prescribed declaration

or on the words “machine skimmed” “skimmed” or “unsuitable for babies” except instructions as to dilution as follows:

“To make a fluid not below the composition of toned milk or skimmed milk (as the case may be) with the contents of this package, add (here insert the number of parts) of water by volume to one part by volume of this condensed milk or desiccated (dried) milk”.

Sweetened condensed milk and other similar products which are not suitable for infant feeding shall not contain any instruction of modifying them for infant feeding.

5. Wherever the word “milk” appears on the label of a package of condensed skimmed milk or of desiccated (dried) skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the word “machine skimmed” or “partly skimmed”, as the case may be.

6. Fluid milk: — The caps of the milk bottles /pouch/tetrapack shall clearly indicate the nature of the milk contained in them. The indication may be either in full or by abbreviation shown below :

(i) Buffalo milk may be denoted by the letter ‘B’.

(ii) Cow milk may be denoted by the letter ‘C’

(iii) Goat milk may be denoted by the letter ‘G’

(iv) Standardized milk may be denoted by the letter ‘S’

(v) Toned milk may be denoted by the letter ‘T’

(vi) Double toned milk may be denoted by the letter ‘DT’

(vii) Skimmed milk may be denoted by the letter ‘K’

(viii) Pasteurised milk may be denoted by the letter ‘P’; followed by the class of milk. For example Pasteurised Buffalo milk shall bear the letters ‘PB’.

(ix) Alternatively suitable indicative colours of the packs/caps/bags shall be indicative of the nature of milk contained in them, the classification of colours being displayed at places where milk is sold/stored or exhibited for sale, provided that the same had been simultaneously intimated to the concerned Designated Officer, and information disseminated through the local media

7. Ice cream — Every dealer in ice-cream or mixed ice-cream who in the street or other place of public resort, sells or offers or exposes for sale, ice-cream or ice-candy, from a stall or from a cart, barrow or other vehicle or from a basket, phial, tray or other container used without a staff or a vehicle shall have his name and address along with the name and address of the manufacturer, if any, legibly and conspicuously ‘displayed’ on the stall, vehicle or container as the case may be.

8. Hingra — Every container containing Hingra shall bear a label upon which is printed a declaration in the following form, namely, —

“This container contains Hingra (Imported from Iran\Afghanistan) and is certified to be conforming to the standards laid down in the Food Safety and Standards regulations”

9. Light Black Pepper:- Every package containing light black pepper shall bear the following label in addition to the Agmark seal and the requirements prescribed under regulation 2.2.1 and 2.2.2 of these regulations:

Light Black Pepper (Light berries)

10. Every package containing “Cassia Bark” shall bear the following label.

CASSIA BARK (TAJ)

11. Every package containing “CINNAMON” shall bear the following label

CINNAMON (DALCHINI)

12. Every package of chillies which contains added edible oil shall bear the following label:

CHILLIES IN THIS PACKAGE CONTAINS AN ADMIXTURE OF NOT MORE THAN 2 PERCENT
OF.....(NAME OF OIL) EDIBLE OIL

13. Every package of ice-cream, kulfi, kulfa and chocolate ice-cream containing starch shall have a declaration on a label as specified in regulation 2.7.1(2)

14. Masala: Every package of mixed masala fried in oil shall bear the following label:

MIXED MASALA (FRIED)
THIS MASALA HAS BEEN FRIED IN
(Name of the edible oil used)

15. Compounded Asafoetida: Every container of compounded asafoetida shall indicate the approximate composition of edible starch or edible cereal flour used in the compound, on the label.

16. Every package containing maida treated with improver or bleaching agents shall carry the following label, namely,-

WHEAT FLOUR TREATED WITH IMPROVER/BLEACHING AGENTS, TO BE USED BY BAKERIES ONLY

17. Unless otherwise provided in these regulations, every package of malted milk food which contains added natural colouring matter except caramel, shall bear the following label, namely,-

MALTED MILK FOOD IN THIS PACKAGE CONTAINS
PERMITTED NATURAL COLOURING MATTER

18. Every advertisement for and/or a package of food containing added Monosodium Glutamate shall carry the following declaration, namely,-

This package of (name of the food contains added)..... MONOSODIUM GLUTAMATE
NOT RECOMMENDED FOR INFANTS BELOW -12 MONTHS

19. Every container of refined salseed fat shall bear the following label, namely,-

REFINED SALSEED FAT FOR USE IN BAKERY AND CONFECTIONERY ONLY

20. Every container or package of table iodised salt or iron fortified common salt containing permitted anticaking agent shall bear the following label, namely,-

IODIZED SALT / IRON FORTIFIED COMMON SALT* CONTAINS PERMITTED ANTICAKING AGENT

* Strike out whichever is not applicable

21. Every container or package of iron fortified common salt shall bear the following label, namely,—

IRON FORTIFIED COMMON SALT

22. Every package of Dried Glucose Syrup containing sulphur dioxide exceeding 40 ppm shall bear the following label namely,—

DRIED GLUCOSE SYRUP FOR USE IN SUGAR CONFECTIONERY ONLY

23. A package containing tea with added flavour shall bear the following label, namely,—

“FLAVOURED TEA” (common name of permitted flavour/percentage)
Registration No....

24. Every package of food which is permitted to contain artificial sweetener mentioned in table given in regulation 3.1.3 (1) of Food Safety and standards (Food Products standards and Food Additive) Regulations, 2011 and an advertisement for such food shall carry the following label, namely,—

- (i) This contains (Name of the artificial sweeteners).
- (ii) Not recommended for children.
- (iii) (a) *Quantity of sugar added gm/100 gm.
(b) No sugar added in the product.
- (iv) *Not for Phenylketonurics (if Aspartame is added)

*strike out whatever is not applicable

25. In addition to the declarations under regulation 2.4.5 (24 and 26), every package of food which is permitted to contain artificial sweetener mentioned in table in regulation 3.1.3 (1) of Food Safety and Standards (Food Products standards and Food Additive) Regulations, 2011 and an advertisement for such food shall carry the following label, namely,—

CONTAINS ARTIFICIAL SWEETENER AND FOR CALORIE CONSCIOUS

26. The declaration under regulation 2.4.5 (25) shall be provided along with name or trade name of product and shall be half of the size of the name/ trade name. The declaration may be given in two sentences, but in the same box.

27. Every package of Aspartame (Methyl ester), Acesulfame K, Sucralose and Saccharin Sodium, Neotame marketed as Table Top Sweetener and every advertisement for such Table Top Sweetener shall carry the following label, namely,—

- (i) Contains..... (name of artificial sweetener)
- (ii) Not recommended for children

Provided that the package of aspartame (Methyl ester), marketed as Table Top Sweetener and every advertisement for such Table Top Sweetener shall carry the following label, namely,—

“Not for Phenylketonurics”

28. Every package of food which is permitted to contain a mixture of Aspartame (Methyl Ester) and Acesulfame Potassium Sweeteners mentioned in the Table given in regulation 3.1.3(1) of Food Safety and Standards (Food Products Standards and Food Additive) Regulation, 2011, shall carry the following label, namely,—

This (Name of food) contains contains an admixture of Aspartame (Methyl Ester and Acesulfame Potassium. Not recommended for children.
(a) *Quantity of sugar added..... gm/100gm,
(b) No sugar added in the product.
*Not for Phenylketoneurics (if Aspartame is added)

*strike out whatever is not applicable

29. Every package of food which is permitted to contain a mixture of Acesulfame Potassium and Sucralose sweeteners mentioned in the Table given in Regulation 3.1.2 (1) of Food Safety and Standards (Food Products Standards and Food Additive) Regulation, 2011 shall carry the following label, namely,—

- (i) This(Name of Food) contains a mixture of Sucralose and Acesulfame Potassium;
 (ii) Not recommended for children;
 (iii) *(a) Quantity of sugar added.....gm/100gm;
 *(b) No sugar added in the product;

(*Strike out whichever is not applicable)

30. Every package of Pan Masala and advertisement relating thereto, shall carry the following warning, namely,—

Chewing of Pan Masala is injurious to health

31. Every package of supari and advertisement relating thereto shall carry the following warning in conspicuous and bold print, namely,—

Chewing of Supari is injurious to Health

32. Every package of fruit squash by whatever name it is sold, containing additional sodium or potassium salt shall bear the following label, namely,—

IT CONTAINS ADDITIONAL
SODIUM/POTASSIUM SALT

33. Every package of Cheese (hard), surface treated with Natamycin, shall bear the following label, namely,—

SURFACE TREATED WITH NATAMYCIN

34. Every package of Bakery and Industrial Margarine made from more than 30 per cent of Rice Bran Oil shall bear the following label, namely,—

This package of Bakery & Industrial Margarine is made from more than 30 per cent of Rice Bran Oil by Wt.

35. Every container or package of flavour emulsion and flavour paste meant for use in carbonated or non-carbonated beverages shall carry the following declaration, in addition to the instructions for dilution, namely,—

FLAVOUR EMULSION AND FLAVOUR PASTE FOR USE IN CARBONATED OR
NON-CARBONATED BEVERAGES ONLY

36. Every package of drinking water shall carry the following declaration in capital letters having the size of each letter as prescribed in Regulation 2.3.3 ;

PACKAGED DRINKING WATER

One time usable plastic bottles of packaged drinking water shall carry the following declaration.

CRUSH THE BOTTLE AFTER USE

37. Every package of mineral water shall carry the following declaration in capital letters having the size of each letter as prescribed in regulation 2.3.3 ;

NATURAL MINERAL WATER

One time usable plastic bottles of mineral water shall carry the following declaration.

CRUSH THE BOTTLE AFTER USE

38. Every package of food having added caffeine, shall carry the following label, namely,—

“CONTAINS CAFFEINE”

Provided if caffeine is added in the products, it shall be declared on the body of the Container/bottle.

Provided also that in case of returnable glass bottles, which are recycled for refilling the declaration of caffeine, may be given on the crown.

39. Every package of Low Fat Paneer/ Chhana shall carry the following label, namely,—

LOW FAT PANEER / CHHANA

40. Every package of Cheese(s), if coated/packed in food grade waxes polyfilm/wrapping of cloth, shall bear the following label, namely,—

REMOVE THE OUTER PACKING BEFORE CONSUMPTION

41. Every package of Frozen Desert / Frozen Confection shall bear the following label, namely,—

Frozen Desserts / Frozen Confection Contain Milk Fat* / Edible Vegetable Oil* /
and Vegetable Fat*

*strike out whatever is not applicable

42. Every container or package of common salt shall bear the following label, namely,—

COMMON SALT FOR IODISATION* / IRON FORTIFICATION* / ANIMAL USE* / PRESERVATION / MEDICINE* /
INDUSTRIAL USE*

*strike out whichever is not applicable.

43. Every package of biscuits, bread and cakes containing Oligofructose shall bear the following declaration, namely,—

Contains Oligofructose (dietary fiber) — gm/100 gm

44. Every package of fresh fruit if coated with wax shall carry the following label, namely,—

Coated with wax (give name of wax)

45. Gelatin meant for human consumption should be labeled as "Gelatin Food Grade"

46. Every package of food containing Polyols shall bear the following label,—

Polyols may have laxative effects

47. Every package of food containing Polydextrose shall bear the following label:-

Polydextrose may have laxative effects

2.4.6: Specific restrictions on Product labels

(1) Labels not to contain reference to Act or rules or regulations contradictory to required particulars :- The label shall not contain any reference to the Act or any of these regulations or any comment on, or reference to, or explanation of any particulars or declaration required by the Act or any of these regulations to be included in the label which directly or by implication, contradicts, qualifies or modifies such particulars or declaration.

(2) Labels not to use words implying recommendations by medical profession: - There shall not appear in the label of any package, containing food for sale the words "recommended by the medical profession" or any words which imply or suggest that the food is recommended, prescribed, or approved by medical practitioners or approved for medical purpose.

(3) Unauthorized use of words showing imitation prohibited

1. There shall not be written in the statement or label attached to any package containing any article of food the word 'imitation' or any word, or words implying that the article is a substitute for any food, unless the use of the said word or words is specifically permitted under these regulations.

2. Any fruit syrup, fruit juice, fruit squash, fruit beverages, cordial, crush or any other fruit products standardised under Food Safety and Standards (Food Products standards and Food Additives) Regulations, 2011 which does not contain the prescribed amount of fruit juice or fruit pulp or fruit content shall not be described as a fruit syrup, fruit juice, fruit squash, fruit beverages, cordial, crush or any other fruit product as the case may be.

3. Any food product which does not contain the specified amount of fruit and is likely to deceive or mislead or give a false impression to the consumer that the product contains fruit, whether by use of words or pictorial representation, shall be clearly and conspicuously marked on the label as 'ADDED(NAME OF THE FRUIT) FLAVOUR'.

4. Any food product which contains only fruit flavours, whether natural flavours and natural flavouring substances or nature identical flavouring substances, artificial flavouring substances as single or in combination thereof, shall not be described as a fruit product and the word "ADDED" (NAME OF FRUIT) FLAVOUR shall be used in describing such a product;

5. Carbonated water containing no fruit juice or fruit pulp shall not have a label which may lead the consumer into believing that it is a fruit product.

6. Any fruit and vegetable product alleged to be fortified with vitamin C shall contain not less than 40 mgms. of ascorbic acid per 100 gm. of the product.

(4) Imitations not to be marked "pure"

The word "pure" or any word or words of the same significance shall not be included in the label of a package that contains an imitation of any food.

(5) Labelling prohibitions for Drinking Water (Both Packaged and Mineral Water)

(i) No claims concerning medicinal (preventative, alleviative or curative) effects shall be made in respect of the properties of the product covered by the standard Claims of other beneficial effects related to the health of the consumer shall not be made.

(ii) The name of the locality, hamlet or specified place may not form part of the trade name unless it refers to a packaged water collected at the place designated by that trade name.

(iii) The use of any statement or of any pictorial device which may create confusion in the mind of the public or in any way mislead the public about the nature, origin, composition, and properties of such waters put on sale is prohibited.

2.5: Restriction on advertisement

There shall be no advertisement of any food which is misleading or contravening the provisions of Food Safety and Standards Act, 2006 (34 of 2006) or the rules/regulations made thereunder.

2.6: Exemptions from labelling requirements-

2.6.1

1. Where the surface area of the package is not more than 100 square centimeters, the label of such package shall be exempted from the requirements of list of ingredients, Lot Number or Batch Number or Code Number, nutritional information and instructions for use, but these information shall be given on the wholesale packages or multi piece packages, as the case may be.

2. the 'date of manufacture' or 'best before date' or 'expiry date' may not be required to be mentioned on the package having surface area of less than 30 square centimeters but these information shall be given on the wholesale packages or multipiece packages, as the case may be;

3. in case of liquid products marketed in bottles, if such bottle is intended to be reused for refilling, the requirement of list of ingredients shall be exempted, but the nutritional information specified in regulation 2.2.2 (4) these regulations shall be given on the label.

Provided that in case of such glass bottles manufactured after March 19, 2009, the list of ingredients and nutritional information shall be given on the bottle.

4. in case of food with shelf-life of not more than seven days, the 'date of manufacture' may not be required to be mentioned on the label of packaged food articles, but the 'use by date' shall be mentioned on the label by the manufacturer or packer.

5. In case of wholesale packages the particulars regarding list of ingredients. Date of manufacture/ packing, best before, expiry date labelling of irradiated food and , vegetarian logo/non vegetarian logo, may not be specified.

2.7: Notice of addition, admixture or deficiency in food

2.7.1

1. Every advertisement and every price or trade list or label for an article of food which contains an addition, admixture or deficiency shall describe the food as containing such addition, admixture or deficiency and shall also specify the nature and quantity of such addition, admixture or deficiency and no such advertisement or price or trade list or label attached to the container of the food shall contain any words which might imply that the food is pure:

Provided that for purpose of this regulation the following shall not be deemed as an admixture or an addition, namely:—

(a) salt in butter or margarine;

(b) vitamins in food.

2. Every package, containing a food which is not pure by reason of any addition, admixture or deficiency shall be labelled with an adhesive label, which shall have the following declaration:

Declaration

This (a) contains an admixture/addition of not more than (b) per cent of (c).....

(a) Here insert the name of food.

(b) Here insert the quantity of admixture which may be present.

(c) Here insert the name of the admixture or the name of ingredient which is deficient.

Where the context demands it, the words 'contains an admixture of' shall be replaced by the words 'contains an addition of' or 'is deficient in'.

3. Unless the vendor of a food containing an addition, admixture or deficiency, has reason to believe that the purchaser is able to read and understand the declaratory label, he shall give the purchaser, if asked, the information contained in the declaratory label by word of mouth at the time of sale.

4. Nothing contained in regulation 2.7.1 shall be deemed to authorize any person to sell any article of food required under the Act or these regulations which is to be sold in pure condition, otherwise than in its pure condition.

5. Nothing contained in regulation 2.7.1 shall apply in the case of sweets, confectionery, biscuits, bakery products, processed fruits, aerated water, vegetables and flavouring agents.

[F.No. 2-15015/30/2010]

V.N. GAUR,
Chief Executive Officer

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 23rd May, 2017

G.S.R. 494(E).—Whereas the draft Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2016 were published, as required under sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), vide the Ministry of Environment, Forest and Climate Change notification number G.S.R. 34(E), dated the 16th January, 2017 in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), dated the 16th January, 2017, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas the copies of the said Gazette were made available to the public on the 16th January, 2017;

And whereas objections and suggestions received from the public have been considered by the Central Government;

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

1. Short title and commencement.—(1) These rules may be called the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017.

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

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

- (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
- (b) "animal market" means a market place or sale-yard or any other premises or place to which animals are brought from other places and exposed for sale or auction and includes any lairage adjoining a market or a slaughterhouse and used in connection with it and any place adjoining a market used as a parking area by visitors to the market for parking vehicles and includes animal fair and cattle pound where animals are offered or displayed for sale or auction;
- (c) "Animal Market Committee" means the committee constituted under these rules which shall be responsible for the upkeep of a market or for the provision of fixed facilities there and for ensuring the welfare of the animals being traded;
- (d) "calf" means a bovine animal under the age of six months;
- (e) "cattle" means a bovine animal including bulls, bullocks, cows, buffalos, steers, heifers and calves and includes camels;
- (f) "fractious animal" means an animal that is likely to cause injury to other animals;
- (g) "Inspector" means a person authorised as an inspector by the State Board or by a local authority or when used in relation to a person appointed by the Animal Husbandry Department, includes a veterinary inspector;
- (h) "Poultry" means live birds of domestic fowls, turkeys, geese, ducks and guinea-fowls;
- (i) "prohibited practices" means practices that are harmful to animals and that cause unnecessary pain or suffering;
- (j) "Society for Prevention of Cruelty to Animals (SPCA)" means a SPCA established under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules 2001 made under the Act;
- (k) "State Board" means the State Animal Welfare Board constituted, in a State, by the State Government;
- (l) "unfit" includes animals who are young, in advanced pregnancy, infirm, diseased, ill, injured or fatigued;

- (m) “vehicle” means any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road, and duly registered to carry animals in compliance with the law in force;
- (n) “veterinary inspector” means a registered veterinarian authorised by the local authority;
- (o) “young animal” means any animal below the age of six months;
- (p) words and expressions used in these rules and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Constitution of District Animal Market Monitoring Committee.— (1) The District Collector or District Magistrate, as the case may be, shall, in consultation with the State Board, constitute Animal Market Monitoring Committee for regulation of animal markets in the district.

- (2) The Committee referred to in sub-rule (1) shall consist of the following members, namely:-
 - (a) District Collector or District Magistrate – Chairman;
 - (b) Chief Veterinary Officer – Member Secretary;
 - (c) Jurisdictional Divisional Forest Officer;
 - (d) Jurisdictional Superintendent of Police;
 - (e) a representative of the SPCA;
 - (f) two representatives from Animal Welfare Organisation recognised by the Board and as approved by the State Government.

(3) Four members shall form the quorum for the meeting of the Committee.

(4) A person who has been convicted under the Act or any cattle preservation law made by a State Government shall be prohibited from being the member of the Committee and shall not be involved in the regulation of the animal market.

4. Constitution of Animal Market Committee.— The local authority shall, in consultation with the District Magistrate and the State Board, constitute Animal Market Committee for the management of animal markets in the district.

- (2) The Committee referred to in sub-rule (1) shall consist of the following members, namely:-
 - (a) Chairman of local authority - Chairman;
 - (b) Chief Municipal Officer or Chief Officer of local authority - Member Secretary;
 - (c) Jurisdictional Tahasildar-Member;
 - (d) Jurisdictional Forest Range Officer-Member;
 - (e) Jurisdictional Veterinary Officer-Member;
 - (f) Jurisdictional Police Inspector-Member;
 - (g) a representative of the SPCA-Member;
 - (h) two representatives from Animal Welfare Organisation recognised by the Board and as approved by the State Government-Members.

(3) Five members shall form the quorum for the meeting of the Committee.

(4) A person who has been convicted under the Act or any cattle preservation law made by a State Government shall be prohibited from being a member of the Committee and shall not be involved in the management of the animal market.

(5) The Member Secretary shall ensure the compliance of these rules.

5. Registration of existing animal markets.—(1) The local authority shall make a list of animal markets functional prior to the commencement of these rules.

(2) Every animal market functional prior to the commencement of these rules shall within three months from the date of such commencement register themselves with the District Animal Market Monitoring Committee by making an application to the Committee.

6. **Establishment of new animal markets.**—(1) When the local authority considers fit and necessary to establish an animal market within its jurisdiction, it shall identify a suitable location and develop a blueprint of the animal market.

(2) The District Animal Market Monitoring Committee may approve the blueprint of the animal market or seek further modification or reject the proposal for reasons to be recorded in writing.

(3) Every new animal market shall apply for registration to the District Animal Market Monitoring Committee.

7. **Functions of District Animal Market Monitoring Committee.**—

(1) The District Animal Market Monitoring Committee before granting registration shall ensure that all requirements as stipulated in these rules are fulfilled in the animal market.

(2) The District Animal Market Monitoring Committee shall ensure that the animal market has adequate-

(i) housing;

(ii) shade;

(iii) feeding troughs, water tanks with multiple taps and buckets;

(iv) lighting;

(v) ramps at the appropriate height of vehicles;

(vi) separate enclosures for sick and infirm animals;

(vii) separate enclosures for young and pregnant animals;

(viii) veterinary facility;

(ix) feed storage area and feed supply;

(x) water supply;

(xi) toilets;

(xii) non-slippery flooring;

(xiii) provisions for proper disposal of dead animals from the animal market site;

(xiv) provisions to ensure hygiene, proper disposal of manure and bio-waste from animal market site;

(xv) sand pits for rolling of equines;

(xvi) separate enclosures for different species of animals.

(3) The District Animal Market Monitoring Committee shall determine the maximum holding capacity of the animal market and that shall be displayed in a prominent place in the said market.

(4) The District Animal Market Monitoring Committee, while granting registration, may impose such conditions as it deems fit to ensure compliance of these rules.

(5) The District Animal Market Monitoring Committee may, for reasons to be recorded in writing, reject an application for registration, and in that case the animal market shall cease to exist from the date of such rejection.

(6) The District Animal Market Monitoring shall dispose of the application for registration within one month from the date of filing the application.

(7) The District Animal Market Monitoring Committee shall ensure that the traders and purchasers abide by the rules relating to transport of animals made under the Act or any other law for the time being in force.

8. **Additional precaution to be taken regarding animal markets in border area.**— The District Animal Market Monitoring Committee shall take steps to ensure that no animal market is organised in a place which is situated within twenty-five kilometers from any State border or which is situated within fifty kilometers from any international border.

9. Cancellation of registration of animal market.— If the District Animal Market Monitoring Committee, suo moto or on receipt of a complaint, comes to the conclusion that an animal market is functioning in contravention of these rules, it may direct the cancellation of registration of such market after giving reasonable opportunity of being heard.

10. Powers of State Board to issue directions, etc.—(1) The State Board may from time to time give such directions to the local authority and the District Animal Market Monitoring Committee as it may deem fit to facilitate compliance with these rules.

(2) The District Animal Market Monitoring Committee and Animal Market Committee shall provide all records and information pertaining to the functioning of animal market to the State Board as and when it is required and the State Board may call for additional records and information as it deems fit.

11. Powers of State Board, etc. to authorise inspection and seizure.— For the purpose of ensuring compliance with these rules, the State Board, local authority, District Animal Market Monitoring Committee or State Animal Husbandry Department may authorise any of its officers in writing to inspect any animal market, and report to the State Board, local authority, District Animal Market Monitoring Committee or State Animal Husbandry Department, as the case may be, the result of such inspection, and any officer so authorised may –

- (a) enter at reasonable time to inspect the animal market;
- (b) require any person to produce any record kept by him with respect to the said market;
- (c) seize any animal if he has reason to believe that the animals are being treated cruelly and the animals so seized shall be kept in the custody of the local SPCA or an animal welfare organization recognised by the Board;
- (d) take photographic and video proof of cruelty to animals.

12. Veterinary inspectors, etc. at animal markets.—(1) Every animal market shall have adequate number of veterinary inspectors and para-veterinary staff to assist the veterinary inspectors authorised by the District Animal Market Monitoring Committee.

(2) The veterinary inspector shall screen the animals before entering the animal market, for suspected contagious and infectious diseases such as Foot and Mouth Disease, Glanders, Strangles, Peste des petits, Rinder Pest, etc. by looking for the cardinal symptoms and the suspected animals shall not be allowed to enter the market area and shall be treated at the nearest veterinary hospital or sent back for necessary treatment and care.

(3) The veterinary inspector shall supervise the unloading and arrival of animals at the animal market and inspect all animals as soon as practical after their arrival and deal appropriately with any animals that are ill, sick or injured.

(4) The veterinary inspector shall make the required checks of the load against the transport documentation produced before him.

(5) The veterinary inspector shall treat or supervise the treatment of any animals that are ill, sick or injured in the isolation facilities in the animal market.

(6) The veterinary inspector shall monitor the handling of all animals in the animal market and ensure that animals are handled humanely at all times.

(7) The veterinary inspector shall supervise the loading of animals from the animal market and ensure that all animals are fit for the intended journey and provide the necessary veterinary certification and the camels may not be loaded in vehicles unless there is a written permission from the District Magistrate or District Collector, as the case may be.

(8) The veterinary inspector shall maintain records of all animals inspected, treated, number of veterinary clarifications issued, number of animals found unfit for transport and what actions was initiated when an animal was found unfit for transport.

(9) The veterinary inspector shall ensure that the provision for emergency euthanasia of animals that have irreparable severe injury or are terminally ill and cannot be uploaded on vehicles because to do so would cause

unnecessary pain or suffering, are available in a market and that all carcasses including those of naturally died animals shall be incinerated, and shall not be sold or flayed for leather.

(10) Veterinary inspectors authorised by the District Animal Market Monitoring Committee shall mark the animals that are unfit for sale to prevent trading.

(11) The veterinary inspectors shall ensure that the animals are transported only in vehicles that are authorised in law for the time being in force to carry animals and that they are not overloaded or tied by their noses in the vehicles or loaded in any other way that may cause injury.

13. Unfit animals and animals likely to give birth.—(1) No person shall permit an unfit animal to be sold in an animal market.

(2) No person shall permit an animal to be offered or displayed for sale in an animal market if it is likely to give birth while it is there or during its transportation.

14. Prohibited practices that are cruel and harmful.— The following cruel and harmful practices shall be prohibited, namely:—

- (a) animal identification methods such as hot branding and cold branding;
- (b) shearing and painting of horns, bishoping in horses and ear cutting in buffaloes;
- (c) casting animals on hard ground without adequate bedding (during farriery);
- (d) use of any chemicals or colors on body parts of animals;
- (e) sealing teats of the udder using any material such as adhesive tapes to prevent the calf from suckling;
- (f) any person forcefully drenching any fluids or liquids or using steroids or diuretics or anti-biotics, other than by a veterinarian for the purpose of treatment;
- (g) forcing animals to perform any unnatural acts, such as dancing;
- (h) putting any ornaments or decorative materials on animals;
- (i) use of any type of muzzle to prevent animals from suckling or eating food;
- (j) injecting Oxytocin into milch animals;
- (k) castration of animals by quacks or traditional healers;
- (l) nose-cutting or ear slitting or cutting by knife or hot iron marking for identification purposes other than by veterinarian;
- (m) castration of equines by quacks;
- (n) tying rope around penis;
- (o) tying nose bags as feeding troughs.

15. Protection of animals from injury or unnecessary pain or suffering.—(1) No person shall cause or permit any injury or unnecessary pain or suffering to an animal in an animal market.

(2) It shall be the duty of the person in charge of an animal in an animal market to ensure that the animal is not, or is not likely to be, caused injury or unnecessary pain or suffering by reason of—

- (a) the animal being exposed to the weather;
- (b) inadequate ventilation being available for the animal;
- (c) the animal being hit or prodded by any instrument or other thing; nose ropes or nose pegs or bits are pulled, yanked and jerked, causing immeasurable pain and suffering or any other cause;
- (d) being tethered on a short rope for an unreasonable period;
- (e) thirst or starvation.

16. Handling and tying of animals.—(1) No person shall handle an animal in an animal market by—

- (a) lifting it off the ground, other than poultry for weighing propose;
- (b) dragging it along the ground;
- (c) suspending it clear of the ground;
- (d) head, neck, ears, horns, legs, feet, tail, fleece or wing.
- (2) No person shall—
 - (a) tie up or muzzle any calf;
 - (b) tether an animal by both forelegs and hindlegs in such a way that it will prevent the animal from taking a step forward or backward to ease the discomfort of standing at one place for long hours;
 - (c) tie an animal by head or neck from both the sides which will prevent the animal from moving its head and neck in any direction or attending the self needs such as driving away flies or licking body parts;
 - (d) tie more than one animal using one single rope;
 - (e) use abrasive or sharp materials to tether or tie the animals that may cause injuries;
 - (f) tie any poultry by neck, leg or wing or carry poultry upside down.

17. Control of animals.—(1) No person shall use excessive force to control any animal in an animal market, including but not limited to twisting or breaking of tail, twisting the ear or muzzle hitting with stick, goad or other instrument, rubbing chilly or any other substance in the eyes, nose rings.

(2) No person shall drive or lead any animal over any ground or floor, the nature or condition of which is likely to cause the animal to slip or fall.

18. Penning and caging of animals.—(1) It shall be the duty of Member Secretary of the Animal Market Committee to ensure that no animal is kept in a pen, cage or other enclosures, which is unsuitable for the size and species of that animal.

- (2) It shall be the duty of Member Secretary of the Animal Market Committee to ensure that—
 - (a) any pen in which any calves or pigs are kept is of sufficient size to enable all the calves or pigs kept in it to lie down, stand up, and turn around and make normal postural adjustments at the same time;
 - (b) any cage or enclosure in which any poultry are kept—
 - (i) is of such a design as to enable the poultry to stand, lie down, spread wings and turn around and make normal postural adjustment in their natural position;
 - (ii) has a door which is of sufficient size to enable the poultry to be placed in, and removed from, the cage or enclosure without being caused any discomfort, injury or unnecessary pain or suffering.
- (3) It shall be the duty of Member Secretary of the Animal Market Committee to ensure that, within the animal market,—
 - (a) when animals are penned,—
 - (i) those of one species are kept in separate pens from animals of another species;
 - (ii) they are distributed within the pens, having regard to differences in age and size, so as to avoid unnecessary pain or suffering to them;
 - (iii) any fractious animal is kept in a separate pen, cage or enclosure from other animals;
 - (iv) they are not kept in pens, cages or enclosures which are overcrowded;
 - (b) adequate provision is made to prevent animals from—
 - (i) escaping from the market;

- (ii) coming into contact with any aggressive or fractious animals in the market;
- (c) a bull is not kept in the same undivided pen as any other animal except that the —
 - (i) bulls may be kept together in the same undivided pen if they are all secured by the head or neck; or
 - (ii) bulls which have been reared together may be kept together in the same undivided pen (without being secured by the head or neck);
- (d) a boar over the age of six months is not kept in the same undivided pen as any other animal; and
- (e) animals and young animals are not kept in the same undivided pen as any other animals, except where they originate from the same group of animals and are of a mutually acceptable disposition.

19. Feeding and watering of animals.—(1) It shall be the duty of the person in charge of an animal to ensure that the animal in an animal market is provided with an adequate quantity of wholesome water as often as is necessary to prevent it suffering from thirst.

(2) The Animal Market Committee shall ensure that animal feed is sold at an animal market at a specified price.

(3) It shall be the duty of the owner (or his duly authorised agent) of an animal which is kept in an animal market from one day to the next to ensure that the animal is provided with an adequate quantity of wholesome food and wholesome water—

- (a) before 9 p.m. on the day on which the animal arrives at the market or, if it arrives at the market after 9 p.m., immediately on its arrival there; and
- (b) thereafter at least once in each complete period of six hours (calculated from 9 p.m. on the day of its arrival at the market) during which the animal is kept in the market.

20. Provision of lighting and bedding.—(1) It shall be the duty of Member Secretary of the Animal Market Committee and other person for the time being in charge of an animal in an animal market to ensure that adequate lighting is available to enable animals kept in the market to be inspected and to be fed and watered.

(2) It shall be the duty of Member Secretary of the Animal Market Committee and other person for the time being in charge of an animal in an animal market to ensure that an adequate supply of suitable bedding is provided for animals.

21. Covered accommodation.—It shall be the duty of Member Secretary of the Animal Market Committee to provide covered accommodation in the animal market for animals.

22. Restrictions on sale of cattle.—The Member Secretary of the Animal Market Committee shall ensure that—

- (a) no person shall bring to an animal market a young animal;
- (b) no person shall bring a cattle to an animal market unless upon arrival he has furnished a written declaration signed by the owner of the cattle or his duly authorised agent—
 - (i) stating the name and address of the owner of the cattle, with a copy of the photo identification proof;
 - (ii) giving details of the identification of the cattle;
 - (iii) stating that the cattle has not been brought to market for sale for slaughter;
- (c) every declaration furnished to the Animal Market Committee shall be retained by it for a period of six months from the date on which it is furnished to them and the Animal Market Committee shall, on demand made by an Inspector at any reasonable time during that period, produce such declaration and allow a copy of it or an extract from it to be taken;
- (d) where an animal has been sold and before its removal from the animal market, the Animal Market Committee shall—

- (i) obtain the expenses incurred for each animal, as approved by the District Animal Market Monitoring Committee, so as to provide the basic facilities for animals and people;
- (ii) take an undertaking that the animals are bought for agriculture purposes and not for slaughter;
- (iii) keep a record of name and address of the purchaser and procure his identity proof;
- (iv) verify that the purchaser is an agriculturist by seeing the relevant revenue document;
- (v) ensure that the purchaser of the animal gives a declaration that he shall not sell the animal up to six months from the date of purchase and shall abide by the rules relating to transport of animals made under the Act or any other law for the time being in force;
- (vi) retain such record for a period of six months from the date of sale;
- (vii) produce such record before an Inspector on demand being made by him at any reasonable time during that period and allow a copy of it or an extract from it to be taken;
- (e) the purchaser of the cattle shall –
 - (i) not sell the animal for purpose of slaughter;
 - (ii) follow the State cattle protection or preservation laws;
 - (iii) not sacrifice the animal for any religious purpose;
 - (iv) not sell the cattle to a person outside the State without the permission as per the State cattle protection or preservation laws;
- (f) where a cattle has been sold and before its removal from the animal market, the proof of sale shall be issued in five copies, out of which first copy shall be handed over to purchaser, second copy to seller, third copy to tehsil office of the residence of purchaser, fourth copy to the Chief Veterinary Officer in the district of purchaser and last copy to be kept intact in the record by the Animal Market Committee.

23. Additional duties of Animal Market Committee.—It shall be the duty of the Animal Market Committee to ensure that—

- (a) all passageways in the animal market and all pens in which animals are kept—
 - (i) are constructed and maintained in a manner which is not likely to cause injury or unnecessary pain or suffering to animals;
 - (ii) are free from any sharp edges or projections with which animals may come into contact;
- (b) an animal market has an adequate supply of wholesome water available for animals;
- (c) an animal market has adequate facilities in the form of troughs, buckets, drinking bowls or other drinking devices available for watering animals; and
- (d) the covered accommodation in the animal market in which animals are kept shall be adequately ventilated;
- (e) proper record of the number of animals of each species separately brought for trading at the animal market are kept.

24. Accommodation for unfit animals.— It shall be the duty of the Animal Market Committee to ensure that—

- (a) suitable pens are available in which any unfit animals may be separated from other animals; and
- (b) any such pen in which an unfit animal is being kept is clearly marked so as to show that it is being used for this purpose and that entry into the pen is prohibited unless under the authority of a veterinary inspector.

25. Detention and treatment of unfit animals.—(1) Where a veterinary inspector has reasonable grounds for believing that any animal in an animal market is unfit, he may move it, or cause it to be moved, to a pen provided in the market for the accommodation of unfit animals or to any other suitable place in the market and require the Animal Market Committee to detain the animal there pending its examination by a veterinary inspector.

- (2) Where a veterinary inspector is of the opinion that any animal in an animal market is unfit, he may treat it, or cause it to be treated, and take, or cause to be taken, any other steps that he considers necessary to protect it from unnecessary pain or suffering, and he may for any such purpose require the Animal Market Committee to detain the animal in a pen for as long as he considers necessary for the purpose of further treatment or otherwise protecting it from unnecessary pain or suffering.
- (3) Where an animal is being detained under this rule, no person shall move it from its place of detention except with the approval of a veterinary inspector and in accordance with any conditions subject to which the approval is given.
- (4) The Animal Market Committee shall—
- render such assistance to a veterinary inspector as he may require for the purpose of facilitating the exercise of his powers under these rules;
 - give to a veterinary inspector such information as it possesses as to the ownership of any animal in respect of which any such power is exercised.
- (5) Expenses incurred by a veterinary inspector in treating, or causing to be treated, an unfit animal in exercise of the powers conferred on him by these rules shall be borne by the owner of the animal.

26. Marking of animals.— The veterinary inspector may mark, or cause to be marked, any animal including by ear tags but hot branding, cold branding and other injurious marking shall be prohibited.

27. Ramps.—Where, at any time after the coming into force of these rules, any premises are constructed for use as an animal market, it shall be the duty of the Animal Market Committee for that market to ensure that facilities are provided in the market for the purpose of loading and unloading cattle, sheep, goats, horses, ponies, donkeys, mules, camels and pigs into and out of vehicles and that those facilities consist of fixed ramps or other facilities which are of a height and design suitable and as specified for that purpose; and it shall be the duty of the Animal Market Committee to ensure that any fixed ramp or other facilities which are so provided are fitted with side railings (or some other means of protection) designed and constructed so as to prevent such animals from falling off them.

[F. No. 1/1/2016-AWD]

RAVI S. PRASAD, Jt. Secy.

अधिसूचना

नई दिल्ली, 23 मई, 2017

सा.का.नि. 495(अ).—पशुओं के प्रति क्रूरता का निवारण (केस विषयक पशुओं की देखरेख और भरणपोषण) नियम, 2016 का प्रारूप, पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 (1960 का 59) की धारा 38 की उपधारा (1) की अपेक्षानुसार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना सं. सा.का.नि. 35(अ), तारीख 16 जनवरी, 2017 को भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i), तारीख 16 जनवरी, 2017 को प्रकाशित किया गया था, जिसमें उन सभी व्यक्तियों से, जिनका उनके द्वारा प्रभावित होना संभाव्य था, उस तारीख से, जिसको उक्त अधिसूचना वाले राजपत्र की प्रतियां जनता को उपलब्ध कराई गई थी, तीस दिन की अवधि की समाप्ति के पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे ;

और उक्त राजपत्र की प्रतियां जनता को 16 जनवरी, 2017 को उपलब्ध करा दी गई थी ;

अतः अब, केंद्रीय सरकार, पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 (1960 का 59) की धारा 38 की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :--

1. संक्षिप्त नाम और प्रारंभ— (1) इन नियमों का संक्षिप्त नाम पशुओं के प्रति क्रूरता का निवारण (केस विषयक पशुओं की देखरेख और भरणपोषण) नियम, 2017 है ।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. परिभाषाएं— इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हो,-

(क) “अधिनियम” से पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 (1960 का 59) अभिप्रेत है ;

(ख) “पशु कल्याण संगठन” से भारतीय पशु कल्याण बोर्ड द्वारा मान्यताप्राप्त कोई संगठन अभिप्रेत है और इसके अंतर्गत अधिनियम के अधीन बनाए गए, पशुओं के प्रति क्रूरता का निवारण (पशुओं के प्रति क्रूरता के निवारण के लिए सोसाइटियों की

स्थापना और विनियमन) नियम, 2001 के अधीन किसी जिले में स्थापित पशुओं के प्रति क्रूरता के निवारण के लिए सोसाइटी भी है ;

(ग) “मवेशी” से कोई गोजातीय पशु अभिप्रेत है, जिसके अंतर्गत सांड, गाय, भैंस, बछवा, कलोर और ब्याना आते हैं और जिसके अंतर्गत ऊँटिनी भी है ;

(घ) “पशुओं के प्रति क्रूरता के निवारण के लिए सोसाइटी (एसपीसीए)” से पशुओं के प्रति क्रूरता का निवारण (पशुओं के प्रति क्रूरता के निवारण के लिए सोसाइटियों की स्थापना और विनियमन) नियम, 2001 के अधीन स्थापित एसपीसीए अभिप्रेत है ;

(ङ.) “राज्य बोर्ड” से राज्य सरकार द्वारा किसी राज्य में गठित राज्य पशु कल्याण बोर्ड अभिप्रेत है ;

(च) “यान” से सड़क पर उपयोग के लिए संनिर्मित या अनुकूलित कोई यान (जिसके अंतर्गत किसी भी भांति का कोई ट्रेलर या किसी यान से विलग्न वाडी भी है) अभिप्रेत है ;

(छ) उन शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ होंगे जो क्रमशः उस अधिनियम में उनके हैं ।

3. मुकदमा लंबित रहने के दौरान पशुओं की अभिरक्षा – जब किसी पशु का अधिनियम या तद्दीन बनाए गए नियमों के उपबंधों के अधीन अभिग्रहण किया जाता है, तो-

(क) पशु को अभिगृहीत करने वाला प्राधिकारी, ऐसे पशु के स्वास्थ्य निरीक्षण, पहचान और चिह्नांकन को उस क्षेत्र के सरकारी पशु चिकित्सा अस्पताल में तैनात अधिकारिता रखने वाले पशु चिकित्सा अधिकारी के माध्यम से सुनिश्चित करेगा और चिह्नांकन कर्ण टैग द्वारा या चिप द्वारा या कम कष्टप्रद किसी विकसित प्रौद्योगिकी द्वारा किया जा सकेगा किन्तु तप्त छाप, शीत छाप या किसी अन्य हानिकारक छाप द्वारा चिह्नांकन प्रतिषिद्ध होगा ;

(ख) मजिस्ट्रेट मुकदमे के लंबित रहने के दौरान पशु को किसी रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला में रखने का निदेश दे सकेगा ।

4. मुकदमा लंबित रहने के दौरान पशु की देखरेख और रखने की लागत- (1) राज्य बोर्ड इन नियमों के प्रारंभ की तारीख से तीस मास के भीतर और उसके पश्चात् प्रत्येक वर्ष 1 अप्रैल को ऐसे पशु की, जो राज्य में सामान्यतः अभिगृहीत किए जाते हैं, प्रत्येक प्रजाति के लिए प्रतिदिन परिवहन, भरणपोषण और उपचार की लागत विनिर्दिष्ट करेगी ।

(2) जिला मजिस्ट्रेट, राज्य बोर्ड द्वारा विनिर्दिष्ट की गई दरों को, अधिनियम की धारा 35 की उपधारा (4) के अधीन अभिगृहीत पशुओं के परिवहन, भरणपोषण, उपचार के लिए विनिर्दिष्ट न्यूनतम दरों के रूप में उपयोग करेगा ।

(3) उस दशा में जब विचाराधीन पशु राज्य बोर्ड द्वारा विनिर्दिष्ट दर सूची पर नहीं है, जिला मजिस्ट्रेट पशुओं के परिवहन, उपचार और भरणपोषण की लागत, अधिकारिता रखने वाले पशु चिकित्सा अधिकारी द्वारा उपलब्ध कराई गई सूचना के आधार पर नियत करेगा ।

5. बंधपत्र का निष्पादन- (1) मजिस्ट्रेट, पशु को किसी रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन, या गोशाला को अभिरक्षा सौंपते समय वह रकम अवधारित करेगा जो अधिकारिता वाले पशु चिकित्सा अधिकारी द्वारा दी गई सूचना के आधार पर पशु के परिवहन, भरणपोषण और उपचार के लिए उपगत या उपगत की जाने के लिए प्रत्याशित समस्त युक्तियुक्त लागत को पूरा करने के लिए पर्याप्त हो और अभियुक्त तथा स्वामी को अवधारित मूल्य का बंधपत्र प्रतिभुओं सहित तीन दिन के भीतर निष्पादित करने का निदेश देगा और यदि अभियुक्त तथा स्वामी बंधपत्र निष्पादित नहीं करते हैं तो पशु, रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन, गोशाला को समपहृत हो जाएगा ।

(2) पशु की अभिरक्षा रखने वाला रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला पाक्षिक आधार पर बंधपत्र से पशु की अभिरक्षा प्राप्त करने की तारीख से उसके अंतिम व्ययन की तारीख तक पशु की देखरेख में उपगत वास्तविक युक्तियुक्त लागत का आहरण कर सकेगा ।

(3) मजिस्ट्रेट, अभियुक्त और स्वामी से प्रारंभिक बंधपत्र की रकम का अस्सी प्रतिशत पशु की देखरेख की लागत में खर्च हो जाने पर प्रतिभुओं सहित अतिरिक्त बंधपत्र निष्पादित करने की मांग करेगा ।

(4) जहां अपराध में कोई यान अंतर्बर्लित है वहां मजिस्ट्रेट यान को प्रतिभुओं के रूप में रखने का निदेश देगा ।

(5) पशु को परिवहन से संबंधित अपराध की दशा में यान का स्वामी, परेषक, परेषिती, परिवाहक, अभिकर्ता और सभी अन्य सम्मिलित पक्षकार संयुक्ततः और पृथक्तः पशुओं के परिवहन, उपचार और देखरेख की लागत के दायी होंगे ।

(6) उस दशा में जहां पशु का स्वामित्व किसी निगमित निकाय के पास है, वहां निगमित निकाय का मुख्य कार्यपालक अधिकारी, अध्यक्ष या उच्चतम रैंक का कर्मचारी, निगमित निकाय और अभियुक्त संयुक्ततः और पृथक्तः पशुओं के परिवहन, उपचार और देखरेख की लागत के दायी होंगे ।

(7) उस दशा में जहां पशु का स्वामित्व सरकार के पास है वहां विभागाध्यक्ष और अभियुक्त संयुक्ततः और पृथकतः पशुओं के परिवहन, उपचार और देखरेख की लागत के दायी होंगे।

(8) यदि स्वामी और अभियुक्त के पास बंधपत्र देने के साधन नहीं हैं तो मजिस्ट्रेट स्थानीय प्राधिकरण को अंतर्वलित लागत का जिम्मा लेने और उसे भूराजस्व के बकाया के रूप में वसूल करने का निदेश देगा।

6. परित्यक्त पशु- (1) उस दशा में जहां अन्वेषक अधिकारी यह रिपोर्ट फाइल करता है कि प्रथम दृष्टया अधिनियम के अधीन अपराध पाया गया है किंतु वह अभियुक्त या पशु के स्वामी का अवधारण करने में असमर्थ है तो मजिस्ट्रेट स्थानीय प्राधिकरण को अंतर्वलित लागत का जिम्मा लेने का निदेश देगा और यह समझा जाएगा कि स्वामी ने पशु के स्वामित्व का त्याग कर दिया है।

(2) स्वामित्व का त्याग अज्ञात अपराधी या स्वामी के विरुद्ध किन्हीं दांडिक आरोपों को प्रभावित नहीं करेगा।

7. स्वैच्छिक त्याग- इस नियम की किसी बात का अर्थ ऐसे स्वामी द्वारा, जो अभियुक्त है, किसी पशु को बंधपत्र के निष्पादन के बदले रुग्णावास, पिंजरापोल, एसपीसीए पशु कल्याण संगठन या गोशाला को स्वैच्छिक और स्थायी त्याग करने से रोकना नहीं होगा किंतु स्वैच्छिक और स्थायी त्याग, अभियुक्त या स्वामी के विरुद्ध किन्हीं दांडिक आरोपों को प्रभावित नहीं करेगा।

8. मुकदमें के निपटारे पर पशु की प्रास्थिति- (1) यदि अभियुक्त को दोषसिद्ध किया जाता है या वह दोषी होने का अभिवाक् करता है तो मजिस्ट्रेट उसे पशुओं के स्वामित्व से वंचित कर देगा और अभिगृहीत पशु को पहले से ही अभिरक्षा रखने वाले रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला को उचित दत्तक ग्रहण या अन्य प्रकार से व्ययन के लिए समपहृत कर देगा।

(2) यदि अभियुक्त को सभी आरोपों से दोषमुक्त पाया जाता है तो अभिगृहीत पशु अभियुक्त या स्वामी को लौटा दिया जाएगा तथा निष्पादित किसी बंधपत्र की रकम का अप्रयुक्त भाग उस व्यक्ति को लौटा दिया जाएगा, जिसने बंधपत्र निष्पादित किया था।

9. दत्तक ग्रहण या अन्य प्रकार से व्ययन की प्रक्रिया- (1) मुकदमे के दौरान या मुकदमें के पश्चात् पशु की अभिरक्षा रखने वाला रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला अधिनियम की धारा 13 के अनुसार उसकी अभिरक्षा में के पशु को सहज मृत्यु दे सकेगा।

(2) जहां पशु को, यथास्थिति, दोषसिद्धि, परित्याग या स्वैच्छिक त्याग के पश्चात् रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला को समपहृत कर दिया गया है वहां पशु को दत्तक ग्रहण के लिए रख दिया जाएगा।

(3) ऐसा व्यक्ति, जो इस अधिनियम या राज्य सरकार द्वारा बनाए गए किसी मवेशी परिरक्षण विधि के अधीन आरोपित है, रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला से पशु को दत्तक ग्रहण में लेने से प्रतिषिद्ध होगा।

(4) रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला पशु को दत्तक ग्रहण में देने से पहले,-

(क) मवेशी की दशा में शपथ पत्र के रूप में यह वचनबंध लेगा कि पशु को दत्तक ग्रहण में कृषि प्रयोजनों के लिए न कि वध के लिए लिया गया है और सुसंगत राजस्व दस्तावेज देखकर यह सत्यापित करेगा कि पशु का दत्तक ग्रहण में लेने वाले व्यक्ति एक कृषक है।

(ख) भार ढोने वाले और लद्दू पशुओं की दशा में शपथ पत्र के रूप में यह वचनबंध लेगा कि पशुओं को दत्तक ग्रहण में भार ढोने और लादने के प्रयोजनों के लिए न कि वध के लिए लिया गया है।

(ग) कुत्तों और बिल्लियों की दशा में यह सुनिश्चित करेगा कि दत्तक ग्रहण में देने से पहले पशु को अंडाशय उच्छेदित और नपुंसक कर दिया गया है।

(घ) पशु को दत्तक ग्रहण में लेने वाले व्यक्ति का नाम और पते का अभिलेख रखेगा और पशु को दत्तक ग्रहण में लेने वाले व्यक्ति का पहचान का सबूत और पते का सबूत उपाप्त करेगा।

(ङ.) पशु को दत्तक ग्रहण में लेने वाले व्यक्ति से शपथ पत्र के रूप में यह घोषणा अभिप्राप्त करेगा कि वह पशु का दत्तक ग्रहण की तारीख से छह मास तक अन्य संक्रामण नहीं करेगा और उसके परिवहन के लिए अधिनियम या तत्समय प्रवृत्त किसी अन्य विधि के अधीन विरचित नियमों का पालन करेगा और पशु की नियमित पशु चिकित्सा जांच करवाएगा।

(5) पशु को दत्तक ग्रहण में लेने वाला व्यक्ति-

(क) पशु को नहीं बेचेगा;

(ख) पशु का परित्याग नहीं करेगा;

(ग) राज्य मवेशी संरक्षण और परिरक्षण विधि का अनुसरण करेगा;

(घ) किसी धार्मिक प्रयोजन के लिए पशु की बलि नहीं देगा;

(ङ.) राज्य मवेशी संरक्षण और परिरक्षण विधि के अनुसार अनुज्ञा के बिना राज्य के बाहर किसी व्यक्ति को मवेशी को नहीं बेचेगा।

(6) जहां किसी मवेशी या किसी भार ढोने वाले और लद्दू पशु को दत्तक ग्रहण में लिया गया है वहां रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला के परिसरों से उसको ले जाए जाने से पहले पांच प्रतियों में दत्तक ग्रहण का सबूत जारी करेगा जिसमें से पहली प्रति पशु को दत्तक ग्रहण में लेने वाले व्यक्ति को, दूसरी प्रति, यथास्थिति, रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला को, तीसरी प्रति पशु को दत्तक ग्रहण में लेने वाले व्यक्ति के निवास के तहसील कार्यालय को, चौथी प्रति पशु को दत्तक ग्रहण में लेने वाले व्यक्ति के जिला कार्यालय को दी जाएगी तथा अंतिम प्रति केस फाइल में फाइल किए जाने के लिए न्यायालय को भेज दी जाएगी।

(7) पशु का दत्तक ग्रहण, पशु को दत्तक ग्रहण में लेने वाले व्यक्ति को अप्रतिसंहरणीय अधिकार नहीं देगा और, यथास्थिति, रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला समय समय पर पशु का निरीक्षण कर सकेगा तथा यह पाए जाने की दशा में कि वह व्यक्ति जिसने पशु को दत्तक ग्रहण में लिया था, पर्याप्त देखरेख नहीं कर रहा है या उसके पास यह विश्वास करने का कारण है कि अधिनियम या किसी पशु परिरक्षण विधि के अधीन अपराध किया जाना प्रत्याशित है तो, यथास्थिति, रुग्णावास, पिंजरापोल, एसपीसीए, पशु कल्याण संगठन या गोशाला पशु का कब्जे में ले लेंगे।

(8) पशु को दत्तक ग्रहण में लेने वाला व्यक्ति पशु का केवल विधिपूर्ण संरक्षक होगा और उसे ऐसे अधिकार नहीं होंगे जो पशु के स्वामी को साधारणतया प्रदान किए जाते हैं किंतु उसका ऐसे पशु के कल्याण को सुनिश्चित करने के लिए और ऐसे पशु को अनावश्यक पीड़ा या यातना दिए जाने के निवारण के लिए सभी उत्तरदायी उपाय करने का कर्तव्य होगा।

[फा. सं. 1/1/2016-एडब्ल्यूडी]

रवि शंकर प्रसाद, संयुक्त सचिव

NOTIFICATION

New Delhi, the 23rd May, 2017

G.S.R.495(E).—Whereas the draft Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2016 were published, as required under sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), vide the Ministry of Environment, Forest and Climate Change notification number G.S.R. 35(E), dated the 16th January, 2017 in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), the 16th January, 2017 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas the copies of the said Gazette were made available to the public on the 16th January, 2017;

And whereas objections and suggestions received from the public have been considered by the Central Government;

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

1. **Short title and commencement.**— (1) These rules may be called the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**— In these rules, unless the context otherwise requires, —
 - (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
 - (b) "Animal Welfare Organisation" means an organisation recognised by the Animal Welfare Board of India and includes a Society for Prevention of Cruelty to Animals established in any district under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 made under the Act;
 - (c) "cattle" means a bovine animal including bulls, cows, buffalos, steers, heifers and calves and includes camels;
 - (d) "Society for Prevention of Cruelty to Animals (SPCA)" means a SPCA established under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 made under the Act;
 - (e) "State Board" means the State Animal Welfare Board constituted, in a State, by the State Government;
 - (f) "vehicle" means any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road;

- (g) words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Custody of animals pending litigation.— When an animal has been seized under the provision of the Act or the rules made thereunder—

(a) the authority seizing the animal shall ensure health inspection, identification and marking such animal, through the jurisdictional veterinary officer deployed at Government Veterinary Hospital of the area and marking may be done by ear tagging or by chipping or by any less irksome advance technology but marking by hot branding, cold branding and other injurious marking shall be prohibited;

(b) the magistrate may direct the animal to be housed at an infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala during the pendency of the litigation.

4. Cost of care and keeping of animal pending litigation.— (1) The State Board shall within three months from the date of commencement of these 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 animal that is commonly seized in the State.

(2) The magistrate shall use the rates specified by the State Board as the minimum specified rates for transport, maintenance and treatment of the seized animals under sub-section (4) of section 35 of the Act.

(3) In case the animal under consideration is not on the rate sheet specified by the State Board, the magistrate shall fix the cost of transport, treatment and maintenance of the animal based on the input provided by the jurisdictional veterinary officer.

5. Execution of bond.— (1) The magistrate when handing over the custody of animal to an infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala shall determine an amount which is sufficient to cover all reasonable cost incurred and anticipated to be incurred for transport, maintenance and treatment of the animal based on the input provided by the jurisdictional veterinary officer and shall direct the accused and the owner to execute a bond of the determined value with sureties within three days and if the accused and owner do not execute the bond, the animal shall be forfeited to infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala.

(2) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala having the custody of the animal may draw on from the bond on a fortnightly basis the actual reasonable cost incurred in caring for the animal from the date it received custody till the date of final disposal of the animal.

(3) The magistrate shall call for the accused and the owner to execute additional bond with sureties once eighty per cent. of the initial bond amount has been exhausted as cost for caring for the animal.

(4) Where a vehicle has been involved in an offence, the magistrate shall direct that the vehicle be held as a security.

(5) In case of offence relating to transport of animals, the vehicle owner, consignor, consignee, transporter, agents and any other parties involved shall be jointly and severally liable for the cost of transport, treatment and care of animals.

(6) In cases where a body corporate owns the animal, the Chief Executive Officer, President or highest-ranking employee of the body corporate, the body corporate and the accused shall be jointly and severally liable for the cost of transport, treatment and care of the animal.

(7) In cases where the Government owns the animal, the Head of the Department and the accused shall be jointly and severally liable for the cost of transport, treatment and care of the animal.

(8) If the owner and the accused do not have the means to furnish the bond, the magistrate shall direct the local authority to undertake the costs involved and recover the same as arrears of land revenue.

6. Abandoned animal.— (1) In case where the investigating officer files a report that prima facie offence under the Act has been made out but he is unable to determine the accused or the owner of the animal, then the magistrate shall direct the local authority to undertake the costs involved and it shall be deemed that the owner has relinquished the ownership of the animal.

(2) The relinquishment of ownership shall have no effect on any criminal charges against the unknown offender or the owner.

7. Voluntary relinquishment.— Nothing in these rules shall be construed to prevent the voluntary and permanent relinquishment of any animal by the owner who is the accused, to infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala in lieu of executing a bond but the voluntary and permanent relinquishment shall have no effect on any criminal charges against the accused or owner.

8. Status of animal upon disposal of litigation.— (1) If the accused is convicted, or pleads guilty, the magistrate shall deprive him of the ownership of animal and forfeit the seized animal to the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala already having custody for proper adoption or other disposition.

(2) If the accused is found not guilty of all charges, the seized animal shall be returned to the accused or owner of the animal and the unused portion of any bond amount executed shall be returned to the person who executed the bond.

(9) **Process of adoption or other disposition.**— (1) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala having custody of the animal during the litigation or post litigation may euthanize the animal in its custody as per section 13 of the Act.

(2) Where the animal has been forfeited to the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala after conviction, abandonment or voluntary relinquishment, as the case may be, the animal shall be put up for adoption.

(3) A person who has been charged under the Act or any cattle preservation law made by the State Government shall be prohibited from adopting animals from the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala.

(4) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala prior to giving the animal for adoption shall,—

- (a) in case of cattle, take an undertaking in form of an affidavit that the animals are adopted for agriculture purposes and not for slaughter, and verify that the person adopting the animal is an agriculturist by seeing the relevant revenue document;
- (b) in case of draught and pack animals, take an undertaking in the form of an affidavit that the animals are adopted for draught and pack purposes and not for slaughter;
- (c) in case of dogs and cats, ensure that the animal is spayed or neutered before adoption;
- (d) keep a record of name and address of the person adopting the animal and procure an identity proof and address proof of the person adopting the animal;
- (e) obtain from the person adopting the animal a declaration in the form of an affidavit that he shall not alienate the animal up to six months from the date of adoption and shall abide by the rules for transport framed under the Act or any other law for the time being in force and shall get regular veterinary checkup done for the animal.

(5) The person adopting the animal shall—

- (a) not sell the animal;
- (b) not abandon the animal;
- (c) follow the State cattle protection and preservation law;
- (d) not sacrifice the animal for any religious purpose;
- (e) not sell the cattle to a person outside the State without permission as per the State cattle protection and preservation law.

(6) Where a cattle or a draught and pack animal has been adopted, before its removal from the premises of the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, the proof of adoption shall be issued in five copies, out of which first copy shall be handed over to person adopting the animal, second copy to infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, third copy to tehsil office of the residence of person adopting the animal, fourth copy to the Chief Veterinary Officer, Office of District of person adopting the animal and last copy shall be sent to the court to be filed in the case file.

(7) The adoption of animal shall not create an irrevocable right to the person adopting the animal, and the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, may from time to time inspect the animal and in case it finds that the person who has adopted the animal is not providing sufficient care or it has reasons to believe that an offence under the Act or any cattle preservation law is anticipated, then the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, shall take possession of the animal.

(8) The person adopting the animal shall only be the lawful guardian of the animal and shall not have any rights bestowed generally to an owner of the animal, but shall have the duty to take all responsible measures to ensure the well being of such animal and to prevent infliction upon such animal of unnecessary pain or suffering.

[F. No. 1/1/2016-AWD]

RAVI S. PRASAD, Jt. Secy.

**2. CHAPTER 6, LAWS RELATING TO ANIMAL WELFARE,
BY VIVEK MUKHERJEE, NALSAR UNIVERSITY**

Laws Relating to Animal Welfare:

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(For private circulation only)

Chapter 6 **Prevention of Cruelty to Animals Act, 1960**

Definition, Nature scope and Development

Overview of the Prevention of Cruelty to Animals Act 1960

Section	Provisions
3	Duty of owner to ensure well being of an animal. In this document the word animal includes birds as defined in the act.
11 (1)(a)	Beating, kicking, overriding, overloading, torturing and causing unnecessary pain to any animal
11 (1) (b)	Using an old or injured or unfit animal for work. Applies to owner as well as user.
11 (1) (c)	Giving an injurious drug/medicine to any animal.
11 (1) (d)	Carrying an animal in any vehicle in a way that causes pain and discomfort to it.
11 (1) (e)	Keeping any animal in a cage where it doesn't have reasonable opportunity of movement.
11 (1) (f)	Keeping an animal on an unreasonably heavy chain or an unreasonably short chain or for an unreasonable period of time
11 (1) (g)	Keeping the animal in confinement, not giving an opportunity to exercise.
11 (1) (h)	Owner fails to provide food, water and shelter to animal.

11 (1) (i)	Abandoning a animal.
11 (1) (j)	Allowing an owned animal to roam on the streets or leaving it on the streets to die of disease or old age.
11 (1) (k)	Having possession of or offering for sale, an animal which is suffering because of hunger, mutilation, overcrowding etc
11 (1) (l)	Mutilating or killing an animal cruelly.
11 (1) (m)	Using an animal as a bait for another animal.
11 (1) (n)	Organising, keeping, using or managing any place for animal fighting.
11 (1) (o)	Shooting an animal when it is released from captivity for such purpose.
12	Injecting any substance to improve lactation (Oxytocin).
22 (i)	Exhibiting or training an animal without registration with AWBI.
22 (ii)	Making such an animal perform which has been banned (monkey, bear, lion, tiger, panther, bull).

Other Acts

Section 429 Indian Penal Code	killing, poisoning, maiming or rendering useless, any animal
Section 378 Indian Penal Code	Stealing an animal
Section 503 Indian Penal Code	Criminal intimidation to be charged if animal caretakers are prevented illegally/forcibly from keeping pets or feeding street animals.
Section 9 Wildlife Protection Act	Capturing, killing, poisoning, snaring, and trapping or any wild animal and every attempt to do so, Injuring or destroying or taking any part of the body of any such animal, or in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles;
Section 38H Wildlife Protection Act	Running a zoo of any size without registration with the Central Zoo Authority

Section 38J Wildlife Protection Act	Teasing, molesting, injuring or feeding animals in a zoo.
Section 39 Wildlife Protection Act	Keeping any wild animal, wild animal article, ivory, any vehicle, vessel, weapon, trap or tool which has been used for trapping or hunting wild animals
Section 48A Wildlife Protection Act	Transporting any wild animal without permission from the Chief Wildlife Warden of the State.

CRUELTY TO ANIMALS IN GENERAL

Section 3 and 11 - Prevention of Cruelty to Animals Act
Section 429 - Indian Penal Code

No person shall beat, kick, injure, kill, torture, cause stress and discomfort to any animal or being the owner, allow such treatment to be inflicted upon any animal.

- Case to be duly registered.
- Photography and videography of the scene of crime to be made for purposes of prosecution.
- District Veterinary officer to be asked for a government veterinarian to attend to the animals
 - a) *If animal is dead – Post mortem to be done*
 - b) *If animal is alive – health certificate to be made*
 - c) *If animal is injured or diseased – Treatment to be ensured.*
- In case of suspected poisoning, viscera must be sent to a forensic laboratory once the veterinarian has sealed and stamped it. Signatures of complainants may be taken as witnesses.
- Statements of the accused and the complainant must be recorded.
- Any other article of evidentiary value such as a weapon(knife/rod/hammer/stone), heavy chains, cage in which animal was confined or any other must be taken into custody as well and produced before the magistrate along with photographs, health/forensic reports and statements.
- Carcass of the animal can be buried after post mortem examination.

Custody of live animals to be handed over to local infirmary, animal welfare organization, SPCA or registered gaushala, following due procedure.

ILLEGAL USE OF OXYTOCIN AND OTHER SUBSTANCE IN DAIRIES

Section 12 – Prevention of Cruelty to Animals Act 1960 Cognizable.
Two years imprisonment and/or fine of Rs

No person shall use any drug such as oxytocin to increase lactation in any animal or for any non-therapeutic purpose.

Any police officer not below the rank of a Sub Inspector can take cognizance.

- All containers of the drug, the syringe and any other evidence must be taken into custody immediately.
- The Drug Inspector and a veterinarian will be needed for sealing the sample.
- The veterinarian must write a prescription for purchase of oxytocin from the market.
- The veterinarian's sample and the confiscated drug must be sealed and stamped by Drug Inspector and sent to the lab for testing.
- The animals must be seized and sent to the shelter or SPCA following due procedure.
- FIR must be drawn carefully taking into account any other general cruelty issues or irregularities that may be reported at the event.
- Once the lab confirms presence of Oxytocin in the sample drug, charge sheet must be prepared.

1. Points to Note:

- Oxytocin cannot be openly sold in the market. It can only be sold with a prescription and records need to be maintained by chemist as per the Drugs and Cosmetics Act and Rules framed under the act.
- It can only be available in registered hospitals but is illegally made available to dairies across the country.
- An unlabelled, white or colorless drug in a glass or plastic vial reported in a dairy can be sent for testing for suspicion of oxytocin.
- Injecting any substance to an animal without veterinary prescription is an offence.

OFFENCES AGAINST PET ANIMALS AND COMMUNITY DOGS

Article 51A(G) of the Indian Constitution : to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

Section 11 – Prevention of Cruelty to Animals Act 1960

Animal Birth Control Rules 2001

Indian penal Code 1860

Banning pets from Societies/colonies/neighborhood

- Not allowed. Supreme Court Dated 7. 5.2014, AWBI Vs A.Nagaraja and others, no animal can be treated in a way that causes distress or physical harm.
- Supreme Court order dated 6.2.2013 SLP no 4453 of 2013 and order dated 10.5.2013 in SLP 17112 of 2013 picking up dogs from one place and leaving them in some other place have been disallowed.
- No person can be asked to abandon their pet by any Resident Welfare Association or such organizations or persons as that would mean making a rule contrary to the guidelines laid down in the Constitution and the Laws.

2. Intimidation and harassment of pet owners/dog feeders- Section 503 IPC

As per Guidelines issued by the Animal Welfare Board of India specifically for RWAs and any other recognized citizens' associations the following directions have been given:

- Recognized Associations/individuals may approach animal welfare organizations or SPCAs of their strict such for redressal of their grievances if any, with regard to stray animals.
- As per Section 11 of The Prevention of Cruelty to Animals Act,1960, beating, kicking over-riding, overloading, over-driving, torturing or otherwise treating any animals so as to subject it to unnecessary pain amounts to cruelty on animals. And whoever indulges in an act of cruelty to animals makes himself liable for action under Prevention of Cruelty to Animals Act.
- Recognized Associations/individuals may approach animal welfare organizations or SPCAs of their strict such for redressal of their grievances if any, with regard to stray animals.

All problems of stray animals have to be handled within the institutional framework available. No association, recognized or unrecognized, shall take recourse to any action regarding stray animals on their own, either themselves or through any person employed by them like security guards. · Where there is no recognized association, residents may take up grievances through the SPCA/Office of the District Veterinar Officer.

While residents and Associations are free to address institutional agencies for redressal of grievances in this matter, no resident/association can interfere with the freedom of other residents in caring and attending animals.

3. In a complaint under Section 429 of the IPC in respect of a dog belonging to/looked after by the complainant, poisoned by a neighbor, this course of action needs to be followed:

- If the owner believes that a neighbor is responsible for poisoning their dog, the owner should immediately contact the nearest police officer.
- The police officer should visit the site and note the condition of the animal.
- The dog has to be taken to a vet, for a post-mortem examination to determine the cause and approximate time of death. In the meantime the police officer can collect any physical evidence that is available, indicating both the perpetrator and the method used.
- The police officer must record the statement of witnesses who have seen the poisoning or witnesses who can record the attitude or history of previous cruelty of the alleged perpetrator towards the deceased.
- Thereafter, the police officer must put up a challan before the court of the concerned magistrate.

There is no law to prevent an owner of a pet to freely use the lift, lobby, apartment, garden, streets etc for exercising and keeping his pet.

However, it may be advised to the owner to collect the droppings of the pet animal and dispose it responsibly.

It may also be required of the owner to keep the pet sterilized and vaccinated.

ILLEGAL USE OF ANIMALS FOR PERFORMANCE

Section 22 - Prevention of Cruelty to Animals Act 1960
Performing Animals Rules 1973
Performing Animals Registration Rules 2001

No animal can be trained for performance or made to perform without a valid Performing Animal Registration Certificate issued by the Animal Welfare Board of India

“Performing Animal” means an animal which is used for the purpose of any entertainment. Entertainment means films, circuses and any animal events into which public are admitted.

At any such event, the exhibitor/trainer MUST possess a Performing Animals Registration (PAR) Certificate from the Animal Welfare Board of India (AWBI) giving details of ALL animals to be used in the event.

Rule 3 of the said rule makes it mandatory for every person desirous of training or exhibiting a performing animal to apply for registration with the prescribed authority. It further prohibits exhibition and training of a performing animal unless it has been registered with the prescribed authority.

Rule 5 of the said Rules empowers the prescribed authority to satisfy itself about the proposed performance and the method to be adopted for the training of such animals. It empowers the prescribed authority while granting registration to impose such conditions, as it may deem appropriate.

Rule 7 of the said rules mandates that the person who hires out or lends a performing animal in the making of the film shall give prior information to the Prescribed Authority (Animal Welfare Board of India) specifying the kind, age and health of the animal, the nature, duration and method of the performance to be done by the animal, and above all the justification for the use of such animal in the film. It further mandates that every such application has to be accompanied by a fitness certificate along with the ownership certificate in case of animals covered under the Wildlife Protection Act, 1972.

Rule 14 provides that the prescribed authority may depute an officer or authorize any other person, to inspect the mode of transport, care and upkeep of the animals, or to be present at the time of training or exhibition of the performing animals or during making of a film to ensure that the conditions of registration are being complied with.

4. Performance of Wild Animals

Section 2(7A) of the Wild Life Protection Act, 1972, defines the term “circus” as an establishment – either stationary or mobile – where animals are kept or used wholly or mainly for the purpose of performing tricks and manoeuvres.

Section 2(39) of the Wild Life Protection Act, 1972, includes inter alia “circus” within the definition of the word “zoo”.

Section 38H of the Wild Life Protection Act, 1972, declares that no zoo – including circuses, per Section 2(39) – shall be operated without being recognized by the Central Zoo Authority.

When these provisions of the Wild Life Protection Act, 1972, are read and interpreted together, it is clear that these wild animals which are performed fall within the definition of circus animal, as defined in Section 2(7A) of the Wild Life Protection Act. Hence, such animals cannot be made to perform without recognition by the Central Zoo Authority and without having their housing and other needs met, as detailed in the Recognition of Zoo Rules and as applicable to circuses. This makes all Madaris, Kalandars, Snake Charmers, Fortune telling parakeets, etc completely illegal.

5. Additional Conditions for Performance of Animals laid down under Rule 5 of the Performing Animal (Registration) Rules:

- Every owner who has ten or more such performing animals shall have a veterinarian as a regular employee for their care treatment and transport.

- The owner shall not transport such animals by road continuously for more than 8 hours and except in cages admeasuring as specified in the Fifth Schedule of the Performing Animals (Registration) rules, 2001.
- The owner shall ensure proper watering and feeding halts during such transportation.
- The owner after transportation shall provide feeding and retiring enclosures in respect of the animals specified in the Sixth Schedule of Performing Animals (Registration) rules, 2001.
- The owner shall ensure that any animal is not inflicted unnecessary pain or suffering before or during or after its training or exhibition.
- The owner shall not deprive the animal of feed or water in order to compel the said animal to train or perform any trick.
- The owner shall train an animal as a performing animal to perform an act in accordance with its basic natural instinct.
- The owner shall not make a performing animal perform if it is sick or injured or pregnant.
- The owner shall ensure that no sudden loud noise is deliberately created within the vicinity of any performing animal or bring an animal close to fire, which may frighten the animal.
- The owner in case the performing animal is to be exhibited under artificial light, the overall intensity of such light shall not be more than 500 LUX.
- The owner shall not subject the animals to any action which may either kill or injure or use the animal in scenes which may cause injury to the animals.
- The owner shall not use any tripping device or wires or pitfalls for such animals. 13. The owner shall not expose any animal to either burning fire or to fire accidents. 14. The owner shall not keep any animal including horses in close proximity while shooting scenes involving explosives or other loud noises.
- The owner shall ensure that props such as spears, nails splinters, barbed wires and other such props shall not cause injury to the animals during the performance.
- The owner shall ensure that the equines are not made to walk on hard surfaces without being showed and shall further ensure that the animals are not used in downhill slides or rodeo slide stops without proper skid and hock boots.
- The owner of any equine shall not use any whip other than an air cushioned shock absorbing whip which has been scientifically tested to prove that it will not cause weals, bruising or other damage to the horse and subject to the conditions that
 - a. The whip shall not have raised binding, stitching, seam or flap.
 - b. The whip shall be used by licensed jockeys only.
 - c. The owner shall also ensure that the whip is not used other than either on the quarters in either the forehand or the backhand position or down the shoulder in the backhand position or use the whip with the arm above shoulder height.
 - d. The whip shall not be used more than 3 times in a race.
- The owner shall ensure that the animal is not used on floors that are very smooth without the use of non-skidding mats.
- The owner shall ensure that large gathering of animals is not allowed in such a way which may cause or result in stampede to the animals.

- The owner shall ensure that the animal is not made or incited to fight against other animals and shall further ensure that sedatives or tranquillizers or steroids or any other artificial enhancers are not administered to or inserted in any animal except the anesthesia by a veterinary doctor for the purpose of treatment of an injured or sick animal.
- The owner shall ensure that the animal shall not be transported or be kept or confined in cages and receptacles which do not measure in height, length or breadth as specified under the Transport of Animal Rules, 1978, the Recognition of Zoo Rules, 1992 or under any other Act, rule or order for this purpose.
- The owner shall ensure that the animal is not continuously used for excessive number of takes in shooting a film without providing adequate rest to the animal and in the event of a snake being used it shall not be made to ingest any substances or made to crawl across tarred or any other heated surface and shall not be contorted to wrestle.
- The owner shall ensure that while using an animal in shooting a film, the fight sequence shall not be shot in any livestock holding area including poultry area and shall further ensure that no birds are shown in cages.
- The owner shall inform the prescribed authority at least four weeks in advance informing the place, date and time of the actual making of the film wherein the animal is to be used.

Any police officer not below the rank of a sub inspector is authorised under section 25 of the PCA act to inspect the premises and check for registration

- If owner does not have PAR certificate,
 - Seize animals and file NCR for violation of section 22, 26 of the Prevention of Cruelty to Animals Act 1960.
 - If any of the animals are injured or mutilated, an FIR under Section 429 of the IPC can be lodged.
- If owner has PAR certificate for a certain number of animals but more animals are being used for training/performance/exhibition; and there is visible cruelty to animals
 - Seize the animals not listed in the certificate and file FIR under section 22, 26 and section 11 of the PCA act.
 - Transfer seized animals to the nearest local animal shelter, for treatment and care.

Points to Note:

Dog shows, animal rides, animal races, animal sports etc. come under the definition of Performance and cannot be done without Registration with Animal Welfare Board of India.

OVERLOADING

Section 3, 11 - Prevention of Cruelty to Animals Act 1960 Draught
and Pack Animal Rules, 1965

No person shall cause any animal to carry or pull any load if the load is in excess to the prescribed norms or if the animal is injured, diseased, or unfit in any other way.

I. Load Limit for Transporting Goods on Cart

Type of Cart	Load Limit					
	Small bullock or small buffalo (up to 250 kg)	Medium bullock or <u>medium</u> buffalo (250-350kg)	Large bullock or large buffalo (350 kg and above)	Horse or mule	Pony	Camel
Two-wheeled vehicle						1000 kg
1. If fitted with ball bearing	1000 kg	1400 kg	1800 kg	-	-	
2. If fitted with pneumatic tyres	750 kg	1050 kg	1350 kg	750 kg	600 kg	
3. If not fitted with pneumatic tyres	500 kg	900	900 kg	500 kg	400 kg	

Note:

1. The weights specified are **inclusive of the weight of the vehicle.**
2. Where the vehicle to be drawn is a four-wheeled vehicle, weight specified in each case above, be read as being **one and a quarter times.**
3. If the four-wheeled vehicle is one fitted with pneumatic tyres, the weight specified in each case above, be read as **one and a half times.**
4. If the vehicle, whether two-wheeled or four-wheeled is to be drawn by two animals of either species, the weight specified shall be read as **twice**, and if the vehicle is one fitted with pneumatic tyres, the weight shall be read as **two and a half times of what is specified.**
5. Where the route by which a vehicle is to be drawn involves an ascent for not less than one kilometer and the gradient is more than three meters in a distance of thirty meters, the weight specified in each case, be read as **one-half of what is specified.**

II. Load Limit for Goods on Back (Pack) of the Animal
(Section 4 of The Prevention of Cruelty to Draught and Pack Animal Rules, 1965)

Sl no	Type of animal	Load limit
1	Small bullock or buffalo	100 kg
2	Medium bullock or buffalo	150 kg
3	Large bullock or buffalo	175 kg
4	Pony	70 kg
5	Mule	200 kg
6	Donkey	50 kg
7	Camel	250 kg

III. Load Limit for Passengers

(Section 5 of The Prevention of Cruelty to Draught and Pack Animal Rules, 1965) No person in charge of any vehicle drawn by any animal shall allow **more than four persons, excluding the driver and children below 6 years of age**, to ride on the vehicle.

IV. Other Common Offences

- Beating, kicking, over-riding, **over-loading**, torturing any animal (Section 11 (1) (a) of Prevention of Cruelty to Animals Act, 1960)
- Using animal for drawing any vehicle or carrying any load **for more than nine hours in a day** (Section 6 of Draught and Pack Animal Rules, 1965)
- Using any animal in any area where the **temperature exceeds 37°C (99°F) during the period between 12.00 noon and 3.00 p.m.** (Section 6 of Draught and Pack Animal Rules, 1965)
- Continue to **keep animal in harness even after it is no longer needed** for the work purpose. (Section 7 of Draught and Pack Animal Rules, 1965).
- **Use of** spiked stick or bit, harness or yoke with spikes, knobs or -projections or any other sharp tackle or equipment ((Section 8 of Draught and Pack Animal Rules, 1965)

1. Any police officer above the rank of a constable shall ask the owner or other person in charge of the animal to take the animal and the vehicle to the nearest weigh bridge available to determine the weight of the load and the cart.
2. If weight is excessive, animal must be seized and an NCR report must be drawn up.
3. The custody of the animal must be given to SPCA or any registered organization following due procedure.

TRANSPORT OF ANIMALS

Prevention of Cruelty to Animals Act 1960
 Transport of Animals Rules 1978
 Transport of Animals Amendment Rules 2001
 Motor Vehicles Act
 Indian Penal Code 1860

GENERAL CONDITIONS FOR TRANSPORT OF ALL ANIMALS

Rule 96 Transport of Animals Amendment Rules 2001	Issue of certificate before transportation (1) A valid certificate issued by an officer or any person or Animal Welfare Organization duly recognized and authorised for this purpose by the Animal Welfare Board of India or the Central Government shall be procured by any person making transport of any animal before transportation of such animal verifying that all the relevant Central and State Acts, rules and orders pertaining to the said animals including the rules relating to transport of such animals have been duly complied with and that the animal is not being transported for any purpose contrary to the provision of any law. (2) In the absence of such certificate, the carrier shall refuse to accept the consignment for transport.
Rule 97 Transport of Animals Amendment Rules 2001	Cancellation of permit or authorization for transport - (1) In the event of contravention or non compliance of any of the rules contained in these rule for transport of animals, if it is pointed out in writing by any officer or persons or Animal Welfare Organizations authorized for this purpose by the Animal Welfare Board of India or the Central Government, then, any permit or authorization issued for such transport shall be immediately cancelled by the concerned authority and it shall be the duty of the police to stop the further transport even from the intermediary station and proceed against the said offenders and deal with the animal in accordance with law. (2) The custody of the animals immediately after unloading from the rail wagons, truck or any other vehicle shall be given to the authorized Animal Welfare Organization if available, till the competent authority or the magistrate having jurisdiction decides about their care and upkeep.
Rule 98 Transport of Animals Amendment Rules 2001	(1) Animals to be transported shall be healthy and in good condition and such animals shall be examined by a veterinary doctor for freedom from infectious diseases and their fitness to undertake the journey; provided that the nature and duration of the proposed journey shall be taken into account while deciding upon the degree of fitness.

(2) An animal which is unfit for transport shall not be transported and the animals who are new born, diseased, blind emaciated, lame, fatigued or having given birth during the preceding seventy two hours or likely to give birth during transport shall not be transported.

(3) Pregnant and very young animals shall not be mixed with other animals during transport.

(4) Different classes of animals shall be kept separately during transport.

(5) Diseased animals, whenever transported for treatment, shall not be mixed with other animals

(6) Troublesome animals shall be given tranquilisers before loading during transport.

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

General Conditions for Transport of Animals for Slaughter as per Food Safety and Standards Regulations 2011

1.1 Only healthy animals in good condition shall be transported unless they are meant for emergency slaughter. These animals should be certified by a qualified veterinary inspector for freedom from infectious diseases and ectoparasitic diseases and their fitness to undertake the journey.

1.2 When animals are to be transported from endemic areas of a disease to non-endemic areas, the animals should be given protective vaccination and kept in quarantine for 30 days, before transportation.

1.3 Female animals in advanced stages of pregnancy shall not be transported.

1.4 When transporting large animals particularly bears/bulls, special arrangements by providing suitable partitions should be made to protect the animals from infighting. Similar arrangements should also be made to protect the young ones from being crushed when they are transported.

1.5 To avoid exhaustion, the animals shall be given humane treatment and care during transportation. The animals shall not be bound or chained during transit and space provided for them shall be large enough to stand or lie.

1.6 An attendant along with first aid equipment shall accompany the animals in transit.

1.7 Before loading, the animals should not be fed heavily. Only light feed may be allowed. For journeys less than 12 hours no feed need be carried but for longer journeys sufficient feed shall be carried to last

during the journey. Watering facilities shall be provided at regular intervals.

1.8 Light and heavy animals shall be separated by providing partitions; animals from different pens/sheds shall not be mixed during transportation. Male stock shall not be transported with female stock (adults).

1.9 All vehicles should be inspected for safety, suitability and cleanliness before loading the animals. The floor and walls should be undamaged and there should be no nails or sharp projections which may injure the animals.

1.10 The Vehicles should be thoroughly sprayed with suitable disinfectant before loading the animals.

1.11 A layer of clean sand to cover the floor to a thickness of not less than 6 cm shall be provided. This layer of sand shall be moistened with water during the summer months. During hot months arrangements shall be made to sprinkle water on the animals at frequent intervals. In winter, a 2-cm layer of clean sand with another 6-cm layer of whole-straw shall be provided.

1.12 Animals when driven for loading or unloading shall never be struck with stick. Driving could best be done by soft-rubber pipe.

1.13 If animals are to be transported in extreme cold or hot climate, it is preferable to transport them in covered Lorries on road so that they may not die or get exhausted or suffer from acute respiratory disease. Journey under such adverse climate shall be minimized.

1.14 Each consignment should bear a label showing the following particulars:

- a) Number and kind of the animals loaded;*
- b) Name, address and telephone number, if any, of the consignor;*
- c) Name address and telephone number, if any, of the consignee;*
- d) Instructions regarding feeding and watering.*

2.0 Loading

2.1 Loading during extremes of temperatures shall be avoided.

2.2 Suitable ramp shall be provided for loading and unloading the animals. The floor of the ramp shall have cleats at intervals, so that animals do not slip as they climb or descend. The ramp shall be covered with straw to avoid slipping. At any time of loading and unloading the vehicle shall be kept clean to avoid slipping of animals.

2.3 In case of railway wagons when loading is done on the platform, the door of the wagon may be used as ramp. In such cases, bales or bags of hay, agricultural wastes etc. may be placed on the either side of the dropped door to prevent the animals from getting their legs between the sides of the wagons and platform.

3.0 Space Requirements

3.1 Overcrowding shall be avoided. Each animal shall have enough space to lie down.

Transport of Dogs and Cats (Transport of Animals Rules 1978)

Rule 4	Health Certificate mandatory, both owner and carrier liable. Certificate must be as per the Schedule A of the Transport of Animals Rules 1979
Rule 5	Pregnant dog or cat cannot be transported
Rule 6	Unweaned pups/kittens can only be made to travel with their mother
Rule 8	Adequate care must be taken to ensure that animals are given food and water during the journey.
Rule 9	An attendant must be present to ensure well-being of animals during the journey.

Transport of Monkeys (Transport of Animals Rules 1978)

Rule 16	Health certificate for each monkey stating its fitness to travel, as specified in Schedule D of the Transport of Animals Rules 1979
Rule 17	Monkeys from different areas must not be mixed together. Adequate arrangement for food and water to be made during the journey. Precautions must be taken to protect the monkeys from extreme weather conditions.
Rule 18	Infant monkeys not to be transported unless permission from the Central Government is obtained.
Rule 19	Pregnant and nursing monkeys cannot to be transported unless permission from the Central Government is obtained.
Rule 21	Trapping cages should be sterilized or thoroughly disinfected to avoid cross infection.
Rule 23	Cage shall be made of wood or bamboo. The floor of the cage shall be made of bamboo reapers and the space between each reaper must be 20mm to 30mm. The weight of any one loaded cage shall not exceed 45 kilograms. The following two sizes of cages shall be used. (a) 910 x 760 x 510 mm – to contain not more than twelve monkeys, weighing between 1.8 and 3.00 kilograms each or ten monkeys weighing between 3.1 and 5.0 kilograms, each. (b) 710 x 710 x 510 mm – to contain not more than ten monkeys weighing between 1.8 and 3.00 kilograms each or eight monkeys weighing between 3.1 and 5.00 kilograms each.
Rule 25	Adequate ventilation must be provided during the journey.
Rule 28	Not more than one cage shall be placed over the other and gunny packing shall be placed between two cages, when one is placed over the other.

6. Transport of Cattle

Rule 47 (Transport of Animals Rules 1978)	A valid certificate by a qualified veterinary surgeon to the effect that the cattle are in a fit condition to travel by rail or road and are not suffering from any infectious or contagious or parasitic diseases and that they have been vaccinated against infectious or contagious or parasitic diseases, shall accompany each consignment.
Rule 56 (Transport of Animals Rules 1978)	When cattle are to be transported by goods vehicle, the following precautions are to be taken namely: (a) Specially fitted goods vehicles with a special type of tail board and padding around the sides should be used. (b) Ordinary goods vehicles shall be provided with anti-slipping material, such as coir matting or wooden board on the floor and the superstructure, if low, should be raised. (d) Each goods vehicle shall be provided with one attendant. (e) While transporting, the cattle, the goods, vehicles shall not be loaded with any other merchandise; and (f) to prevent cattle being frightened or injured, they should preferably, face the engine.

Rule 2 (Transport of Animals Amendment Rules 2009)

Vehicle Size Length X Width (square meter)	Floor area of the vehicle in square meter	Number of cattle permitted			
		Cattle weighing less than 200kg (1 sq mtr space per cattle)	Cattle weighing 200- 300kg (1.20 sq mtr space per cattle)	Cattle weighing 300- 400kg (1.40 sq mtr space per cattle)	Cattle weighing above 400kg (2 sq mtr space per cattle)
6.9 x 2.4	16.56	16	14	12	8
5.6 x 2.3	12.88	12	10	8	6
4.16 x 1.9	7.904	8	6	6	4
2.9 x 1.89	5.481	5	4	4	2

7. Transport of Equines

Rule 58 Transport of Animals Rules 1978	(a) A valid certificate by a qualified veterinary surgeon to the effect that the equines are in a fit condition to travel by rail; road or sea and are not suffering from any infectious or contagious disease or diseases shall accompany each consignment. (b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport. (c) The certificate shall be in a form specified in Schedule – I.
Rule 59 Transport of	Each consignment shall bear a label showing in bold red letters the name address and telephone number (if any) of the consignor and consignee the number and

Animals Rules 1978	type of equines being transported and quantity of ratios and food provided.
Rule 60 Transport of Animals Rules 1978	(a) Pregnant and young equines shall not be mixed with other animals. (b) Different species of equines shall be kept separately. (c) Equines shall be loaded after being fed and given water adequately, watering arrangements shall be made enroute and sufficient food carried to last during the journey. (d) Veterinary first-aid equipment shall accompany all batches of equines. (e) Adequate ventilation shall be ensured. (f) Suitable ramps and platforms, improved where not available, shall be used for loading and unloading equines.
Rule 62 Transport of Animals Rules 1978	For the transport of equines by goods – Vehicles, the following precautions shall be taken, namely: (a) Specially fitted vehicles with a special type of tail – board and padding around the sides shall be used; (b) Ordinary goods vehicles shall; be provided with antislipping material on the floor and the super structure, if low, should be raised (c) Bamboo poles of at least 8 cm diameter between each animal and two stout batons at the back shall be provided to prevent the animal from falling; (d) To prevent horses from being frightened or injured their heads should face left away from the passing traffic; (e) Each vehicle shall not carry more than four to six equines; (f) Each vehicle shall be provided with one attendant; These vehicles shall be driven at a speed not more than 35 kilometers per hour.

Transport of Animals Amendment Rules 2009

Space requirement for transport of equines

Horses	Space in sq mtr
Stallion horses	2.25
Mares	2
Ponies	1.5
6 months to 12 months	1.4
12 months to 18 months	1.6
Over 18 months and upto 2 years	2
Mares with foal at foot (upto 6 months)	2.25

8. Transport of Goats and Sheep

Rule 65 Transport of Animals Rules 1978	(a) A valid health certificate by a qualified veterinary surgeon to the effect that the sheep and goats are in a fit condition to travel by rail or road and are not suffering from infectious or contagious or parasitic disease shall accompany each consignment. (b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport. (c) The certificate shall be in a form specified in Schedule – J.
Rule 66 Transport of Animals Rules 1978	Each consignment shall bear a label showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee the number and type of sheep or goats being transported and quantity of rations and food provided.
Rule 67 Transport of Animals Rules 1978	(a) First-aid equipment shall accompany the sheep or goats in transit. (b) Suitable ramps shall be provided for loading and unloading the sheep or goats.
Rule 68 Transport of Animals Rules 1978	Sheep and goats shall be transported separately; but if lots are small special partition shall be provided to separate them.
Rule 69 Transport of Animals Rules 1978	Rams and male young stock shall not be mixed with female stock in the same compartment.
Rule 70 Transport of Animals Rules 1978	Sufficient food and fodder shall be carried to last during the journey and watering facility shall be provided at regular intervals.
Rule 71 Transport of Animals Rules 1978	Material for padding, such as straw, shall be placed on the floor to avoid injury if an animal lies down, and this shall be not less than 5 cm thick.
Rule 72 Transport of Animals Rules 1978	The animals shall not be fettered unless there is a risk of their jumping out and their legs shall not be tied down.

Rule 4 Transport of Animals Amendment Rules 2009 Space requirement for transport of sheep and goats

Approx weight of animal in kg	Space required in Sq. mtr.	
	Wooled	Shorn
Not more than 20	0.17	0.16
More than 20 but not more than 25	0.19	0.18
More than 25 but not more than 30	0.23	0.22
More than 30 but not more than 40	0.27	0.25
More than 40	0.32	0.29

Transport of Poultry (Transport of Animals Amendment Rules 2001)

Rule 77	(a) the container shall be properly cleaned and sterilised before the poultry is placed in them (b) poultry shall not be exposed to the sunlight, rain and direct blast of air during transport. (c) poultry shall not be transported when the temperature exceeds 25 degree Celsius or when the temperature falls below 15 degree Celsius.
Rule 78	Day-old chicks and turkey poults (a) chicks and poults shall be packed and dispatched immediately after hatching and shall not be stored in boxes for any length of time before dispatch. (b) chicks or poults shall not be fed or watered before and during transportation. (c) every effort shall be made to ensure that chicks and poults arrive as quickly as possible at the dispatching site (d) personal attention shall be given by the consignor or the forwarding agent to ensure that all consignments are kept out of direct sunlight, rain and heat; (e) care shall be taken to carry the boxes in a level position so that chicks are not in danger of falling over on to their backs and 11 The putting up of other merchandise over and around chick boxes shall be avoided.
Rule 79	Poultry other than day-old chicks and turkey poults (a) the poultry to be transported shall be healthy and in good condition and shall be examined and certified by a veterinary doctor for freedom from infectious diseases and fitness to undertake the journey. (b) poultry transported in the same container shall be of the same species and of the same age group (c) poultry shall be properly fed and watered before it is placed in containers for transportation and extra feed and water shall be provided in suitable troughs fixed in the containers. (d) arrangements shall be made for watering and feeding during transportation and during hot weather, watering shall be ensured every six hours; (e) male stock shall not be transported with female stock in the same container
Rule 80	Road Travel - In transport of poultry by road the container shall not be placed one on the top of the other and shall be covered properly in order to provide light, ventilation and to protect from rain, heat and cold air.

Rule 83	Containers for transportation - In transport of poultry by rail, road or air - (a) containers used to transport poultry shall be made of such material which shall not collapse or crumble and they shall be well ventilated and designed to protect the health of poultry by giving it adequate space and safety. (b) the containers shall be so designed as to render impossible for birds to crowd into the corners during transportation, and to avoid the danger of boxes being stocked so close together as to interfere with ventilation. (c) all the containers shall be clearly labelled showing the name, address and telephone number of the consignor and the consignee. (d) the minimum floor space per bird and the dimension of the containers for transporting poultry shall be as specified in the Table
Rule 84	Special requirement of containers for chicks and poults - In transport of poultry (a) wire mesh or a net of any material shall not be used as a bottom for the containers. (b) the container shall be properly secured to avoid pilferage (c) the following instruction shall be printed on a label and fixed to the lid or printed directly on sides, namely "Care in Transit". (e) poultry shall not be transported continuously for more than 6 hours and whole batch shall be inspected at every 6 hours interval. (f) the transportation shall not remain stationary for more than 30 min and during this period, it shall be parked in shade and arrangements shall be made for feeding and watering (g) all precautions against fire shall be taken and provision of fire extinguishers in transport shall be provided.

9. Transport of Pigs

Rule 87 Transport of Animals Amendment Rules 2001	(1) A valid health certificate by a veterinary doctor to the effect that the pigs are in a fit condition to travel by rail or road and are not suffering from infectious or contagious or parasitic disease shall accompany each consignment in the transport of pigs by rail or road. (2) In the absence of a certificate under sub-rule (1), the carrier shall refuse to accept the consignment for transport. (3) The certificate under sub rule (1) shall be in a form specified in Schedule K
Rule 88 Transport of Animals Amendment Rules 2001	Each consignment shall bear a label showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee, the number and type of pigs being transported, and quantity of rations and food provided to them.

Rule 89 Transport of Animals Amendment Rules 2001	First aid - In transport of pigs by rail or road. (a) first-aid equipment shall accompany the pigs; (b) suitable ramps shall be provided for loading and I unloading the pigs; (c) in the case of a railway wagon, when the loading or unloading is done on the platform the dropped door of the wagon shall be used as a ramp.
Rule 90 Transport of Animals Amendment Rules 2001	Group of pigs - In transport of pigs by rail or road, male young stock shall not be mixed with female stock in the same compartment.
Rule 91 Transport of Animals Amendment Rules 2001	Facility of food and water - In transport of pigs by rail or road, sufficient food and fodder shall be carried to last during the journey and watering facility shall be provided at regular intervals.
Rule 92 Transport of Animals Amendment Rules 2001	Padding of floor during travel - In transport of pigs by rail or road, material for padding, such as straw, shall be placed on the floor to avoid injury if an animal lies down, and this shall be not less than 5 cm thick.
Rule 93 Transport of Animals Amendment Rules 2001	Ban on fettering - In transport of pigs by rail or road, the animals shall not be fettered unless there is a risk of their jumping out and their legs shall not be tied down.

Rule 6 Transport of Animals Amendment Rules 2009

Type of animal	Maximum number of pigs (Road Vehicle)			
	Vehicle size 5.6m x 2.35m	Vehicle size 5.15m x 2.18m	Vehicle size 3.03m x 2.18m	Vehicle size 2.9m x 2.0m
Weaner	43	37	22	19
Adult	31	26	15	13
Young	21	18	10	9

OFFENCES AGAINST CAPTIVE ELEPHANTS

Prevention of Cruelty to Animals Act 1960
Wildlife Protection Act 1972
Indian Penal Code 1860 or

*No person shall house, transport or exhibit an elephant except under the provisions laid down in law.
Elephants are protected under Schedule I of the Wildlife Protection Act 1972*

1. Committing mischief by killing, poisoning, maiming or rendering useless any elephant is a cognizable offence under Section 429 of the Indian Penal Code.
2. Illegal possession - Not having ownership certificate (Section 42 Wildlife Protection Act, 1972)
3. Illegal transport - If the elephant is being transported from one state to another, not having the transport certificate issued by the Chief Wildlife Warden. (Section 40, 43 (3) and 48A of Wildlife Protection Act)
4. Offering an elephant for sale (Section 48 of WPA)
5. Forcing injured, diseased or unfit elephants to work (Section 3 and 11 of PCA Act)
6. Using iron ankus (Section 3 and 11 of PCA Act)
7. Beating, kicking, over-driving, over-loading, torturing or treating any elephant in a cruel manner (Section 3 and 11 of PCA Act)
8. Not providing adequate veterinary care to a sick, injured or pregnant elephant (Section 3 and 11 of PCA Act)
9. Willfully and unreasonably administering any injurious drug or substance to an elephant to control elephants particularly to suppress musth without proper veterinary advice (Section 3 and 11 of the PCA Act)
10. Keeping for unreasonable time, an elephant chained or tethered upon an unreasonable short or unreasonably heavy chain or cord (Section 3 and 11 of PCA Act)
11. Abandoning an elephant (Section 3 and 11 of PCA and Section 42 of WPA)
12. Training or exhibiting or forcing an elephant to perform any act such as elephant rides for tourism purposes without the permission of Animal Welfare Board of India. (Performing Animals Registration Rules, 2001).

1. Take photos and videos of cruelty/ offence.
2. Section 50 of WPA authorizes any police officer not below the rank of sub-inspector to arrest any person without warrant and detain him, if the arresting officer has reasonable grounds for believing that such person has committed an offence under the Act.
3. File a charge sheet before a judicial magistrate with evidence of cruelty in the form photographs and videos.
4. The police officer shall take cognisance of the offence under PCA Act, WPA and Indian Penal Code confiscate the animal so as to provide necessary treatment and care to the elephant

10. OTHER COMMON OFFENCES AGAINST ANIMALS

Sr no	Offence	Action to be taken
1	Slaughter of Camels, rabbits, dogs, cats	Rule 3, Slaughterhouse Rules 2001 Camel is not listed as a food animal under the Food safety and Standards Act, hence cannot be slaughtered. Designated food inspector to be asked to destroy meat. Live animals to be seized. FIR to be drawn under Section 429 of IPC
2	Bull races	Sections 3, 11 and 22 of the Prevention of Cruelty to Animals Act Also banned by the Supreme Court of India
3	Animal Fights (buffaloes, dogs, cocks, bulbul etc)	Sections 3, 11 and 22 of the Prevention of Cruelty to Animals Act Also banned by the Supreme Court of India
4	Cow Slaughter	Provisions as per Special Acts made in each State
5	Breeding of dogs	Registration of each breeding dog must be done with the Animal Welfare Board of India. Rule 12, Animal Birth Control Rules 2001
6	Overcrowding of animals (e.g. in dairies, pet shops, poultry markets etc.)	Sections 3 and 11 of the Prevention of Cruelty to Animals Act 1960 If animals are injured or mutilated, Section 429 IPC may also be used
7	Selling Indian wild animals or body part of any Indian wild animal (tortoises, turtles, birds, frogs, parakeets, leopard, tiger, snakes etc.)	Section 9, Wildlife Protection Act 1972
8	Animal Sacrifice (in any religious place on any festival)	No animal is allowed to be killed in any place other than a

		registered slaughterhouse. Section 3 and 11 of the Prevention of Cruelty to Animals Act, Rule 3 of the Slaughterhouse Rules 2001, Food Safety and Standards Act 2006
9	Killing of stray dogs by local authority (municipal corporation/municipality/panchayat/cantonment or any other)	Section 11 of the Prevention of Cruelty to Animals Act 1960 Section 429 of Indian Penal Code
10	A person not holding a valid degree from a Veterinary College, pretending to be a Veterinarian	Sections 3 and 11 of Prevention of Cruelty to Animals Act Sections 415 and 425 of Indian Penal Code
11	Transport/Capture/Relocation of Monkeys	Section 9, Wildlife Protection Act 1972 Transport of Animals Rules 1978 Cage specifications are detailed in the Rules. Permission of the Central Government is compulsory before female and infant monkeys can be transported.
12	Cruelty during transport of animals	Transport of Animals Rules 1978 Transport of Animals on Foot Rules 2001 Transport of Animals (Amendment) Rules 2001 Transport of Animals (Amendment) Rules 2009
13	Cruelty during capture of animals	Rule 3, Prevention Of Cruelty (Capture Of Animals) Rules, 1979 No animal can be caught except with a sack and loop method. Tranquilizer guns may be used to capture large animals which may be difficult to catch.
14	A monkey being made to 'dance' and beg for money	The government of India has prohibited the performance of Bears, Monkeys, Tigers, Panthers, Lions and Bulls. Therefore, it is illegal to use these animals for performances on the streets. The Performing Animal (Registration)

		Rules, 2001 under the Prevention of Cruelty to Animals Act 1960, mandates that every animal who is used for performance needs to be registered with the Animal Welfare Board of India but as the performance of monkeys is prohibited, the Animal Welfare Board of India does not register these animals for performance. All species of monkeys are protected under the Wildlife Protection Act, 1972. This act declares that all Indian wildlife is government property and thus prohibits the capture and possession of monkeys.
15	Parakeet Fortune Tellers /Snake Charmers	The Prevention of Cruelty to Animals Act 1960 and the Rules thereunder. The Wildlife Protection Act of 1972 and the Rules thereunder.
16	Unrecognized/Illegal Zoos or Deer Parks	Recognition of Zoo Rules, 1992. The said Rules besides the requirement of registration of zoos extensively prescribed the standards and norms subject to which recognition under Section 38 H of the Act is to be granted.
17	Animal Experimentation	The Prevention of Cruelty to Animals Act, 1960 governs the animal experimentation in the country. The Committee for the Purpose of Control and Supervision of Experimentation on Animals (CPCSEA) has been constituted under the provisions of the Prevention of Cruelty to Animals Act, 1960 and the rules framed thereunder. It is mandatory that all institutions that breed, conduct experiments on animals register themselves with the CPCSEA.

14. COW SLAUGHTER LAWS

1	Andhra Pradesh Prohibition of Cow Slaughter and Animals Preservation Act, 1977	Section 5 – Total prohibition of slaughter of cow and buffalo calves or any buffalo that is likely to become economical (breeding or agricultural purposes) <i>Cognizable offence – Six months imprisonment or one thousand Rupees fine or both.</i>
2	Assam Cattle Preservation Act, 1950	Section 5 – Prohibition of slaughter of cows, calves, bulls, male and female buffaloes which are less than 14 years old, unless they are unfit for work or breeding. <i>Cognizable offence – Six months imprisonment or one thousand Rupees fine or both.</i>
3	Bihar Preservation and Improvement of Animals Act, 1955	Section 3 – Prohibition of slaughter of cows. Bulls and female buffaloes older than 25 years may be given written permission if they have become unfit for work or production. <i>Cognizable offence – Six months imprisonment or one thousand Rupees fine or both.</i>
4	The Chhattisgarh Agricultural Cattle Preservation Act, 2004	Section 4 – Prohibition of slaughter of cows, bulls, calves, male or female buffaloes. <i>Cognizable and Non Bailable Offence – Three years imprisonment or ten thousand rupees or both.</i>
5	The Delhi Agricultural Cattle Preservation Act, 1994	Section 4 – Prohibition of slaughter of cows, calves, bulls production. <i>Cognizable offence – Five years imprisonment and upto ten thousand Rupees fine.</i>
6	The Goa Animal Preservation Act 1995	Section 4 - Total prohibition of slaughter of cow and buffalo calves or any buffalo that is likely to become economical (breeding or agricultural purposes) <i>Cognizable offence – Three years imprisonment.</i>

7	The Bombay Animal Preservation Act 1954 (Applied to Gujarat)	Section 5 – Total Prohibition of the slaughter of cow, bull or calf. Prohibition on the slaughter of productive buffaloes (male and female) <i>Cognizable offence – Six months imprisonment or one thousand Rupees fine or both.</i>
8	The Jammu and Kashmir Ranbir Penal Code Samvat, 1989	Section 298 A - Total prohibition of the slaughter of cow, calf, bull. <i>Cognizable offence – Ten years imprisonment and fine</i>
9	The Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964	Section 4 – Prohibition of slaughter of cow, calf or she buffalo. (Section 5 provides for slaughter of unfit animals and those that are over 12 years of age after obtaining certificate from competent authority) <i>Cognizable offence – Six months imprisonment or one thousand Rupees fine or both</i>
10	The Madhya Pradesh Agricultural Cattle Preservation Act, 1959	Section 4 – Prohibition of slaughter of cow, calf, bull and calf of she buffalo. Prohibition of slaughter of any other cattle unless its 15 years of age or is unfit for production or use. <i>Cognizable offence – One year imprisonment or one thousand Rupees fine or both.</i>
11	The Maharashtra Animal Preservation Act, 1976	Section 5 – Prohibition on the slaughter of cows. Prohibition of slaughter of any other cattle unless its 15 years of age or is unfit for production or use. <i>Cognizable offence – Six months imprisonment or one thousand Rupees fine or both.</i>
12	Proclamation on the Prohibition of Cow Killing in Manipur Memo no 915 P, 15.10.1936	Cow slaughter prohibited.
13	The Orissa Prevention of Cow Slaughter Act, 1960	Section 3 - Prohibition on the slaughter of cows and calves. Prohibition of slaughter of any other cattle unless its 14 years of age or is unfit for production or use. <i>Cognizable offence – Two years imprisonment or one thousand Rupees fine or both.</i>

14	The Pondicherry Prevention of Cow Slaughter Act, 1968	Section 3 - Prohibition of the slaughter of cows and calves. Prohibition of slaughter of any other cattle unless its 15 years of age or is unfit for production or use. <i>Cognizable offence – Two years imprisonment or one thousand Rupees fine or both.</i>
15	The Punjab Prohibition of Cow Slaughter Act, 1955 (Applicable in Haryana and Himachal Pradesh as well)	Section 3 – Prohibition of the slaughter of cows, bulls, and calves. <i>Cognizable offence – Two years imprisonment or one thousand Rupees fine or both.</i>
16	The Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995	Section 3 – Prohibition of the slaughter of cows, bulls, and calves. <i>Cognizable offence – Upto ten years imprisonment or ten thousand Rupees fine or both.</i>
17	The Madras Livestock Improvement Act, 1940	Section 4 - Prohibition of slaughter of any other cattle unless its 10 years of age or is unfit for production or use. <i>Cognizable offence –Upto three years imprisonment or one thousand Rupees fine or both.</i>
18	The Uttar Pradesh Prevention of Cow Slaughter Act, 1955	Section 3 – Prohibition of the slaughter of cows, bulls, and calves. <i>Cognizable offence – Seven years imprisonment or ten thousand Rupees fine or both.</i>
19	The Uttarakhand Cow and Its Progeny Protection Act, 2007	Section 3 – Prohibition of the slaughter of cows, bulls, and calves. <i>Cognizable offence – Ten years imprisonment or ten thousand Rupees fine or both.</i>

SELF-ASSESSMENT QUESTIONS

1. Which are the animals that have been banned from being used as performing animals?
2. List down the steps in the registration of an animal as a performing animal.

Pet Shop- Licensing and Registration Norms

The Prevention of Cruelty to Animals (Pet Shop) Rules, 2018 have been enacted to ensure humane handling of pets and regulate pet trade. Pet animals, as defined under Rule 2(j), include dog, cat, rabbit, guinea pig, hamster, rodents, of the rat or mice category etc. Pet shop covers any shop or place where pet animals are sold or used, kept or exhibited for sale. This also includes online platforms through which the sale and purchase of a pet animal happens. Pet shop owner is any person who owns or has control over a pet shop. A person is required to obtain a certificate of registration in Form II to carry on or continue the business of sale or trade in pet animals or establish a pet shop engaged in exchange or purchase of pet animals. The person operating a pet shop needs to get the said registration certificate within sixty days of commencement of the rules. Every pet shop owner, under these rules, is required to display the said Certificate in the pet shop. The owner is required to keep the pet shop open for inspection by an Inspector authorised by the State Board or SPCA.

Only a major or a person of sound mind is eligible for registration. If the person is a corporation, company or other association, of persons, such an entity needs to be duly registered in accordance with law. The procedure for registration begins with the owner requiring to make an application for registration of pet shop as in Form I appended to the Rules. The owner is required to provide all the information required along with depositing a fee of Rupees five thousand which is non-refundable. If the same owner opens a new pet shop elsewhere, he will have to do the registration for the same again. The owner is all required to produce an affidavit along with the registration application saying that he has fulfilled all the requirements stated in the application. The State Board may register the pet shop and grant a Certificate of Registration. This is followed by the board causing the shop to be inspected by an authorised veterinarian within a period of three months. The said Veterinarian is required to submit an Inspection report to the State Board which may, on being satisfied that the pet shop follows all the requirements as per the Rules, continue the registration. When the State Board does not permit the registration of pet shop due to one of the reasons mentioned Rule 4(9), the Board needs to inform the applicant about the same within thirty days of obtaining the Inspection Report. With respect to renewal, an application for the same has to be made thirty days before the existing license expires and the same procedure (as the first fresh registration) needs to be followed.

The Rules also provide specifications as to how the arrangements with respect to accommodation, infrastructure and housing need to be like in a pet shop so as to ensure the well-being of pet animals. It lays down conditions relating to ventilation, temperature, etc. It also outlines the mode of general as well as veterinary care that need to be given to these animals at pet shops under Rule 7. The Pet Shop Rules also contain provisions for non-compliance, inspections, complaints etc. A few interesting rules include the cancellation of license in the event of non-compliance to the rules after registration, maintaining of ‘mortality register’ and ‘health register’ by the pet shops, submission of annual report by the pet owner to the State Board etc.

SELF-ASSESSMENT QUESTIONS

1. What are the things that the RWAs cannot do to pet owners and pets? What facilities are accessible to pets?
2. What do you think could be the other reasons, than those mentioned above, for getting dog licenses?
3. What innovative ways can be devised to control dog population?

Animals in Slaughterhouses

Furthermore, the following Acts and Rules also regulate Slaughterhouses and Meat Shops.

- Prevention of Cruelty to Animals Act, 1960 [Relevant sections: Sections 3, 11 and 38.]
- Prevention of Cruelty to Animals (Slaughterhouse) Rules 2001
- Performa for Ante and Post Mortem Fitness Certificates to be issued by the Veterinary Doctor after examining the animal before and after slaughter of animals as per Rule 4 (3) of the Prevention of Cruelty to Animals (Slaughter House) Rules 2001 [Relevant documents: Letter from FSSAI to All Central Licencing Authorities and Commissioners of food safety of all States /UT's]
- Food Safety and Standards Act 2006 [Relevant sections- Section 63, 92]
- Food Safety and Standards (Licensing and Registration of Food Business) Regulations 2011 [Relevant regulations- Part IV]
- Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 [Relevant regulations- Regulation 2.5]
- Agriculture and Processed Food Product Export Development Authority (Amendment) Act 2009 [Relevant sections- Section 4 and section 12]
- Environment Protection Act 1986 [Relevant Sections- 6 & 25]
- The Environment (Protection) Rules, 1986 [Relevant Rules- Effluent Discharge Standards, S.No. 50]
- The Water (Preservation and Control of Pollution) Act, 1974 [Relevant Section 24, 25, 26, 27, 28 & 362-387 33B]
- The Municipal Solid Wastes (Management & Handling) Rules 2000 [Relevant Rules- 7, Schedule II-S.No.1(iii), 4, 5, 6, Form II Clause 6(ii)]

Also, most meat shops employ young children in the garb of training which can be prevented using Section 3 of the Child Labor Act 1986.

Illegal slaughter and trade of meat is a public nuisance under Section 268 of IPC and may also be covered under Section 269 of IPC for spreading infectious diseases. Roadside meat shops also flout the The Water (Prevention and Control of Pollution) Act 1974.

The slaughterhouses and meat shops are given licenses by the Food Safety and Standards Department. The FSS Designated Officer of every District is authorised to take action against unregistered slaughterhouses and meat shops and to regulate registered ones.

Salient provisions of the Food Safety and Standards (Licensing and Registration of Food Business) Regulations 2011

- Municipal Corporations are NOT licensing authorities anymore and all meat shops and slaughterhouses must have FSS license. (Section 89 of the Food Safety and Standards Act 2006)
- A separate license must be obtained for Slaughterhouse and a separate one for Meat Shops. Hence no animal can be slaughtered in a meat shop, not even poultry.

- Penalties for operating an unlicensed meat shop or a slaughterhouse are in Sections 63, 55, 56, 58 and 59 of the Food Safety and Standards Act 2006.
- Transport and slaughter of animals for slaughter (even poultry) has to be as per FSSA Regulations (licensing and Registration) 2011.
- No animal other than sheep, goat, bovines, pigs, poultry, fish are allowed to be slaughtered for food. It is illegal to slaughter rabbits, dogs, cats, camels etc.
- Ante Mortem and Post mortem examinations to be done by registered veterinary officers is mandatory as per the Slaughterhouse Rules 2001 and also the Food Safety and Standards (Licensing and Registration of Food Business) Regulations 2011. The format for such examination has been provided by the Animal welfare Board of India, and approved by the Supreme Court of India. The prescribed form is attached and must be followed by all registered slaughterhouses.
- Licensed slaughterhouses and meat shops are required to follow stringent norms listed in the Regulations 2011 and display the Registration Certificate prominently in the premises.
- Periodic inspections need to be conducted to ensure compliance. In case of non compliance, an Improvement Notice needs to be issued by the Food Safety Inspector and a re-inspection can be done. If the suggested improvement has not been made, then the license can be revoked.

The Prevention of Cruelty to Animals Act 1960 and Slaughterhouse Rules 2011 thereunder are implemented in the District by the Society for Prevention of Cruelty to Animals, the Chairman of which is the District Magistrate. Role of the District Magistrate are as follows:

- To instruct the Food Safety and Standards Designated Officer of the District to provide a list of registered and unregistered slaughterhouse and meat shop in the District.
- To form a Slaughterhouse Task Force, with the Food Safety Inspectors, District Police and representative of the Local authority.
- To instruct the Slaughterhouse Task Force to take the following action on unregistered slaughterhouses
 - Penalise the owner of the premises or any person/persons who are using the premises for running a Food Business without registration under the Food Safety and Standards Act 2006 and Regulations 2011
 - Seal the facility/building under Section 133 CrPC.
 - Lodge an FIR under Sections 429, 268 and 269 of the Indian Penal Code.
 - Seize any live animals/weapons that may be present at the unregistered slaughterhouse.

Please note: Any meat shop where poultry/goats/bovines are being slaughtered shall be deemed to be an unregistered slaughterhouse as per the Food Safety and Standards (licensing and Registration) 2011.
- To instruct the Slaughterhouse Task Force to take the following action on unregistered meat shops:

- Penalise the owner of the meat shop for running a Food Business without registration under the Food Safety and Standards Act 2006 and Regulations 2011
- Seal the facility/building under Section 133 CrPC.
- Lodge an FIR under Sections 429, 268 and 269 of the Indian Penal Code.
- Seize any live animals/weapons that may be present at the unregistered slaughterhouse.
- If the meat shop is functioning from any facility constructed in an unauthorised manner, the shop may be demolished under Section 133 CrPC and under the Municipal Corporation Act if the area falls under a Municipal Corporation.

Please note: No license can be given by any Local Authority to run a meat shop or slaughterhouse.

- To regulate the licensed Slaughterhouses and meat shops through the Designated Food Safety Officer of the District must conduct an inspection and issue an improvement notice for all non-compliant actions. Thereafter, upon no improvement, the license may be withdrawn.
- To advertise in prominent regional newspapers for the public to inform the nearest police station if any meat shop fails to follow the rules.

Role of the Secretary, Urban Development, State Government

In compliance of the order dated 23.08.2012 of the Supreme Court in WP 309 of 2003, the Slaughterhouse Monitoring Committee has been created in every under the Chairmanship of the Secretary, Urban Development. The following are the functions of the Slaughterhouse Monitoring Committee:

- To identify and prepare a list of all the Slaughter Houses located within the local self Govt (Municipal Corporations, Panchayats etc.)
- To call for reports from the District Magistrate or the Dy. Commissioner and District Food Safety Inspector as the case may be on the condition/functioning of the Slaughterhouses and also on the compliance of the relevant applicable laws.
- To recommend modernization of old slaughter houses (S.H.s) and to relocate S.H.s which are located within or in close proximity of a residential area.
- To recommend appropriate measures for dealing with solid waste, water/air pollution and for preventing cruelty to the animals meant for slaughter.
- To carry out surprise & random inspections of S.H.s regularly and to issue directions for compliance of the recommendations that may be made by it.
- To send bi-annual reports on the state S.H.s to the Central Committee and to refer issues that may require Central Committee recommendations or Central Govt. assistance.
- To accord final approval for licensing of Slaughterhouses to Local Self Govt.

- To identify on an ongoing basis, the unlicensed slaughter houses in the region, and other unlicensed, unlawful establishments where animals are being slaughtered, on howsoever a small scale, and take the help of the District Magistrate and other law enforcement agencies to crack down on the same.
- To check for child labour.

SELF-ASSESSMENT QUESTIONS

1. What is lairage? What are the different rules associated with it?
2. What are the steps, as provided in the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, that ensure the cleanliness of the slaughter process?

Society for Prevention of Cruelty to Animals (SPCA)

Society for Prevention of Cruelty to Animals (SPCA), generally speaking, is a name for various non-profit animal welfare organisations all over the world. Operating independent of each other, these organisations indulge in campaigning for animal welfare, help in cases of prevention of animal cruelty and assist in rehabilitation of animals. Each SPCA has its own set of policies with respect to how they function and what their principles are with respect to animals.

The Central Government brought out a notification in 2001 requiring every state to open up a SCPA in each district of a state and the land for the same is to be given by the state government. These SPCAs were supposed to be established under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001. The state government under this organisation would appoint a managing committee for the implementation of the provisions of PCA. These SPCAs were to come in every district within six months of the date of the commencement of the above said rule. However, this never materialised. Even to this day, only a few districts have SCPAs. For example, an SPCA was formed in Nagpur only in the year 2013 by the Nagpur Municipal Corporation (NMC).

SELF-ASSESSMENT QUESTIONS

1. What are SPCAs? How are they established?

Care and Maintenance of Case Property Animals

The Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 frames rules with respect to the care and maintenance of those animals which are subject to cases whose litigation is ongoing. Rule 3 states that when an animal has been seized as per the Act, the animal may be kept at an SPCA, Animal Welfare Organisation, Gaushala or Pinjrapole as directed by the Magistrate. The authority seizing the animal needs to ensure that health inspection, identification and marking of such animal is done through the veterinary officer at the Government Veterinary Hospital of the concerned jurisdiction. The marking has to be

done by ear tagging or any other less harmful advance technology. Marking by hot branding, cold branding or other injurious methods is prohibited under these rules.

As per Rule 5, the Magistrate needs to find out from the organisation to which it gives the animal for custody as to the cost incurred in transport, maintenance and treatment of the said animal. The owner and the accused need to execute a bond along with sureties in this regard within three days. When a vehicle is known to have been involved in the offence, the vehicle will have to be given as security as directed by the Magistrate. In the case of a body corporate owning the case property animal, the CEO, President or highest-ranking employee of the Body Corporate, the body corporate and the accused shall be jointly and severally liable for the treatment, cost of transport and care of the animal. When it is the Government that owns the animal, the Head of the Department and the accused will be jointly and severally liable for the aforementioned aspects.

As per Rule 6, when the Investigating Officer knows that an offence under the Act has been committed but is unable to find out who the accused or the owner is, the local authority will take up the costs involved and it is considered that the owner has given up on the ownership of the said animal. Such a relinquishment of ownership does not take away the effect of any criminal charges against the owner or the unknown offender. According to Rule 8, if the accused is convicted or he pleads guilty, he will be deprived of the ownership by the Magistrate. The seized animal will be forfeited to the infirmary, pinjarpole, SPCA, Animal Welfare Organisation or Gaushala. If he is not guilty of any charges, the seized animal will be returned to him. Further, the unused portion of the bond amount that he had executed will be returned to him. Rule 9 provides a detailed process for adoption of such animals. The animal shall be put up for adoption under this Rule once the animal has been forfeited to Animal Welfare Organisation, SPCA or the like. Each variety of animal has a different rule with respect to the undertakings and affidavits that need to be produced. The person adopting the animal can neither sell nor abandon the animal. The adopter is required to follow the State cattle protection and preservation law. The adoption will not be to the effect of creating an irrevocable right to the adopter. The Animal Welfare Organisation or the SPCA or the like can still inspect the animals given in adoption. If it finds that the adopter is not providing sufficient care, the organisation can take back the possession. The adopter will only be a lawful guardian of the animal. So, he will not have any rights that is usually vested in the owner. But he has the duty to take all responsible measures to ensure the well-being of such adopted animals. The adopter will endeavour to prevent the infliction of any unnecessary pain or suffering upon the animal.

SELF-ASSESSMENT QUESTIONS

1. What are case property animals?
2. In whose custody does the animal stay when the litigation is going on?
3. Who will get the custody of the animal when the case is decided against the owner?

Dog Breeding and Marketing

The Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017 puts out the requirements that are to be met by the breeders and the establishments used for breeding with respect to health, housing facilities and conditions for sales.

A breeder is prohibited from breeding and selling dogs unless he has a certificate of registration for establishment being used for breeding and housing dogs. This establishment is open to inspection by any person authorised by the State Animal Welfare Board [hereinafter, State Board]. The breeder is required to make an application for registration to the State Board providing all the information and a fee of Rupees five thousand. Once the Board receives the application, it sends a team of representatives along with a veterinary practitioner to inspect the establishment. This team will submit a report to the Board which it will go through to check if the establishment complies with all requirements and then, issue the Certificate of Registration. The Second Schedule provides a list of all the standards and requirements that the breeder should follow. Along with this, the Board will also fix the maximum holding capacity of the establishment based on factors like available space, facilities etc. This Certificate will be valid for two years and has to be renewed after that period.

SELF-ASSESSMENT QUESTIONS

1. For how long is the certificate of registration for breeding valid?
2. What is the fee for registration?

3. 269TH LAW COMMISSION OF INDIA REPORT, 2017



सत्यमेव जयते

GOVERNMENT OF INDIA

LAW COMMISSION OF INDIA

Report No.269

**Transportation and House-keeping of Egg-laying
hens (layers) and Broiler Chickens.**

July, 2017

डा० न्यायमूर्ति बलबीर सिंह चौहान
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Shri Ravi Shankar Prasad Ji,

The Law Commission of India received a reference dated 2nd March 2017, from the Ministry of Law and Justice asking the Commission to look into the existing laws and international practices on the transport and housekeeping of poultry birds. On 12 April 2017, the Commission put up an Appeal on its website, requesting all stakeholders to present their views before the Commission, on rearing, maintenance, sale or any other relevant issues in this regard. The Commission received several responses, which have been summarised and annexed to the report. Further, the international practices were also gone into in detail. After detailed discussions, the Commission has finalized its **Report No.269** titled “**Transportation and House-keeping of Egg-laying hens (layers) and Broiler Chickens**”, and is sent herewith for consideration by the Government.

The Commission would like to place on record its gratitude to Dr. Saumya Saxena, Ms. Anumeha Mishra and Ms. Sakshi Vijay, Consultants for their commendable assistance rendered in preparing the Report.

With warmest regards.

Yours sincerely,

BS Chauhan

[Dr. Justice B S Chauhan]

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Transportation and House-keeping of Egg-laying hens (layers) and Broiler Chickens.

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CHAPTER-I

Introduction

1.1 The modern legal system differentiates between humans and animals on the basis of cognition, social capacities such as culture and moral capacities.¹ Animal welfare jurisprudence urges for re-examination of this imaginary boundary. Jeremy Bentham, argued that ability to suffer rather than the ability to reason should inform the way law treats animal. He remarked:

“The day may come when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny. ... The question is not, can they reason? Nor can they talk? But, can they suffer?”²

Animal welfare debate emphasises on taking into account the suffering of animals and for framing laws that are more sensitive towards this end. In recent years animal welfare jurisprudence has been insisting for adopting more compassionate methods of meat production and improving animal conditions in factory farms. It has persistently been suggested that improved animal welfare result in better and safer food through ‘reduced incidence of infectious disease on farms, reduced shedding of human pathogens by farm animals and reduced antibiotic use and antibiotic resistance’.³ It has been found that experienced and sensitive handling of livestock, prevents quality deficiencies in meat and by-products.⁴

1.2 On March 2, 2017, the Law Commission of India received a reference from the Ministry of Law and Justice asking the Commission to

¹ Anne Peters, “Liberté, Égalité, Animalité: Human-Animal Comparisons in Law” available at: http://www.mpil.de/files/pdf4/Peters_Human-Animal_Comparisons2.pdf (last accessed on June 24, 2017).

² See P. Singer, *Animal liberation* (Thorsons Publishers Ltd, 1975).

³ See A.M. de Passillé & J. Rushen, “Food Safety and Environmental Issues in Animal Welfare” 24(2) Rev. sci. tech. Off. int. Epiz. 757 (2005).

⁴ Philip G. Chambers and Temple Grandin “Guidelines for Humane Handling, Transport and Slaughter of Livestock” (RAP Publication 2001/4, Food and Agriculture Organization of the United Nations).

conduct a detailed study on the existing laws and international practices on the transport and housekeeping of poultry birds.

1.3 Animals find mention in religion, folk tales and mythology, in direct and indirect ways. They define ways of existence and life events. It is believed that animals can communicate and have sentiments as well⁵. It is also significant that humans always had a symbiotic relation with the animals.

Indian ethos has always considered animals quintessential aspect of human living. Kautilya's Arthshastra talks extensively of animal welfare. For example, it prohibited killing or injuring protected species and animals in reserved parks and sanctuaries. Village headman was responsible for preventing cruelty to animals and a person found treating an animal cruelly could be restrained in any manner.⁶

1.4 Worldwide, the chickens have been commercially trait selected for two reasons, that of egg production (layers) and meat production (broilers). The Law Commission in this report has examined the issues pertaining to both, the layers and broilers. Specifically in layer birds, the issues relate to disposal of male chicks and housing of egg laying hens. In case of broilers, the issue of trait selection, housing, transport and slaughter of the birds, have been examined.

1.5 The recommendations are for both, the egg-laying hens (layers) and the meat producing hens (broilers). It is noted that the Animal Welfare Board of India ('AWBI') had prepared the draft 'Prevention of Cruelty to Animals (Egg Laying Hens) Rules' in 2012 recommending to the Ministry of Environment and Forests to notify the draft Rules as on 27th December, 2012. However the draft Rules have not been notified yet.

1.6 The present Report concludes with two sets of draft rules, the 'Prevention of Cruelty to Animals (Egg Laying Hens) Rules' which is a

⁵ Krishna, Nanditha, "Sacred Animals of India" (2010), Penguin Books India; and Allen, Barbara, "Animals in Religion: Devotion, Symbol and Ritual" (2016), Reaktion Books.

⁶ Kautilya, "The Arthshashtra", edited and translated by L.N.Rangrajan 61 (Penguin Books India, 1992).

modified version of 2012 draft rules of the AWBI. The modifications made are in lines with the objects of the Prevention of Cruelty to Animals Act, 1960 ('PCA'), the constitutional provisions and the best practices in other countries. The second draft rules propose to deal with the 'Prevention of Cruelty to Animals (Broiler Chickens) Rules' with respect to meat producing chickens.

CHAPTER-II

Constitutional and Legal Framework governing housekeeping and Transport of poultry in India

A. Constitution:

2.1 Under article 21 of the Constitution no person shall be deprived of his life or personal liberty except according to procedure established by law. The Supreme Court has in *Animal Welfare Board of India v. A. Nagaraja & Ors*⁷ (*Jallikattu Case*), extended the rights guaranteed under article 21 of the Constitution to all living beings.

2.2 The Supreme Court, in the said *Jalikkattu* case, emphasized on each animal's right to live with intrinsic worth, honour and dignity under article 21 of the Constitution. The extended protection of right to life, was to allow all species a set of rights according to international standards. It was observed in the case that "*animal has also honour and dignity which cannot be arbitrarily deprived of and its rights and privacy have to be respected and protected from unlawful attacks.*"

2.3 The State under the Directive Principles of State Policy is mandated to organise agriculture and animal husbandry on modern and scientific lines.⁸ Additionally, the Constitution mandates the State to endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country.⁹

2.4 It is the Fundamental Duty of each citizen, under article 51A(g) of the Constitution, to "protect and improve the natural environment including

⁷ (2014) 7 SCC 547

⁸ Article 48, Constitution of India, 1950.

⁹ Article 48A, Constitution of India, 1950.

forests, lakes, rivers and wildlife and to have compassion for living creatures”.

B. Statutes:

2.5 Parliament has sought to harmonise the statutory framework to include the prevention of animal cruelty as well as the maintenance of food standards and safety through the following statutes:

2.6 The Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the 'PCA Act') has been enacted with the objective of prevention of unnecessary pain or suffering on animals and lays down responsibilities of the persons in charge of the animals to take all reasonable measures to ensure their well-being.¹⁰It provides for setting up of the AWBI to make rules under the PCA Act to ensure that the welfare standards are met and that the animals are not exploited.¹¹

2.7 Section 11(1) of the PCA Act defines what ‘treating animals cruelly’ entails and clause (e) thereof states that if a person “...keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement”; or under “(h) being the owner of (any animal) fails to provide such animal with sufficient food, drink or shelter; or(k) offers for sale or without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment...”, it would amount to cruelty and would be punishable under this section.

2.8 **State Laws:** Since the protection, improvement of stock and prevention of animal diseases is a State subject under the Seventh Schedule

¹⁰ Section 3, PCA Act.

¹¹ Section 4, PCA Act.

to the Constitution¹², there are several State specific statutes and rules with respect to housekeeping and transport of chickens. Following are the examples of State Laws -

2.9 The **Bombay Diseases of Animals Act, 1948** provides for prevention and control of disease affecting animals including poultry.

2.10 The **Gujarat State Poultry Farm Registration and Regulatory Authority Act, 2007** makes provision for registration and regulation of activities connected with poultry farming. The State Government is empowered to issue guidelines to ensure that poultry related activity does not cause any detrimental effect to environment and human health. The Act also provides for bio-security measures to curb the spread of various diseases in poultry.

2.11 The **Orissa Animal Contagious Diseases Act 1949** was enacted with a view to provide for the prevention and control of contagious diseases among animals. The word 'animal' has been given a broad definition under the Act to include birds. Various penalties and offences are laid down under the provisions of this Act for depriving animals of fodder or spreading infectious diseases among animals or causing to spread infections. It also provides *inter alia* for the power to the executive to investigate in such matters and arrest any person without warrant if found indulging in certain offences.

2.12 The **Punjab Livestock and Bird Diseases Act, 1948** was enacted with a view to provide for the prevention and control of diseases affecting live stock and birds and enables the State to take measures for prevention of outbreak or spread of any scheduled disease in poultry along with penalties for the offenders. The **Punjab Livestock Development Board Rules, 2001** provide for the constitution of a Board for promoting all round

¹² Entry 15, List II, Schedule VII, Constitution of India, 1950.

development of the poultry sector in Punjab on modern scientific and commercial lines.

2.13 The **Punjab Poultry Production Act, 2016** deals with registration of poultry premises, improvement of quality of poultry products, ensuring bio-security measures in poultry operation.

2.14 The **Rajasthan Animal Diseases Act, 1959** was enacted with a view to provide for prevention and control of disease affecting animals including poultry.

C. Legal provisions regulating the transport of animals:

2.15 The Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 (hereinafter referred to as “the FSSR”) [Notification – F.No. 2-15015/30/2010 dated 01.02.2011] has been framed under section 92(2)(o) read with section 31 of the Food Safety and Standards Act, 2006 (hereinafter referred to as “the FSSA”). The FSSR lays down certain guidelines for the Pre-Slaughter Handling of Animals especially with respect to the transport of animals. The guidelines contained in Part IV Rule 6.4 (a)(1) provide, *inter alia*, -

Only healthy animals in good condition after verification and certification by a qualified veterinary inspector would be transported; transportation of Animals from endemic areas of a disease to non-endemic areas with a provision for protective vaccination and quarantine for 30 days, before further transportation, would be necessary; female animals in advanced stages of pregnancy would not be transported; all animals must be treated humanely and sufficient space to stand or lie must be provided while being transported; light feeding, watering facilities must be provided at regular intervals along with an attendant handling first aid and loading during extreme temperatures must be avoided; Inspection for safety, such as, checking for undamaged floors, walls, ensuring suitability such as covering to avoid weather conditions etc, before loading the animals is mandatory.

2.16 Transport of Animal Rules, 1978 ('Rules of 1978'): Chapter VII of the Rules of 1978 (included through the amendment of 2001) specifically deals with transport of poultry. The Rules of 1978 provide the following-

(i) Rule 79(a) lays down only birds in healthy and good conditions, examined and certified for fitness by a veterinary doctor, shall be transported.

(ii) Rule 79(c) and (d) lays down that the birds being transported shall be fed and watered before being placed in containers for transportation, and arrangements shall be made to feed and water them during transportation, with watering ensured every 6 hours.

(iii) Rule 80 lays down that in case of road travel, containers shall not be placed one a-top another and shall be covered properly in order to provide light, ventilation and to protect from rain, heat and cold air.

(iv) Rule 81 lays down that in case of rail travel, consignment on journey for over 12 hours to be accompanied by an attendant. Adequate facilities for ventilation and protection for exposure to weather shall be made, and no other merchandise (which may result in mortality of the birds) shall be transported in the same wagon.

(v) Rule 82 lays down in case of air travel, the containers carrying poultry shall be kept near the doors and unloaded immediately upon arrival.

(vi) Rule 83 lays down specifications for containers—dimensions of containers for month old chicks, 3 month old chicks and adult stock, Geese and Turkeys, Chicks and Poultry and birds per container. It also lays down special requirement for containers for chicks and poults, such as prohibition on use of wire mesh or net as bottom for container, properly secured to vehicle, properly labelled, continually transported for no more than 6 hours, transportation cannot be stationary for longer than 30 minutes and provision of fire extinguishers in transport vehicles.

2.17 The Ministry of Road Transport and Highways *vide* Notification No. G.S.R. 546 (E) Dated 8th July, 2015 amended the Central Motor Vehicles Rules, 1989, by Central Motor Vehicles (Eleventh Amendment) Rules, 2015 and added Rule 125E, which provides that the motor vehicles for carrying animals shall have permanent partitions in the body of the vehicle so that the animals are carried individually in each partition where the size of the partition in case of poultry shall not be less than 40

cm sq. The space provided however does not conform to the international standards for the same.

D. International Obligations and globally recognized poultry rights:

2.18 World Organization for Animal Health (OIE) defines Animal welfare as:

“Animal welfare means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour and is not suffering from unpleasant states such as pain, fear, and distress. Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter or killing. Animal welfare refers to the state of the animal; the treatment that an animal received is covered by other terms such as animal care, animal husbandry, and humane treatment.”

2.19 India is a member of World Organization for Animal Health (OIE). The OIE guiding principles on animal welfare which include the universally recognised “Five Freedoms”¹³, published in 1965 to promote the right to welfare of animals under human control. According to this concept, an animal’s primary welfare needs can be met by providing:

- Freedom from hunger, malnutrition and thirst;
- Freedom from fear and distress;
- Freedom from physical and thermal discomfort;
- Freedom from pain, injury and disease; and
- Freedom to express normal patterns of behaviour.

2.20 These five fundamental rights have been affirmed by the Supreme Court of India in *A. Nagaraj case*¹⁴. They describe animal welfare as a

¹³ World Organization for Animal Health, Animal Welfare. <http://www.oie.int/en/animal-welfare/animal-welfare-at-a-glance/> Accessed on April 13, 2017

¹⁴ *Supra* note 7

condition where the animal is in good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour and if it is not suffering from unpleasant health conditions such as pain, fear and distress.

2.21 The Supreme Court cognizance of the above mentioned principles and reiterated them in *T. N. Godavarman Thirumulpad v. Union of India*¹⁵; *T. N. Godavarman Thirumulpad v. Union of India*¹⁶ and *Centre for Environmental Law World Wide Fund India v. Union of India*.¹⁷

2.22 The Welfare Quality Project, funded by the European Commission has suggested twelve criteria to assess the welfare of poultry. The criteria suggested by them are absence of prolonged hunger, absence of prolonged thirst, comfort around resting, thermal comfort, ease of movement, absence of injuries, absence of diseases, absence of pain induced by management procedures, expression of social behavior, expression of other behavior, good human-animal relationship and positive emotional state.¹⁸ These criteria incorporate physical and mental well being of the poultry by linking animal welfare with food quality concept.

E. Supreme Court judgments dealing with Animal Welfare:

2.23 The Supreme Court in *Animal Welfare Board of India v. A. Nagaraja*¹⁹ held that animals have a right to live with dignity, intrinsic worth and without unnecessary pain and suffering. The Court while dealing with the matter directed the AWBI and Governments "to take steps to **prevent the infliction of unnecessary pain or suffering on the animals**, since their rights have been statutorily protected under sections 3 and 11 of PCA Act.”.

¹⁵(2012) 3 SCC 277.

¹⁶(2012) 4 SCC 362.

¹⁷(2013) 8 SCC 234.

¹⁸ Welfare Quality assessment Protocol for Poultry, available at : <http://www.welfarequalitynetwork.net/downloadattachment/45627/21652/Poultry%20Protocol.pdf> (last visited on June 26, 2017).

¹⁹ *Supra* note 7.

2.24 The Court in this case has elaborately dealt with the issues with reference to the Constitution and the PCA Act and observed as under:

“34. Section 3 of the Act deals with duties of persons having charge of the animals, which is mandatory in nature and hence confer corresponding rights on animals. Rights so conferred on animals are thus the antithesis of a duty and if those rights are violated, law will enforce those rights with legal sanction...

...Primary duty on the persons in charge or care of the animal is to ensure the well-being of the animal. “Well-being” means a state of being comfortable, healthy or happy...

42. Sections 3 and 11, as already indicated, therefore confer no right on the organisers of jallikattu or bullock cart race, but only duties, responsibilities and obligations, but confer corresponding rights on animals. Sections 3, 11(1)(a) and (o) and other related provisions have to be understood and read along with Article 51A(g) of the Constitution which cast fundamental duties on every citizen to have ‘compassion for living creatures’. Parliament, by incorporating Article 51A(g), has again reiterated and re-emphasised the fundamental duties on human beings towards every living creature, which evidently takes in bulls as well. All living creatures have inherent dignity and a right to live peacefully and a right to protect their well-being which encompasses protection from beating, kicking, overdriving, overloading, tortures, pain and suffering, etc. Human life, we often say, is not like animal existence, a view having anthropocentric bias, forgetting the fact that animals have also got intrinsic worth and value. Section 3 of the PCA Act has acknowledged those rights and the said section along with Section 11 cast a duty on persons having charge or care of animals to take reasonable measures to ensure well-being of the animals and to prevent infliction of unnecessary pain and suffering.”

2.25 The Supreme Court in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat & Ors*²⁰, held that by enacting article 51A(g) and giving it the status of a fundamental duty, one of the objects sought to be achieved by

²⁰ (2005) 8 SCC 534

Parliament is to ensure that the spirit and message of articles 48 and 48 A are honoured as a fundamental duty by every citizen. Article 51A(g), therefore, enjoins that it is a fundamental duty of every citizen “to have compassion for living creatures”, which means concern for suffering, sympathy, kindness etc., which has to be read along with sections 3 (Duties of persons having charge of animals), section 11(1)(a) and (m) (Treating animals cruelly), and section 22 (Restriction on exhibition and training of performing animals) etc. of the PCA Act²¹.

2.26 The Supreme Court, while hearing a Transfer Petition filed by the Animal Welfare Board of India praying for transfer of four writ petitions from different High Courts, seeking the phasing out of battery cages for egg laying hens and switching to a cage free humane option, to one Court, held that “we expect the Government of India to convene the proposed meeting and expedite the process of framing of the rules and report further developments on the subject to the High Court of Delhi upon transfer of the cases to it.”²² The writ petitions are currently pending before the Delhi High Court. ²³

2.27 The Supreme Court disposed of WP No. 330 of 2001, Common Cause, A Registered Society v. Union of India vide order dated 17.02.2017, wherein while dealing with the issue of illegal treatment of animals during transport and slaughter, directed the State governments and Union territories to comply with the compendium of Indian standards prepared by the Government of India.

F. High Court judgments dealing with Animal Welfare

2.28 The Madras High Court in *S. Kannan v. Commissioner of Police*²⁴, held that protection shall be granted to all kind of birds including poultry against cruelty in any manner, observing “the birds and animals are entitled to co-exist along with human beings”. The Court also issued

²¹ Compassion Unlimited Plus Action v. Union of India (2016)3SCC 85 (paragraph 67)

²² Transfer Petition (Civil) No(s).1095-1098 OF 2016

²³ WP 9056/2016, WP 9622/2016, WP 9630/2016&WP 10990/2016

²⁴ WP (MD) No. 8040 of 2014

orders prohibiting Cock fight and any other bird or animal fight for the sake of enjoyment of spectators.

2.29 The Gujarat High Court in *Muhammadbhai Jalalbhai Serasiya v. State of Gujarat*²⁵, held that to keep birds in cages would tantamount to illegal confinement of the birds which is in violation of right of the birds to live in free air / sky. Thereby the High Court directed to release such illegally confined birds in the open sky/air. A similar view is taken by the Gujarat High Court in *Abdulkadar Mohamad Azam Sheikh v. State of Gujarat*²⁶, observing that “it is the duty of every citizen to see that there is no unnecessary pain or suffering to any animal or bird.”

2.30 In *Tetragon Chemie v. CCE & Ors.*,²⁷ the Customs Excise & Gold Tribunal held that poultry feed must not only include that food which is necessary for their survival but also that food which is necessary for their growth and development.

2.31 The High Court of Himachal Pradesh has prohibited animal sacrifice on 26.09.2007 in CWP No. 9257 of 2011 along with CWP No.4499/2012 and CWP No.5076/2012 and quoted the words of Mahatma Gandhi:

“The moral progress and strength of a nation can be judged by the care and compassion it shows towards its animals.”

2.32 The Delhi High Court in the case of *People for Animals v. M D Mohazzim & Anr* ²⁸, held that:

“...birds have fundamental rights including the right to live with dignity and they cannot be subjected to cruelty by anyone (...) human beings have no right to keep them in small cages for the purposes of their business or otherwise.”

²⁵ 2015 JX (Guj)378:2014

²⁶ (CR.A/1635/2010)

²⁷ 1999 (63) ECC 709

²⁸Decided on 15th May 2015, Delhi High Court, CRL.M.C. 2051/2015 (MANU/DE/2074/2015)

CHAPTER-III

House-keeping of Layers and Broilers

A. Layers:

3.1 According to the Food and Agriculture Organization of the United Nations, India is the third largest producer of eggs in the world producing more than 65 billion eggs.²⁹ The industry in India has evolved from Backyard Poultry farming in 1950-60's, high platform cages in 1995 to high capacity farms with low compartmentalization, automated feeding techniques and environmentally controlled housing by 2011.³⁰

3.2 This evolution in layer farming techniques has led to varied layers of farming across the country. The poultry industry has turned lucrative and highly competitive. The economic factors of the industry demand higher production at lower costs without compromising the consumer quality standards. The scale and intensity of production is substantially higher in the commercial and industrial sectors than in backyard farming. Advantages are derived by the poultry industry from economies of large scale production which provides for specialisation and division of labour at different stages in the production process, leading to automation of operations and labour-cost savings.³¹

3.3 In contrast, backyard poultry farming in rural areas still follow the traditional way of farming methods. This makes the production ineffective as it exposes the birds to predators and renders them prone to diseases.³²

²⁹ Government of India; State/UT-wise estimates of Egg Production by Fowls during the years 2008-09 to 2012-13 <https://data.gov.in/resources/details-estimates-egg-production-fowls-during-2008-09-2012-13/download>

³⁰ Indian J. Anim. Hlth. (2015), 54(2) : 89-108 Review Article An Overview Of Poultry Production In India R.N. Chatterjee* And U. Rajkumar

³¹ <http://www.thepoultrysite.com/poultrynews/31498/animal-rights-campaigners-highlight-welfare-issues-in-indian-egg-industry/>

³² Problems related to farm operations in poultry farming as perceived by farm women, <http://www.veterinaryworld.org/Vol.2/May/Problems%20related%20to%20farm%20operations%20in%20poultry%20farming%20as%20pe.pdf>

Further, lack of constant optimal environment leads to low hatchability among the birds. Thus, the housing conditions in poultry farming have a significant impact over the production. In order to achieve the maximum production, low cost caging techniques even at the cost of consumer quality standards are rampantly in use. The present trend in the market indicates that small houses are being discarded for larger and more mechanised houses for egg production.³³ The birds are maintained in hen houses without any contact with other flocks and other wildlife. Consequently, it reduces the immunity of the birds making bio-security a critical factor in egg production.

3.4 The hens used for the production of eggs in the egg industry are reared in small, barren wire cages called “battery cages”, a name given due to the arrangement of cages placed side by side. The battery cages are so small that the animals are unable to stand up straight or spread their wings without touching the sides of the cage or other hens or turning in a complete circle without any impediment. The floor space available to each hen is approximately 623.7 cm² which is almost the area of a sheet of A4 size paper. The most common cages hold 5-10 birds. A typical egg farm in our country contains thousands of cages with tens of thousands of birds, stacked multiple tiers high, lined in multiple rows.

3.5 This method of stocking the hens, leads to sore feet, minor and major abrasions, broken bones and other bodily injuries to the birds. It also increases the risk of diseases in the flock.³⁴ The People for Ethical Treatment of Animals (PETA) has forwarded information on the conditions of poultry in India and has addressed various issues relating thereto. The Commission has taken into consideration the same while formulating the ‘Draft Rules’. In addition, climatic conditions such as temperature and

³³<https://www.forbes.com/sites/jamesmcwilliams/2013/10/23/small-free-range-egg-producers-cant-escape-problems-of-factory-farms/#504cbea021f2>

³⁴<http://www.hindustantimes.com/mumbai-news/wired-cages-in-poultry-farms-killing-hens-in-india-shows-survey/story-KM7Nd0UZDnxsBc8TDpKvpM.html>

humidity play an important role in attaining maximum production. Higher temperatures would lead to low productivity therefore the birds are usually kept at constant temperatures in poultry farms in India. The downside to this is that the birds would be more susceptible to diseases even with small changes in climatic conditions, affecting the chances of their survival. Consequently, they are fed antibiotics to boost immunity.

3.6 With a view to curtail the cruel practices of confining birds in battery cages, it is necessary to have a distinction between the produce obtained from healthy farming of hens in cage free environment and the produce obtained from battery cage farming. Towards this end, certification by the Animal Husbandry Departments of the States, recognising that the poultry farms follow the practice of cage free egg farming, is desirable. This would enable the consumer to select the produce obtained from healthy farming and will result in discouraging battery cage farming.

3.7 It is also important that the feed used must be nutrient rich and devoid of antibiotics as it affects the consumer food quality standard which is required to be maintained across countries. There are no statutory regulations, at present to prescribe the standard, quality and quantity of food for poultry in India which leads to rampant use of antibiotics in the poultry feed.

3.8 In response to the notice inviting suggestions on the issue, the Law Commission has received a large number of responses. As per the response received from the **Tata Memorial Centre**, Bombay, many Indians suffer from antibiotic resistance. The Centre claims that it is proven that non-therapeutic antibiotics given to poultry cause such resistance and that such antibiotics are given to poultry because their living conditions are cramped and unhygienic. It further says that with more open, cleaner and ventilated living space the animals are less likely to need these constant antibiotics making their eggs and meat safer for human consumption. The views

expressed hereinabove stand fully supported by various writings by experts such as Tollefson, Altekruise and Potter.³⁵

3.9 In this regard, the Central Government in the Department of Animal Husbandry, Dairying and Fisheries has also issued advisory/instructions to the Department of Animal Husbandry of all the States and Union Territories on 3rd June, 2014 observing that:

“2. ...antibiotics are also used as feed premix for regular feeding in poultry and animals used for meat, milk and egg production. This kind of regular feeding of antibiotics has serious consequences on human being since residues of antibiotics may accumulate in meat, milk and eggs. Consumption of antibiotic contaminated meat, milk and eggs may develop antibiotic resistance in both human being and animals. This type of use of antibiotics should be discouraged and in this regard, the farmers/ industries and feed manufacturers should be advised/educated on not to use antibiotics for animal feeding.

3. Further, the use of hormones as growth promoters used in food producing animals should also be stopped since it has also adverse effect on human and animal life”.

The Central Government has asked all the State Governments and Union Territories to advise all the State Veterinarians, feed manufacturers and also the persons involved in treatment of animal for judicious use of antibiotics and hormones for the treatment of ailing food producing animals.

³⁵ L. Tollefson, S.F. Altekruise and M.E. Potter, “Therapeutic Antibiotics in Animal Feeds and Antibiotic Resistance”, Res. Sci. Tech. Off. Int. Epiz. 1997 16 (2), 7090715

3.10 The Animal Welfare Board of India, vide letter dated 16.02.2012, explained/clarified that confining hens in battery cages violates provisions of section 11(1)(e) of PCA Act. The relevant part of the letter reads:

“Considering the issue of well-being of egg laying birds as well as food safety, you may be aware that the EU has decided to phase out battery cages for egg laying hens with effect from 1 January, 2012. These directives apply to all 27 EU member states; however, some European countries have preferred to adopt even stricter guidelines for farm animal protection. For instance in Switzerland, battery cages have been prohibited since 1992.

The AWBI advises the Government of India and the State Governments to issue suitable directions to poultry farmers to prohibit the use of battery cages in egg production, so that poultry farms keeping egg laying hens adhere to the provisions of the Prevention of Cruelty to Animals (PCA) Act, 1960 and not confine birds in cages. The existing cage facilities be phased out within the next 5 years i.e.2017.

Central and State Governments must encourage animal welfare and environment sustainability within the Indian food sector by promoting production systems that adhere to modern standards for animal welfare (as enshrined by the Five Freedoms) and the Prevention of Cruelty to Animals (PCA) Act 1960”

a. Practices in European Union and other countries:

- i. Europe: All member countries of the European Union (EU) have phased out the use of battery cages.
- ii. United States of America: States of California, Michigan, Ohio, Oregon and Washington have adopted the policy of prohibiting or phasing out battery cages for egg laying hens.
- iii. Bhutan: In 2013, Bhutan declared itself a cage – free country.

b. Regulations on Layer Hens:

- i. While perusing the draft Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2012, the Law Commission found that the same can be improved upon by few modifications. Such modifications are to be carried out by detailing environmental

provisions that meet the basic needs of these animals. The revised draft rules delineate space requirements for feeders, drinking spaces and floor area and other key resources to ensure good management of the system. Other important animal welfare provisions including when and how to carry out euthanasia of sick or injured animals are incorporated in the revised draft rules.

- ii. The modified rules are recommended keeping in view the constitutional provisions and the object of PCA Act. The revised draft rules are annexed as Annexure- I.

B. Broilers:

3.11 Since the last four decades the poultry business has been a backyard affair, but today, it has expanded into a massive industry. Broiler chickens are bred and raised to gain maximum body weight in the shortest period of time. Birds are bred through trait selection in order to achieve maximum weight with maximum feed conversion ratio³⁶, with little regard for the welfare of the bird. Rapid growth of muscle on an infantile skeletal structure makes the broilers prone to joint, bone and ligament disorders. As a result, these birds suffer from leg deformities and lameness. The welfare implications for caging broilers raise several welfare concerns as observed in battery cages for layers. Therefore, the usage of broiler battery cages should be discontinued and the system of cage-free rearing ought to be preferred with improvements in stocking density, feed, and hygiene. The entire process from housekeeping to transport to slaughter must be made humane.

a. Legal Framework Governing Broiler Chickens

3.12 Rule 3 of the PCA (Slaughter House) Rules, 2001, prohibits the slaughter of any animal except in recognised or licensed houses. Whereas

³⁶ Robert Pym. Food and Agriculture Organization of the United Nations. "Poultry Genetics and breeding in developing countries" <http://www.fao.org/3/a-al726e.pdf>

rule 6 provides for several conditions pre and post slaughter, including “rule 6(1) No animal shall be slaughtered in a slaughter house in sight of other animals” and “rule 6(2) No animal shall be administered any chemical, drug or hormone before slaughter except drug for its treatment for any specific disease or ailment.” Further, it prescribes required infrastructure of slaughter houses. All of which have also been included in the FSS Regulations, 2011, which is a comprehensive set of regulations. The regulations prescribe standards for slaughter house infrastructure, location of premises, sanitary practices, equipment and machinery to be utilised, personal hygiene, pre-slaughter handling, transport and space requirement during transport, humane slaughter methods, and sanitary requirements for meat processing units.

b. Recommendations on Broiler Chickens:

3.13 It has been noted that the incidence of diseases is markedly reduced in slower growing broiler chicken strains. France has produced “Label Rouge” chickens. These chickens reach slaughter weight at 12 weeks, and suffer substantially lower incidences of leg disease, low mortality rates despite having a grow-out period that is twice as long as conventional broiler chickens. The trend for using slow-growing chickens may also be seen in United Kingdom as well as the United States of America. Therefore, slower growing chicken strains may be promoted for broiler production. It is desirable that early steps are taken to notify regulations to ensure that trait selection is not only for production of healthy broiler chickens but also welfare centric.

3.14 It is a matter of concern that there is no regulation with respect to stocking density and other housing conditions. The minimum floor space available per bird should be an important factor in calculation of maximum stocking density. It is expected that the AWBI acting pro-actively will look into all the issues of welfare of animals including the broilers, on similar lines as in egg – laying hens rules. The regulations for housing and stocking

density of broiler birds along with relevant provisions of the Prevention of Cruelty to Animals (Broiler Chickens) Rules, 2017 are recommended, annexed as Annexure II.

3.15 On perusal of the 1978 Rules, as well as the FSS Regulations, 2011, it is found that the procedures and standards prescribed in these laws are satisfactory. Once the appropriate authority ensures the strict compliance of these rules and regulations the object will stand achieved. To ensure the same failure on the part of the official concerned shall render him personally responsible, as if it was a dereliction of duty.

3.16 On perusal of the Slaughter House Rules, 2001, as well as the FSS Regulations, 2011, it is found that the procedures and standards prescribed in these rules/regulations are satisfactory. However, these rules/regulations are violated blatantly in roadside meat shops and outlets. The appropriate authorities shall ensure strict compliance of these laws by providing for personal responsibility of the concerned officer for a failure which may be treated as dereliction of duty, if so found. Additionally, a mechanism be developed for imparting training to butchers/slaughter men so that sanitary practices are followed during slaughter.

CHAPTER-IV

Review of Punishments in PCA Act

4.1 Animal welfare and food safety are intricately linked. The consumers across the globe are gradually becoming aware of the fact that how poultry and livestock are treated. Animal welfare can be assessed by examining two criteria, namely, design criteria and animal-based criteria. The design criteria describes the quality of the environment or the way in which animals kept. This includes battery cages, floor space, housing and stocking density etc. Animal-based criteria evaluate the behaviour and physiology of the animals, including health levels.³⁷

4.2 These standards have been globally recognised and India too needs to adhere to these standards in the interest of animal welfare. Absence of regulations on housing and stocking density of poultry, ineffective implementation of the existing rules, and ignorance on the part of those involved in this profession towards recognised standards of housekeeping indicate that appropriate changes need to be made in the law as well as implementation system.

4.3 Penalties for animal cruelty offences vary in each jurisdiction, but in most of the countries provisions provide for imprisonment and fines. Further, the penalties apply to both deliberate and negligent acts of animal cruelty.

4.4 In the United Kingdom, cruelty to animals is a criminal offence for which one may be imprisoned for up to 6 months. In France, cruelty to animals is punishable by imprisonment of two years and a financial penalty (30,000 €). In Bangladesh, the Animal Welfare Law, 2016 provides that anyone involved in the offences like killing an animal or injuring it

³⁷ Supra note 28.

intentionally will serve a sentence of imprisonment up to a period of two years or will be fined Taka 50,000 or both.

4.5 In Japan, Welfare and Management of Animals Act 1973 (amended in 1999 and 2005) stipulates that "no person shall kill, injure, or inflict cruelty to animals ...", and in particular, criminalises cruelty to all mammals, birds, and reptiles possessed by persons; as well as cattle, horses, goats, sheep, pigs, dogs, cats, pigeons, domestic rabbits, *chickens*, and *domestic ducks* regardless of whether they are in captivity.

- Killing or injuring without due reason: up to one year's imprisonment with labour or a fine of up to one million yen;
- Cruelty such as causing debilitation by discontinuing feeding or watering without due reason: a fine of up to five hundred thousand yen;
- Abandonment: a fine of up to five hundred thousand yen;

4.6 The rules under the PCA Act 1960, largely suffers from weak penal provisions. While the penal provisions pertaining to fine in the Act may have been a sufficient deterrent in 1960, those provisions have lost their significance due to inflation. As monetary penalties under legislations of various jurisdictions change regularly, it is averred that the penal provisions in the said Act are required to be revised suitably. While keeping in view both the health and welfare of the people and the avoidance of pain and suffering of animals, punishment for all offences under the Act need to be appropriately revised.

CHAPTER-V

Summary of Recommendations

5.1 The Commission made an Appeal on its website requesting all stakeholders to forward their views to the Commission, on rearing, transport, maintenance and sale of poultry or any other relevant issues in this regard. The Commission received a number of responses, which are summarised at Annexure – III to this Report.

5.2 All the recommendations made in this report are summarised hereunder. The existing legal framework governing the transport of animals is adequate and shall be implemented to ensure that unnecessary pain and suffering is not inflicted on poultry during transit. The responsibility of compliance shall lie on the consignor and consignee, and any person in charge of care of such consignment as provided under section 3 of the PCA Act.

5.3 The very idea of having this report is to put an end to the cruel practices of confining birds in battery cages. With this object in mind, the Commission recommends certification of poultry farms by the Animal Husbandry Departments of the States, where a distinction of produce obtained from cage free egg farming from that obtained from battery cage farming, is drawn.

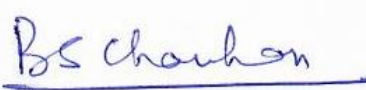
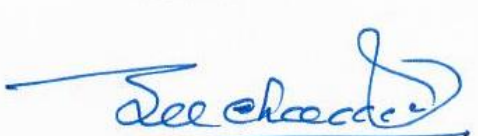
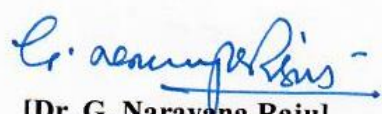
5.4 Given the gravity of the issue of battery cages and the fact that the Prevention of Cruelty to Animals (Egg Laying Hens) Rules Bill has been pending since 2012, the proposed modified rules should be considered for being notified. These rules are modified keeping in view the constitutional provisions and the object of the PCA Act.

5.5 Weight of birds should be an important factor in calculation of maximum stocking density. It is also noticed that there is no regulation with respect to stocking density and other housing conditions, therefore

necessary amendments in regulations for housing and stocking density of broiler birds and other relevant provisions in the Prevention of Cruelty to Animals (Broiler Chicken) Rules, 2017 are expressed.

5.6 On perusal of the Slaughter House Rules, 2001, as well as the FSS Regulations, 2011, the Commission is of the opinion that the procedures and standards prescribed in these rules/regulations are satisfactory. Their compliance in letter and spirit will meet the aims and objects of the regulations.

5.7 In view of the analysis in chapter IV above, it is also recommended that the provisions of the PCA Act prescribing punishment for inflicting cruelty on animals be amended to provide for stringent punishments.

 [Justice Dr. B.S. Chauhan] Chairman		
 [Justice Ravi R. Tripathi] Member	 [Prof. (Dr.) S. Sivakumar] Member	 [Dr. Sanjay Singh] Member-Secretary
 [Suresh Chandra] Ex-officio Member		 [Dr. G. Narayana Raju] Ex-officio Member

The Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2017

S.O. _____(E) :- Whereas a draft of the Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2017 is hereby published, as required under sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), for inviting objections and suggestions on the said draft rules from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date of publication of this notification in the Official Gazette;

The objections and suggestions, if any, may be sent to the Under Secretary to the Government of India, Ministry of Environment, Forest and Climate Change at Room No..... ;

All objections / suggestions received from the public within the specified period shall be duly considered by the Central Government;

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

DRAFT RULES

1. **Short title and commencement.-** (1) These rules may be called the Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2017.
(2) They shall come into force on such date as the Central Government
2. **Definitions.-** In these rules, unless the context otherwise requires, -
 - (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
 - (b) "Board" means the Board established under section 4, and as reconstituted from time to time under section 5A of the Act;
 - (c) "farm" means the land, building, support facilities, and other equipment that are wholly or partially used in poultry farming for the production of eggs;
 - (d) "farm owner" means a person having right and control over a farm, where hens are reared and kept for production of eggs for commercial purposes;
 - (e) "farm operator" means a person who owns, operates or manages the business of a farm;

- (f) “hen” means any female domesticated chicken kept for the purpose of egg production and includes pullets;
- (g) “local authority” means a municipal committee, district board, cantonment board, panchayat or any other authority entrusted under any law with the administration and control of any matters within the specified local area;
- (h) “prescribed authority” means the Board or any officer authorised by it;
- (i) “State Board” means a State Animal Welfare Board constituted in a State by the State Government;
- (j) “Society for Prevention of Cruelty to Animals” means the Society as defined in clause (e) of rule 2 of the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 (notified vide S.O.271(E) dated 26th March, 2001);
- (k) “veterinary practitioner” means a registered veterinary practitioner as defined in clause (g) of section 2 of the Indian Veterinary Council Act 1984 (52 of 1984).

3. **Application of rules.-** These rules shall apply to the farms where egg laying hens are housed.

4. **Registration.-** (1) No person shall engage in poultry farming without being registered with the animal husbandry department of the concerned State Government under these rules.
- (2) The registration certificate shall be displayed in a conspicuous place at the farm.
- (3) Every farm operating prior to the commencement of these rules shall, within a period of three months from the date of its commencement, register itself with the animal husbandry department of the concerned State.
- (4) The animal husbandry department of the State may, while granting registration, impose such conditions as it may deem fit.
- (5) The animal husbandry department of the State may, after satisfying itself with the fulfilment of operating procedure laid down in these rules, certify any farm as a cage-free or free range farm and on certification, such farm shall be permitted to use the term ‘organic produce’.

5. **Powers of Board to issue guidelines.-** (1) The Board or a State Board may, from time to time, issue such guidelines to animal husbandry department of the State and the local authorities, as it may deem necessary to facilitate compliance of these rules.
- (2) The farm owner or operator shall make available all records and provide information relating to functioning of the farm to the Board or the State Board, as and when required.

6. **Responsibility of company engaged in poultry farming.-** (1) Where the farm is owned by a company, its Chief Executive Officer, President or highest ranking employee of such company shall be responsible for ensuring the compliance of these rules.
(2) In case of contract farming between companies and farmers, where inputs for poultry farming are provided to the farm owner by a company, in return for providing eggs at a pre-determined price, both the farm owner and the company shall be responsible for ensuring compliance of these rules.
(3) Where a farm is owned by a government entity the responsibility of compliance of these rules shall be on the Head of the entity.
7. **Power to authorise inspection.-** For the purposes of ensuring compliance, the animal husbandry department of the State or the Board or a State Board or a local authority, may authorise any of its officers in writing to inspect any farm, and submit a report containing the findings of such inspection, to the department, Board, State Board or as the case may be the local authority, and any officer or person so authorised may –
- (a) enter at any reasonable time and inspect the farm; and
 - (b) require any person to produce any record kept by him in respect of the farm.
 - (c) seize any animal, if there is reason to believe that the provisions of the Act, are not being complied with or that the animals are being treated with cruelty and the seized animal shall be kept in the custody of the local SPCA or an animal welfare organisation.
8. **Requirement of Space Allowance.-** (1) Hens shall not be confined in a manner that prevents them from lying down, standing up, fully spreading both wings without touching the side of an enclosure or other egg-laying hens, or turning in a complete circle without any impediment and without touching the side of an enclosure.
(2) There shall be sufficient space for all hens to perch and must have a nest box, litter to allow pecking and scratching and access to feed freely.
9. **Stocking Density in Poultry Farm.-**(1) For the purpose of calculation of the floor space, the area of nests, nest boxes and elevated perches shall not be included, but the non-elevated perches that are integrated into slatted floors shall be calculated as a part of the floor space.
(2) In a single level house, a minimum of 0.14 sq. meters per hen shall be provided to allow normal behaviour.
(3) In a house with litter and a raised slatted area, with a perching or roosting area over a droppings pit or belt, the minimum space allowance shall be 0.11 sq. meters per hen.

(4) In multi-tier systems with feeders and drinkers on overhead perches or platforms, and in which the overhead perches or platforms provide sufficient space for at least fifty-five per cent of the hens to perch then, a minimum of 0.09 sq. meters (900cm²) space per hen shall be provided.

(5) The pullets shall be housed with a space allowance of not less than the following, namely:-

- (a) 0-6 weeks 72 in² (464 cm²);
- (b) 6-18 weeks (or placement in layer house) 144in² (929 cm²)
; and
- (c) pullets shall have access to perches before six weeks of age so that they are prepared for introduction to the laying environment.

10. **Maintenance records of space allowance** - (1) The farm owner or the operator shall ensure that the maximum housing density is not exceeded and maintain records of the total floor area available to the hens; the space allowances; and maximum number of birds kept within the house.

(2) The farm owner or the operator shall maintain the record of available number of birds, the daily mortality and number culled.

(3) These records shall be made available for inspection by the prescribed authority.

11. **Number of nest boxes** - Individual nest boxes shall be provided at not less than one per 5 hens or community nest systems shall provide an overall minimum nesting area of 0.8 sq. meters per one hundred birds.

12. **Floor substrate in nest boxes** - Nest boxes shall have a floor substrate that encourages nesting behaviour.

13. **Perches** - (1) Perches shall be provided in all houses, and they shall provide for an area of at least 15.24 cm per hen. At least twenty per cent of perches shall be elevated but perches shall not be located too high as hens can fracture bones jumping down from high perches , and for the purpose of calculating perching space, only perches located more than 40.64 cm and less than 1 meter above the adjacent floor shall be taken into account .

(2) The perforated floors may be considered as perching space when they have perches incorporated within the floor structure or attached on top of the floor.

(3) The minimum space between incorporated perches shall be twelve inches to allow birds to easily roost simultaneously.

14. **Design of perches** - (1) Perches shall be designed to have a gap of not less than 1.27 cm in on either side of any perch to allow hens to grip the perches without risk of trapping their claws.

- (2) The perches shall be at least 3.18 cm wide at the top (round perches shall have a diameter of not less than 3.18 cm), have no sharp edges, and be of a non-slip material.
- (3) The perches shall be positioned to minimise dirtying of any hens below and, when possible, shall be over a droppings pit.
15. **Litter** - (1) The area of litter provided shall be sufficient to allow the birds to dust bathe and forage freely.
- (2) For housing systems which include a completely slatted or grid floor, the opportunity to dust bathe shall be provided by suitable substrate (litter) throughout the house of a size that allows multiple hens to dust bathe simultaneously.
- (3) In converted high-rise buildings, a minimum of fifteen percent available floor space shall be a suitable substrate.
- (4) The pullets shall have continuous access to litter.
16. **Euthanasia of Male Chicks** - (1) The hatcheries shall use animal euthanasia to euthanise male chicks using a combinations of inert gases by the method of controlled atmospheric killing.
- (2) The Board shall issue guidelines specifying the manner for euthanasia.
17. **Prohibition with regard to feed** - (1) The feeding of hens with remains of dead chicks shall be prohibited.
- (2) The use of growth promoters shall be prohibited.
- (3) Antibiotics may be administered for therapeutic purposes (disease treatment) and only under supervision of a veterinarian.
- (4) Withdrawal of feed to induce a molt shall be prohibited.
18. **Disposal of Spent Hens** - (1) The farm shall sell spent hens only to a licensed slaughter house.
- (2) The transport and slaughter of spent hens shall be in accordance with the applicable rules.
19. **Veterinary Care.**- (1) Every farm owner shall—
- (a) employ only, persons trained in handling and taking care of animals, and who do not have aggressive or abnormal behaviour, rather have compassionate temperament towards animals also; and
- (b) deploy sufficient number of employees at the farm to take care of, and attend hens properly, and ensure that at least two employees per ten thousand animals are available at all times to take care of the hens.
- (2) Every farm shall make provision for veterinary care, including emergency medical care, and display at a conspicuous place in the farm the emergency contact details of the veterinary practitioner so as

to facilitate the employees and inspectors to approach the veterinary practitioner, as and when required.

(3) The farm operator shall immediately report the outbreak or suspected outbreak of any zoonotic or contagious disease or infection to the local authority, the State Board and the State Government.

(4) Every farm shall have at least one room or enclosure for quarantining sick hens, or hens suspected to be sick.

The Prevention of Cruelty to Animals (Broiler Chicken) Rules, 2017

S.O. _____(E) :- Whereas a draft of the Prevention of Cruelty to Animals (Broiler Chicken) Rules, 2017 is hereby published, as required under sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), for inviting objections and suggestions on the said draft rules from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date of publication of this notification in the Official Gazette;

The objections and suggestions, if any, may be sent to the Under Secretary to the Government of India, Ministry of Environment, Forest and Climate Change at Room No..... ;

All objections / suggestions received from the public within the specified period shall be duly considered by the Central Government;

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

DRAFT RULES

1. **Short title and commencement** - (1) These rules may be called the Prevention of Cruelty to Animals (Broiler Chicken) Rules, 2017.
(2) They shall come into force on such date
.....
2. **Definitions** - (1) In these rules, unless the context otherwise requires-
 - (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
 - (b) "Board" means the Board established under section 4, and as reconstituted from time to time under section 5A of the Act;
 - (c) "chicken" means any domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of meat production and includes pullets;
 - (d) "farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the production of broiler chickens for meat;
 - (e) "farm owner" means a person having right and control over a farm, where chickens are reared for fattening and production of meat for commercial purposes;
 - (f) "farm operator" means a person who owns, operates or manages the business of a farm;

- (g) “local authority” means a municipal committee, district board, cantonment board, panchayat or any other authority entrusted under any law with the administration and control of any matters within the specified local area;
- (h) “prescribed authority” means the Board or any officer authorized by it;
- (i) “State Board” means a State Animal Welfare Board constituted in a State by the State Government;
- (j) “Society for Prevention of Cruelty to Animals (SPCA)” means a statutory SPCA established under the Act;
- (k) “veterinary practitioner” means a veterinary practitioner registered as per the Indian Veterinary Council Act 1984 and whose name for the time being is included in the Indian Veterinary Practitioners’ Register established under the Indian Veterinary Council Act, 1984 (52 of 1984).

3. **Application of the rules** - These rules shall apply to the farms where chickens are housed.

4. **Registration** - (1) No person shall engage in chicken farming without being registered with the animal husbandry department of the concerned State Government under these rules.

(2) The registration certificate shall be displayed in a conspicuous place at the farm.

(3) Every farm operating prior to the commencement of these rules shall within a period of three months from the date of its commencement, register itself with the state animal husbandry department of the concerned State.

(4) The animal husbandry department of the State may, while granting registration, impose such conditions as it may deem fit.

5. **Powers of Board or State Board to issue guidelines** - (1) The Board or State Board may, from time to time, issue such guidelines to animal husbandry department of the State and the local authorities, as it may deem necessary to facilitate compliance of these rules.

(2) The farm owner or operator shall make available all records and provide information relating to functioning of the farm to the Board or the State Board, as and when required.

6. **Responsibility of company engaged in chicken farming** - (1) Where the farm is owned by a company, its Chief Executive Officer, President or highest ranking employee of such company shall be responsible for ensuring the compliance of these rules

(2) In case of contract farming between companies and farmers, where inputs for chicken farming are provided to the farm owner by a company, in return for providing the chicken at a pre-determined price, both the farm owner and the company shall be responsible for ensuring compliance of these rules.

- (3) Where a farm is owned by a government entity the responsibility of compliance of these rules shall be on the Head of the entity.
7. **Power to authorise inspection.-** For the purposes of ensuring compliance, the Animal Husbandry department of the State or the Board or a State Board or a local authority may authorise any of its officers in writing to inspect any farm, and submit a report containing the findings of such inspection to the department, Board, State Board or as the case may be, the local authority, and any officer or person so authorised may –
- (a) enter at any reasonable time and inspect the farm; and
 - (b) require any person to produce any record kept by him in respect of the farm.
 - (c) seize any animal, if there is reason to believe that the provisions of the Act, are not being complied with or that the animals are being treated with cruelty and the seized animal shall be kept in the custody of the local SPCA or an animal welfare organisation.
8. **Requirement of Space Allowance-**
- (1) Chickens shall not be housed in cages, or kept on wire or slatted floors
 - (2) Chickens shall be provided sufficient space for movement without any difficulty, to stand normally, turn around and stretch their wings.
9. **Stocking Density in Chicken Farm –**
- (1) The maximum stocking density shall be calculated on the weight of chickens per available floor space.
 - (2) This density allowance shall not exceed 30 kg/m².
10. **Maintenance Records of space allowance -** (1) The farm owner or the operator shall ensure that the maximum housing density is not exceeded and maintain records of the total floor area available to the chickens; the space allowances; and maximum number of birds kept within the house.
- (2) The farm owner or the operator shall maintain the record of available number of birds, the daily mortality and number culled.
 - (3) These records shall be made available for inspection by the prescribed authority.
11. **Feed -** (1) Chickens shall be provided nutritious feed every day and fed a wholesome diet, in sufficient quantity which is appropriate to their age and species.
- (2) The nutrient content and feeding regimes shall be controlled to prevent leg abnormalities and other problems associated with rapid rate of growth.
 - (3) Chickens shall not be given feed containing remains of dead chicks.

- (4) Chickens shall not be given growth promoters.
- (5) Antibiotics, including coccidiostats, shall not be administered except under the supervision of a veterinarian.
- (6) The farm owner or operator shall provide sufficient feeder which shall be distributed throughout the house or enclosure to allow all chickens to eat without undue competition and the feed distribution shall ensure uniform feed availability throughout the entire feeder system.

12. **Preventing contact with toxic substances in buildings** - The farm owner or operator shall ensure that chickens do not come into contact with fumes, paints, wood preservatives, disinfectants, or any other substances that are toxic to them.

13. **Design of floors** - (1) Chicken house flooring shall allow for effective cleansing and disinfection to prevent building-up of parasites and other pathogens.

(2) The concrete floors shall be preferable to earthen floors because they can be more effectively cleaned and disinfected.

14. **Litter**- (1) The floor of all houses shall be completely covered by litter and the chickens shall have access to the litter area at all times.

(2) The litter shall:

- (a) be of suitable material, particle size and easy to maintain;
- (b) be of good quality (clean, dry, dust-free, and absorbent);
- (c) be of a sufficient depth for dilution of feces;
- (d) birds' feet should be free from excessive fecal contamination;
- (e) allow birds to dust bathe; and
- (f) be skimmed and topped up as necessary with fresh litter.

(3) The litter that is wet, infested with mites, or otherwise contaminated shall not be introduced into chicken housing.

(4) The wet or otherwise contaminated litter, or caked litter shall be replaced from time to time.

(5) The wet litter from accidental flooding shall be replaced.

15. **Period of lighting** - The lighting system in the chicken house shall provide a twenty-four hour cycle:

- (a) A minimum period of eight hours of light, by the provision of either artificial light or access to daylight; and
- (b) A minimum period of six continuous hours of darkness in every twenty-four hour cycle, except when the natural period of darkness is shorter.
- (c) The requirement of clause (b) need not apply during the first few days of rearing and the last three days prior to slaughter.

16. **Stimulating environment** - (1) Provisions shall be made to keep indoor chickens active.

(2) The environmental enrichment such as ramps, low perches,

pecking blocks, straw bales shall be used to stimulate exploratory, foraging and locomotive behaviour and to minimize injurious pecking.

17. **Disposal of Chickens** - (1) The farm shall sell chickens only to a licensed slaughter house.
(2) The transport and slaughter of chickens shall be in accordance with the applicable rules.
18. **Veterinary Care** - (1) Every farm owner shall
 - (a) employ only, persons trained in handling and taking care of animals, and who do not have aggressive or abnormal behaviour, rather have compassionate temperament towards animals also; and
 - (b) deploy sufficient number of employees at the farm to take care of, and attend to chickens properly, and ensure that a minimum of two employees per five thousand animals are available at all times to take care of the chickens.

(2) Every farm shall make provision for veterinary care, including emergency medical care, and display at a conspicuous place in the farm the emergency contact details of the veterinary practitioner so as to facilitate the employees and inspectors to approach the veterinary practitioner as and when required.

(3) The farm operator shall immediately report the outbreak or suspected outbreak of any zoonotic or contagious disease or infection to the local authority, the Board and the State Government Department responsible for Animal Husbandry.

(4) Every farm shall have at least one room or enclosure for quarantining sick or diseased hens, or hens suspected to be sick or diseased.

Summary of the Representations/Responses

The Law Commission of India upon the request of the Government of India, examined the status of the laws and trends relating to the housekeeping and transport of poultry birds. The Commission invited views/comments from the various stakeholders through an appeal dated 12th April 2017.

On 2nd May, 2017, Letters have been written to all Chief Secretaries of the States and UT's asking the various stakeholders by giving wide publicity to take part in the endeavour of the law commission and assist us in getting their opinion. Comments have been received from organisations, restaurants, prominent individuals, retired members of the judiciary, medical practitioners, journalists and a poultry farm.

The representations have stated the following:

- The representation brought to the commission notice is the unhygienic conditions of the poultry industry and the effect of battery- cage confinement on the well-being of the birds. The need for better facilities of housing to ensure more free and natural movement of the birds. The increase of fatal diseases like cancer, etc. due to the unhygienic conditions the birds are kept in. The impact of these unhygienic conditions is on people who consume meat or eggs of such birds.
- The cruel practices of the breaking of beaks and the killing of young male chicks in the industry. The practice of unnecessary feeding non-therapeutic antibiotics given to the birds (which eventually leads to antibiotic resistance) is only to counter the effects of cruel confinement in battery cages. The impact of slaughter and the unhygienic condition in industry is on human. The need for a humane system of rearing and

breeding lacks the necessary facilities in the poultry industry, and the necessity to end the battery cage facilities. Consumers ask for cruelty-free meat/ organically-produced eggs and the lack of such an existing trend in the larger market makes it difficult for seller's and hotel industries to cater to the business; advocacy of more humane treatment of the hens in this regard.

- Requested for more compassionate handling of the birds in the poultry industry and appeals for ending of battery cage facilities. More natural environment of housing that allows the hens to perch and move about freely is a better alternative to the existing practice of battery cages. The practices to be used by the farming industry must be more human. The need for better farming techniques and an immediate change in the manner in which they are kept. The tremendous health impact of increasing antibiotic resistance in poultry-farm birds and the need to notify the Draft Rules. The reasons for ending battery cage confinement of the poultry-farm birds as it lead to the cruelty towards them and need an immediate intervention of Government with respect to Rules regulating the same to curb the inhuman practices.

- the provisions of the Prevention of Cruelty to Animals Act, and the Food Safety and Standards Act that speak of ensuring the dignity and humane treatment of animals; appeal to end battery cage confinement of the birds and notification of draft rules for the purpose. Early notification of Draft Prevention of Cruelty to Animals (Egg- Laying Hens) Rules, 2012, emphasizes the inhumane treatment of male chicks in the poultry industry. Related personal experiences when studying the poultry industry for journalistic purposes and detailed the cruelty and need for this cruelty to be curbed.

4. RECOMMENDED READINGS

(Not exhaustive)

Factory Farming in the Developing World

In some critical respects, this is not progress at all.

by **Danielle Nierenberg**

Illustrations by **Sue Coe**

Walking through Bobby Inocencio's farm in the hills of Rizal province in the Philippines is like taking a step back to a simpler time. Hundreds of chickens (a cross between native Filipino chickens and a French breed) roam around freely in large, fenced pens. They peck at various indigenous plants, they eat bugs, and they fertilize the soil, just as domesticated chickens have for ages.

The scene may be old, but Inocencio's farm is anything but simple. What he has recreated is a complex and successful system of raising chickens that benefits small producers, the environment, and even the chickens. Once a "factory farmer," Inocencio used to raise white chickens for Pure Foods, one of the biggest companies in the Philippines.



Thousands of birds were housed in long, enclosed metal sheds that covered his property. Along with the breed stock and feeds he had to import, Inocencio also found himself dealing with a lot of imported diseases and was forced to buy expensive antibiotics to keep the chickens alive long enough to take them to market. Another trick of the trade Inocencio learned was the use of growth promotants that decrease the time it takes for chickens to mature.

Eventually he noticed that fewer and fewer of his neighbors were raising chickens, which threatened the community's food security by reducing the locally available supply of chickens and eggs. As the community dissolved and farms (and farming methods) that had been around for generations went virtually extinct, Inocencio became convinced that there had to be a different way to raise chickens and still compete in a rapidly globalizing marketplace. "The business of the white chicken," he says, "is controlled by the big guys." Not only do small farmers have to compete with the three big companies that control white chickens in the Philippines, but they must also contend with pressure from the World Trade Organization (WTO) to open up trade. In the last two decades the Filipino poultry production system has transitioned from mainly backyard farms to a huge industry. In the 1980s the country produced 50 million birds annually. Today that figure has increased some ten-fold. The large poultry producers have benefited from this population explosion, but average farmers have not. So Inocencio decided to go forward by going back and reviving village-level poultry enterprises that supported traditional family farms and rural communities.

Inocencio's farm and others like it show that the Philippines can support indigenous livestock production and stand up to the threat of the factory farming methods now spreading around the world. Since 1997, his Teresa Farms has been raising free range chickens and teaching other farmers how to do the same. He says that the way he used to raise chickens, by concentrating so many of them in a small space, is dan-

gerous. Diseases such as avian flu, leukosis J (avian leukemia), and Newcastle disease are spread from white chickens to the Filipino native chicken populations, in some cases infecting eggs before the chicks are even born. "The white chicken," says Inocencio, "is weak, making the system weak. And if these chickens are weak, why should we be raising them? Limiting their genetic base and using breeds that are not adapted to conditions in the Philippines is like setting up the potential for a potato blight on a global scale." Now Teresa Farms chickens are no longer kept in long, enclosed sheds, but roam freely in large tree-covered areas of his farm that he encloses with recycled fishing nets.

Inocencio's chickens also don't do drugs. Antibiotics, he says, are not only expensive but *encourage* disease. He found the answer to the problem of preventing diseases in chickens literally in his own backyard. His chickens eat spices and native plants with antibacterial and other medicinal properties. Chili, for instance, is mixed in grain to treat respiratory problems, stimulate appetite during heat stress, deworm the birds, and to treat Newcastle disease. Native plants growing on the farm, including *ipil-ipil* and *damong maria*, are also used as low-cost alternatives to antibiotics and other drugs.

There was a time when most farms in the Philippines, the United States, and everywhere else functioned much like Bobby Inocencio's. But today the factory model of raising animals in intensive conditions is spreading around the globe.

A New Jungle

Meat once occupied a very different dietary place in most of the world. Beef, pork, and chicken were considered luxuries, and were eaten on special occasions or to enhance the flavor of other foods. But as agriculture became more mechanized, so did animal production. In the United States, livestock raised in the West was herded or transported east to slaughterhouses and packing mills. Upton Sinclair's *The Jun-*



Factory Chicken

gle, written almost a century ago when the United States lacked many food-safety and labor regulations, described the appalling conditions of slaughterhouses in Chicago in the early 20th century and was a shocking expose of meat production and the conditions inflicted on both animals and humans by the industry. Workers were treated much like animals themselves, forced to labor long hours for very little pay under dangerous conditions, and with no job security.

If *The Jungle* were written today, however, it might not be set in the American Midwest. Today, developing nations like the Philippines are becoming the centers of large-scale livestock production and processing to feed the world's growing appetite for cheap meat and other animal products. But the problems Sinclair pointed to a century ago, including hazardous working conditions, unsanitary processing methods, and environmental contamination, still exist. Many have become even worse. And as environmental regulations in the European Union and the United States become stronger, large agribusinesses are moving their animal production operations to nations with less stringent enforcement of environmental laws.

These intensive and environmentally destructive production methods are spreading all over the globe, to Mexico, India, the former Soviet Union, and most rapidly throughout Asia. Wherever they crop up, they create a web of related food safety, animal welfare, and environmental problems. Philip Lymbery, campaign director of the World Society for the Protection of Animals, describes the growth of industrial animal production this way: Imagine traditional livestock production as a beach and factory farms as a tide. In

the United States, the tide has completely covered the beach, swallowing up small farms and concentrating production in the hands of a few large companies. In Taiwan, it is almost as high. In the Philippines, however, the tide is just hitting the beach. The industrial, factory-farm methods of raising and slaughtering animals—methods that were conceived and developed in the United States and Western Europe—have not yet swept over the Philippines, but they are coming fast.

An Appetite for Destruction

Global meat production has increased more than five-fold since 1950, and factory farming is the fastest growing method of animal production worldwide. Feedlots are responsible for 43 percent of the world's beef, and more than half of the world's pork and poultry are raised in factory farms. Industrialized countries dominate production, but developing countries are rapidly expanding and intensifying their production systems. According to the United Nations Food and Agriculture Organization (FAO), Asia (including the Philippines) has the fastest developing livestock sector. On the islands that make up the Philippines, 500 million chickens and 20 million hogs are slaughtered each year.

Despite the fact that many health-conscious people in developed nations are choosing to eat less meat, worldwide meat consumption continues to rise. Consumption is growing fastest in the developing countries. Two-thirds of the gains in meat consumption in 2002 were in the developing world, where urbanization, rising incomes, and globalized trade are changing diets and fueling appetites for meat and animal products. Because eating meat has been perceived as a measure of economic and social development, the Philippines and other poor nations are eager to climb up the animal-protein ladder. People in the Philippines still eat relatively little meat, but their consumption is growing. As recently as 1995, the average

Filipino ate 21 kilograms of meat per year. Since then, average consumption has soared to almost 30 kilograms per year, although that is still less than half the amount in Western countries, where per-capita consumption is 80 kilograms per year.

This push to increase both production and consumption in the Philippines and other developing nations is coming from a number of different directions. Since the end of World War II, agricultural development has been considered a part of the foreign aid and assistance given to developing nations. The United States and international development agencies have been leaders in promoting the use of pesticides, artificial fertilizers, and other chemicals to boost agricultural production in these countries, often at the expense of the environment. American corporations like Purina Mills and Tyson Foods are also opening up feed mills and farms so they can expand business in the Philippines.

But Filipinos are also part of the push to industrialize agriculture. "This is not an idea only coming from the West," says Dr. Abe Agulto, president of the Philippine Society for the Protection of Animals, "but also coming from us." Meat equals wealth in much of the world and many Filipino businesspeople have taken up largescale livestock production to supply the growing demand for meat. But small farmers don't get much financial support in the Philippines. It's not farms like Bobby Inocencio's that are likely to get government assistance, but the big production facilities that can crank out thousands of eggs, chicks, or piglets a year.

The world's growing appetite for meat is not without its consequences, however. One of the first indications that meat production can be hazardous arises long before animals ever reach the slaughterhouse. Mountains of smelly and toxic manure are created by the billions of animals raised for human consumption in the world each year. In the United States, people in North Carolina know all too well the effects of this liquid and solid waste. Hog production there has increased

faster than anywhere else in the nation, from 2 million hogs per year in 1987 to 10 million hogs per year today. Those hogs produce more than 19 million tons of manure each year and most of it gets stored in lagoons, or large uncovered containment pits. Many of those lagoons flooded and burst when Hurricane Floyd swept through the region in 1999. Hundreds of acres of land and miles of waterway were flooded with excrement, resulting in massive fish kills and millions of dollars in cleanup costs. The lagoons' contents are also known to leak out and seep into groundwater.

Some of the same effects can now be seen in the Philippines. Not far from Teresa Farms sits another, very different, farm that produces the most frequently eaten meat product in the world. Foremost Farms is the largest piggery, or pig farm, in all of Asia. An estimated 100,000 pigs are produced there every year.

High walls surround Foremost and prevent people in the community from getting in or seeing what goes on inside. What they do get a whiff of is the waste. Not only do the neighbors smell the manure created by the 20,000 hogs kept at Foremost or the 10,000 hogs kept at nearby Holly Farms, but their water supply has also been polluted by it. In fact, they've named the river where many of them bathe and get drinking water the River Stink. Apart from the stench, some residents have complained of skin rashes, infections, and other health problems from the water. And instead of keeping the water clean and installing effective waste treatment, the farms are just digging deeper drinking wells and giving residents free access to them. Many in the community are reluctant to complain about the smell because they fear losing their water supply. Even the mayor of Bulacan, the nearby village, has said "we give these farms leeway as much as possible because they provide so much economically."

It would be easy to assume that some exploitive foreign corporation owns Foremost, but in fact the owner is Lucia Tan, a Filipino. Tan is not your average Filipino, however, but the richest man in the Philippines. In addition to Foremost Farms, he owns San Miguel



Ear-tagging

beer and Philippine Airlines. Tan might be increasing his personal wealth, but his farm and others like it are gradually destroying traditional farming methods and threatening indigenous livestock breeds in the Philippines. As a result, many small farmers can no longer afford to produce hogs for sale or for their own consumption, which forces them to become consumers of Tan's pork. Most of the nation's 11 million hogs are still kept in back yards, but because of farms like Foremost, factory farming is growing. Almost one-quarter of the breeding herd is now factory farmed. More than 1 million pigs are raised in factory farms every year in Bulacan alone.

Chicken farms in the Philippines are also becoming more intensive. The history of intensive poultry production in the Philippines is not long. Forty years ago, the nation's entire population was fed on native eggs and chickens produced by family farmers. Now, most of those farmers are out of business. They have lost not only their farms, but livestock diversity and a way of life as well.

The loss of this way of life to the industrialized farm-to-abattoir system has made the process more callous at every stage. Adopting factory farming methods works to diminish farmers' concern for the welfare of their livestock. Chickens often can't walk properly because they have been pumped full of growth-promoting antibiotics to gain weight as quickly as possible. Pigs are confined to gestation crates where they can't turn around. Cattle are crowded together in feedlots that are seas of manure.

Most of the chickens in the country are from imported breed stock and the native Filipino chicken has practically disappeared because of viral diseases spread by foreign breeds. Almost all of the hens farmed commercially for their eggs are confined in wire battery cages that cram three or four hens together, giving each bird an area less than the size of this page to stand on.

Unlike laying hens, chickens raised for meat in the Philippines are not housed in cages. But they're not pecking around in back yards, either. Over 90 percent of the meat chickens raised in the Philippines live in long sheds that house thousands of birds. At this time, most Filipino producers allow fowl to have natural ventilation and lighting and some roaming room, but they are under pressure to adopt more "modern" factory-farm standards to increase production.

The problems of a system that produces a lot of animals in crowded and unsanitary conditions can also be seen off the farm. The *barangay* (neighborhood) of Tondo in Manila is best known for the infamous "Smoky Mountain" garbage dump that collapsed on scavengers in 2000, killing at least 200 people. But another hazard also sits in the heart of Tondo. Surrounded by tin houses, stores, and bars, the largest government-owned slaughtering facility in the country processes more than 3,000 swine, cattle, and *caraboa* (water buffalo) per day, all brought from farms just outside the city limits. The slaughterhouse does have a waste treatment system where the blood and other waste is supposed to be treated before it is released into the city's sewer system and nearby Manila Bay. Unfortunately, that's not what's going on. Instead, what can't be cut up and sold for human consumption is dumped into the sewer.

Some 60 men are employed at the plant. They stun, bludgeon, and slaughter animals by hand and at a breakneck pace. They wear little protective gear as they slide around on floors slippery with blood, which makes it hard to stun animals on the first try, or sometimes even the second, or to butcher meat without

injuring themselves.

The effects of producing meat this way also show up in rising cases of food-borne illness, emerging animal diseases that can spread to humans, and in an increasingly overweight Filipino population that doesn't remember where meat comes from.

There are few data on the incidence of food-borne illness in the Philippines or most other developing nations, and even fewer about how much of it might be related to eating unsafe meat. What food safety experts do know is that food-borne illness is one of the most widespread health problems worldwide. And it could be an astounding 300–350 times more frequent than reported, according to the World Health Organization. Developing nations bear the greatest burden because of the presence of a wide range of parasites, toxins, and biological hazards and the lack of surveillance, prevention, and treatment measures—all of which ensnarl the poor in a chronic cycle of infection. According to the FAO, the trend toward increased commercialization and intensification of livestock production is leading to a variety of food safety problems. Crowded, unsanitary conditions and poor waste treatment in factory farms exacerbate the rapid movement of animal diseases and food-borne infections. *E. coli* 0157:H7, for instance, is spread from animals to humans when people eat food contaminated by manure. Animals raised in intensive conditions often arrive at slaughterhouses covered in feces, thus increasing the chance of contamination during slaughtering and processing.

Cecilia Ambos is one of the meat inspectors at the Tondo slaughterhouse. Cecilia or another inspector is required to be on site at all times, but she says she rarely has to go to the killing floor. Inspections of carcasses only occur, she said, if one of the workers alerts the inspector. That doesn't happen very often, and not because the animals are all perfectly healthy. Consider that the men employed at the plant are paid about \$5 per day, which is less than half of the cost of living—and are working as fast as they can to slaugh-



De-beaking

ter a thousand animals per shift. It's unlikely that they have the time or the knowledge to notice problems with the meat.

Since the 1960s, farm-animal health in the United States has depended not on humane farming practices but on the use of antibiotics. Many of the same drugs used to treat human illnesses are also used in animal production, thus reducing the arsenal of drugs available to fight food-borne illnesses and other health problems. Because antibiotics are given to livestock to prevent disease from spreading in crowded conditions and to increase growth, antibiotic resistance has become a global threat. In the Philippines, chicken, egg, and hog producers use antibiotics not because their birds or hogs are sick, but because drug companies and agricultural extension agents have convinced them that these antibiotics will ensure the health of their birds or pigs and increase their weight.

Livestock raised intensively can also spread diseases to humans. Outbreaks of avian flu in Hong Kong during the past five years have led to massive culls of thousands of chickens. When the disease jumped the species barrier for the first time in 1997, six of the eighteen people infected died. Avian flu spread to people living in Hong Kong again this February, killing two. Dr. Gary Smith, of the University of Pennsylvania School of Veterinary Medicine, also warns that "it is not high densities [of animals] that matter, but the increased potential for transmission between farms that we should be concerned about. The nature of the farming nowadays is such that there is much more movement of ani-

imals between farms than there used to be, and much more transport of associated materials between farms taking place rapidly. The problem is that the livestock industry is operating on a global, national, and county level.” The foot-and-mouth disease epidemic in the United Kingdom is a perfect example of how just a few cows can spread a disease across an entire nation.

Modern Methods, Modern Policies?

The expansion of factory farming methods in the Philippines is raising the probability that it will become another fast food nation. Factory farms are supplying much of the pork and chicken preferred by fast food restaurants there. American-style fast food was unknown in the Philippines until the 1970s, when Jollibee, the Filipino version of McDonald’s, opened its doors. Now, thanks to fast food giants like McDonald’s, Kentucky Fried Chicken, Burger King, and others, the traditional diet of rice, vegetables, and a little meat or fish is changing—and so are rates of heart disease, diabetes, and stroke, which have risen to numbers similar to those in the United States and other western nations.

The Filipino government doesn’t see factory farming as a threat. To the contrary, many officials hope it will be a solution to their country’s economic woes, and they’re making it easier for large farms to dominate livestock production. For instance, the Department of Agriculture appears to have turned a blind eye when many farms have violated environmental and animal welfare regulations. The government has also encouraged big farms to expand by giving them loans. But as the farms get bigger and produce more, domestic prices for chicken and pork fall, forcing more farmers to scale up their production methods. And because the Philippines (and many other nations) are prevented by the Global Agreement on Tariffs and Trade and the WTO from imposing tariffs on imported

products, the Philippines is forced to allow cheap, factory-farmed American pork and poultry into the country. These products are then sold at lower prices than domestic meat.

Rafael Mariano, a leader in the Peasant Movement for the Philippines (KMP), has not turned away from the problems caused by factory farming in the Philippines. He and the 800,000 farmers he works with believe that “factory farming is not acceptable, we have our own farming.” But farmers, he says, are told by big agribusiness companies that their methods are old fashioned, and that to compete in the global market they must forget what they have learned from generations of farming. Rafael and KMP are working to promote traditional methods of livestock production that benefit small farmers and increase local food security. This means doing what farmers used to do: raising both crops and animals. In mixed crop–livestock farms, animals and crops are parts of a self-sustaining system. Some farmers in the Philippines raise hogs, chickens, tilapia, and rice on the same farm. The manure from the hogs and chickens is used to fertilize the algae in ponds needed for both tilapia and rice to grow. These farms produce little waste, provide a variety of food for the farm, and give farmers social security when prices for poultry, pork, and rice go down.

The Philippines is not the only country at risk from the spread of factory farms. Argentina, Brazil, Canada, China, India, Mexico, Pakistan, South Africa, Taiwan, and Thailand are all seeing growth in industrial animal production. As regulations controlling air and water pollution from such farms are strengthened in one country, companies simply pack up and move to countries with more lenient rules. Western European nations now have among the strongest environmental regulations in the world; farmers can only apply manure during certain times of the year and they must follow strict controls on how much ammonia is released from their farms. As a result, a number of companies in the Netherlands and Germany are moving their factory farms—but to the United States, not to developing



The Return of the Native...Chicken

Bobby Inocencio believes that the happier his chickens are, the healthier they will be, both on the farm and at the table. Native Filipino chickens are a tough sell commercially, he says, because they typically weigh in at only one kilogram apiece. But Inocencio's chickens are part native and part SASSO (a French breed), and grow to two kilos in just 63 days in a free-range system. They are also better adapted to the climate of the Philippines, unlike white chickens that are more vulnerable to heat. As a result, Inocencio's chickens not only are nutritious, but taste good. Raising white chickens, he says, forced small farmers to become "consumers of a chicken that doesn't taste like anything." Further, his chickens don't contain any antibiotics and are just 5 percent fat, compared to 35 percent in the white chicken. Because they are not raised in the very high densities of factory farms, these chickens actually enrich the environment with their manure. They also provide a reliable source of income for local farmers and give Filipinos a taste of how things used to be.



Face-branding

countries. According to a recent report in the *Dayton Daily News*, cheap land and less restrictive environmental regulations in Ohio are luring European livestock producers to the Midwest. There, dairies with fewer than 700 cows are not required to obtain permits, which would regulate how they control manure. But 700 cows can produce a lot of manure. In 2001, five Dutch-owned dairies were cited by the Ohio Environmental Protection Agency for manure spills. “Until there are international regulations controlling waste from factory farms,” says William Weida, director of the Global Reaction Center for the Environment/Spira Factory Farm project, “it is impossible to prevent farms from moving to places with less regulation.”

Mauricio Rosales of FAO’s Livestock, Environment, and Development Project also stresses the need for siting farms where they will benefit both people and the environment. “Zoning,” he says, “is necessary to produce livestock in the most economically viable places, but with the least impact.” For instance, when livestock live in urban or peri-urban areas, the potential for nutrient imbalances is high. In rural areas, manure can be a valuable resource because it contains nitrogen and phosphorous, which fertilize the soil. In cities, however, manure is a toxic, polluting nuisance.

The triumph of factory farming is not inevitable. In 2001, the World Bank released a new livestock strategy which, in a surprising reversal of its previous commitment to funding of large-scale livestock proj-

ects in developing nations, said that as the livestock sector grows “there is a significant danger that the poor are being crowded out, the environment eroded, and global food safety and security threatened.” It promised to use a “people-centered approach” to livestock development projects that will reduce poverty, protect environmental sustainability, ensure food security and welfare, and promote animal welfare. This turnaround happened not because of pressure from environmental or animal welfare activists, but because the large-scale, intensive animal production methods the Bank once advocated are simply too costly. Past policies drove out smallholders because economies of scale for large units do not internalize the environmental costs of producing meat. The Bank’s new strategy includes integrating livestock–environment interactions into environmental impact assessments, correcting regulatory distortions that favor large producers, and promoting and developing markets for organic products. These measures are steps in the right direction, but more needs to be done by lending agencies, governments, non-governmental organizations, and individual consumers. Changing the meat economy will require a rethinking of our relationship with livestock and the price we’re willing to pay for safe, sustainable, humanely-raised food.

Meat is more than a dietary element, it’s a symbol of wealth and prosperity. Reversing the factory farm tide will require thinking about farming systems as more than a source of economic wealth. Preserving prosperous family farms and their landscapes, and raising healthy, humanely treated animals, should also be viewed as a form of affluence.

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Further Reading:
World Society for the Protection of Animals,
www.wspa.org.uk



**HUMANE SOCIETY
INTERNATIONAL**

HSI Fact Sheet

The Impact of Animal Agriculture on the Environment and Climate Change in India: A Focus on Methane

Animal agriculture inefficiently consumes natural resources,¹ contributes to deforestation,² and produces immense quantities of animal waste, threatening water and air quality³ and contributing to climate change.⁴ The Food and Agriculture Organization (FAO) of the United Nations estimated in 2006 that animal agriculture was responsible for 18% of global, anthropogenic, or human-induced, greenhouse gas emissions⁵ and was “by far the single largest anthropogenic user of land.”⁶ Climate change poses significant challenges to India’s agricultural sector, which is already facing increased competition for land and water.⁷

Farm Animal Production and Intensification in India

According to the Food and Agriculture Organization (FAO) of the United Nations, approximately 67.5 billion land animals were raised globally for human consumption in 2008.⁸ India has the largest national herd of cattle and buffalo in the world, with over 170 million cattle and over 100 million buffalo.⁹ Over 38 million buffalo and 38 million cattle were used to produce milk in India in 2008.¹⁰ India is also one of the top five egg¹¹ and chicken meat¹² producers in the world. The nation’s 230 million egg-laying hens produce approximately 55.6 billion eggs per year.¹³

Global consumption of meat and milk has been growing since 1980, especially in developing countries. In India, between 1980 and 2005, per capita egg consumption more than doubled, while meat consumption grew 38% and milk consumption grew 69%.¹⁴

A growing number of farm animals are raised in industrial farm animal production (IFAP) facilities, where thousands or tens of thousands of animals are confined and concentrated, along with their waste, on the land.¹⁵ According to the FAO, industrial systems now produce approximately two-thirds of the world’s poultry meat and eggs, and more than half of all pork.¹⁶ In fact, “[i]n recent years industrial livestock production has grown at twice the rate of more traditional mixed farming systems and at more than six times the rate of production based on grazing.”¹⁷ IFAP facilities (also called “factory farms”), compromise animal welfare,¹⁸ degrade the environment,¹⁹ and threaten public health,^{20,21,22,23} and rural livelihoods.²⁴

Nearly 80% of laying hen housing systems in India confine hens in cages.²⁵ Hens in battery cages spend their lives confined in tiny wire enclosures, where they are unable to engage in most of their natural behavior, such as nesting, perching, dustbathing, flying short distances, or even freely stretching their wings without touching other hens or the cage walls. Operations with 10,000 to 50,000 hens crowded together are common in India.²⁶ India also housed over 700 million broiler chickens in 2008.²⁷ A spokesperson for the Poultry Federation of India reportedly stated that India’s broiler chicken industry was comparable to that of developed countries,²⁸ which suggests that broiler chickens in India experience the crowded confinement,²⁹ and stressful handling³⁰ common in the U.S. chicken industry.

The dairy industry in India is also changing. The FAO predicts that, in India, “increase in demand for dairy products will put increasing pressure on dairy production systems; traditional breeds and feeding practices are likely to give way to higher-yielding breeds, associated intensification of production systems, increased disease risks, pollution and animal health issues, and a greater reliance on [feed] concentrates.”³¹

Unfortunately, industrialized animal agriculture is rapidly spreading globally, including in developing countries.^{32,33} The Pew Commission on Industrial Farm Animal Production warned that the known environmental and public health costs of IFAP “may be exacerbated by institutional weaknesses and governance problems common in developing countries.”³⁴

The Environmental Threat of Animal Agriculture

In 2006, the FAO published “Livestock’s Long Shadow: Environmental Issues and Options,” its landmark report assessing the impacts of animal agriculture. The FAO concluded that “[t]he livestock sector emerges as one of the top two or three most significant contributors to the most serious environmental problems, at every scale from local to global.”³⁵ It is concerning, then, that global meat and milk production are expected to approximately double between 2000 and 2050.³⁶

Waste

Traditional farming systems balance the number of animals with the crops’ ability to absorb the animals’ manure.³⁷ On factory farms, where thousands of animals are confined,³⁸ the amount of manure can overwhelm the ability of the surrounding land to absorb it.³⁹ When animal waste is over-applied to land and exceeds the capacity of soil and crops to assimilate its nutrients, it becomes a pollutant⁴⁰—and can contaminate water supplies and emit harmful gases into the atmosphere.⁴¹ According to the United States Department of Agriculture’s (USDA’s) Economic Research Service, in 1997, IFAP operations in the United States produced 1.12 million tonnes of spreadable nitrogen from manure; however, “cropland and permanent pasture controlled by operators of confined livestock and poultry operations is estimated to have assimilative capacity for only 38 percent of the calculated nitrogen available.”⁴² Similar studies need to be conducted in India to determine the quantities of manure being produced by IFAP operations relative to the surrounding land’s ability to assimilate nutrients from the waste.

According to the USDA, the problem of excess nutrients is most pronounced in poultry production operations, which produce 52% of the excess phosphorous and 64% of the excess nitrogen created by farm animal waste in the United States.⁴³ Run-off from poultry operations into the Chesapeake Bay in the eastern United States has been blamed for outbreaks of *Pfiesteria piscicida* in the water, killing fish and causing skin irritation, short-term memory loss, and other cognitive problems in those exposed.⁴⁴ An editorial in an October 2007 edition of a prominent local newspaper commented, “For too long, the poultry industry in this state has wielded economic and political clout to escape responsibility for its primary role in the slow, steady poisoning of the Chesapeake Bay.”⁴⁵

Resource Use

Approximately 70% of the world’s agricultural lands are dedicated to raising animals for food, including grazing and feed production.⁴⁶ Raising farm animals for human consumption consumes exorbitant amounts of cereals. Over 97% of global soymeal produced is fed farm animals, and during the last four decades of the 20th century, over 60% of the corn and barley crops were also fed to these animals.⁴⁷ Yet, the conversion of grains to meat is a highly inefficient process. It takes approximately 7 kilograms of grain to produce one kilogram of beef in developed countries. The ratios for pig meat (1 kg meat/4 kg grain) and poultry meat (1 kg meat/2 kg grain)⁴⁸ similarly exemplify this inefficiency.

This inefficient use of resources can be seen in India. Approximately ten percent of India's coarse grain production goes to feed farmed animals,⁴⁹ and approximately 50% of all corn consumed is used as animal feed—most of which is for poultry.⁵⁰ For 2010-2011, 76% of Indian oil meal is anticipated to go to animal feed.⁵¹ In addition to the inefficiency of converting grains to meat, using crops for poultry can negatively affect commodity prices. In 2008, it was reported that a shift to using rice for animal feed raised rice prices in the South,⁵² where rice is a basic staple in people's diets.⁵³

Greenhouse Gas Emissions (GHGs) and Climate Change

According to a 2006 estimate by the FAO, globally, animal agriculture is responsible for 18% of anthropogenic GHGs.⁵⁴ Therefore, this sector offers a key opportunity for the immediate mitigation of anthropogenic climate impacts worldwide,⁵⁵ including in India,⁵⁶ which is the fifth largest GHG emitter in the world.⁵⁷

Almost every part of the animal production chain pollutes the air or contributes to climate change.⁵⁸ The sector emits significant amounts of three of the most important GHGs: carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O).⁵⁹ In fact, globally the farm animal sector accounts for:

- 9% of human-induced CO₂ emissions⁶⁰
- 35–40% of human-induced CH₄ emissions,⁶¹ which has 25 times the global warming potential (GWP), or power,⁶² of CO₂ over 100 years,⁶³ and
- 65% of human-induced N₂O emissions,⁶⁴ which has about 300 times the GWP of CO₂.⁶⁵

CO₂: Carbon dioxide emissions from this sector are produced through nitrogen fertilizer production for feed, on-farm fossil fuel use, deforestation to make way for grazing and animal feed production, and pasture desertification,⁶⁶ which can result from overgrazing by farm animals.⁶⁷ An estimated 41 million tonnes of CO₂ are emitted from fertilizer production for feed crops each year.⁶⁸ Given the amounts of coarse grains and corn that are used to feed farm animals in India,^{69,70} it is likely that significant CO₂ emissions result from raising animals for food.

CH₄: Enteric fermentation and manure management are the key causes of animal agriculture's methane emissions.⁷¹ Enteric fermentation is a microbial fermentation that takes place in the digestive systems of ruminant animals, such as cattle, sheep, and buffalo.⁷² Enteric fermentation is responsible for 49% of India's methane emissions, 63% of its agricultural emissions, and 12% of total emissions.⁷³ Buffalo account for nearly two-thirds of methane emissions from enteric fermentation, and are the most significant methane source in India.⁷⁴ Per-head methane emissions (arising from enteric fermentation) from crossbred dairy cows are greater than emissions from indigenous cattle, and buffalo have the largest emission coefficients relative to all dairy cattle.⁷⁵ The population of crossbred, dairy-producing cattle in India increased between 2000 and 2005,⁷⁶ as there is a growing preference for high yield animals.⁷⁷ There was also a 9% increase in the buffalo population from 1997-2003.⁷⁸

Manure is responsible for the remaining portion of global methane emissions from farm animals⁷⁹ and accounts for approximately 5% of animal agriculture's GHG emissions.⁸⁰

N₂O: The farm animal sector also is responsible for the majority of the world's human-induced nitrous oxide emissions.⁸¹ Nitrous oxide emissions from animal agriculture originate primarily from manure, but also from fertilizer for feed crops,⁸² and contribute approximately 31% of animal agriculture's GHG emissions.⁸³

Conclusion

Mitigating the animal agriculture sector's significant yet underappreciated role in climate change and environmental problems is vital for the health and sustainability of the planet, and its human and nonhuman

inhabitants. As “the single largest anthropogenic user of land”⁸⁴ and responsible for an estimated 18% of human-induced GHG emissions,⁸⁵ the farm animal production sector must be held accountable for its many deleterious impacts, and society must achieve changes in animal agricultural practices worldwide.

Methane’s relatively short atmospheric lifetime compared to carbon dioxide (≈ 10 years^{86,87,88} vs. $\approx 100+$ years⁸⁹) means that reducing methane emissions would have a more immediate and significant impact on mitigating climate change than just reducing CO₂ emissions.⁹⁰ Thus, tremendous opportunity to effectively mitigate climate change in the near term lies in the dairy sector,⁹¹ particularly in India which has the largest combined population of cattle and buffalo in the world⁹² with nearly 40 million milk-producing buffalo and cattle, each.⁹³ GHG emissions from animal agriculture are fundamentally related to the size of farm animal populations.⁹⁴ Therefore, aggressive breeding programs to increase dairy animal populations in India are not advisable; breeding programs must be designed with the goal of reducing cattle and buffalo populations. This should not be done by increasing dairy animal productivity in ways that are negative for animal welfare.

Individually, incorporating environmentally sound and animal welfare-friendly practices into daily life, including a reduction in meat, milk, and egg consumption, can reduce our environmental impact. The production, processing, transport, and preparation of an Indian, non-vegetarian meal including mutton collectively emits nearly twice the GHGs as that of a vegetarian meal that excludes dairy products and eggs.⁹⁵

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Humane Society International and its partner organizations together constitute one of the world's largest animal protection organizations — backed by 11 million people. For nearly 20 years, HSI has been fighting for the protection of all animals through advocacy, education, and hands-on programs. Celebrating animals and confronting cruelty worldwide — On the web at hsi.org.

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THE LONG HAUL: RISKS ASSOCIATED WITH LIVESTOCK TRANSPORT

Michael Greger

THE FOOD AND AGRICULTURE ORGANIZATION (FAO) of the United Nations describes live animal transport as “ideally suited for spreading disease,” given that animals may originate from different herds or flocks and are “confined together for long periods in a poorly ventilated stressful environment.”¹ Given the associated “serious animal and public health problems,” the Federation of Veterinarians of Europe has called for the replacement of the long-distance transportation of live animals for slaughter as much as possible to a “carcass-only trade.”²

In the United States, more than 50 million live cattle, sheep, and pigs³ and an unknown number of the more than 9 billion chickens, turkeys, and other birds raised for food⁴ are annually traded across state lines. Before they are slaughtered, U.S. livestock may travel an average of 1,000 miles.⁵ These factors and activities may have undesirable animal and public health implications.

STRESSORS

According to the FAO, “[t]ransport of livestock is undoubtedly the most stressful and injurious stage in the chain of operations between farm and slaughterhouse” and can lead to a significant loss of production.⁶ The immunosuppressive stress of prolonged transport may not only increase a healthy animal’s susceptibility to infection, but it may trigger the emergence of a variety of diarrheal and respiratory diseases caused by endogenous microorganisms that might not normally lead to disease. So-called “shipping fever,” for example, the bovine version of which costs U.S. producers more than \$500 million a year, is often caused by latent pathogens that may become active when shipping cattle long distances.⁷

Long-distance transport also may increase the fecal shedding of disease agents. Barham and colleagues found the average prevalence of *Salmonella* within feces and on the hides of cattle was 18% and 6%, respectively, before transport. After the animals were loaded onto a vehicle and trucked for 30 to 40 minutes, the levels of *Salmonella* found in feces increased from 18% to 46%, and the number of animals with contaminated hides escalated from 6% to 89% upon arrival at the slaughter plant.⁸ Fecal pathogens on the hide may then end up in the meat supply.⁸ Similar results were found in pigs⁹ and chickens raised for meat.¹⁰

Thorough cleaning of transport vehicles with disinfectants has been estimated to remove more than 95% of pathogens.¹¹ In practice, however, a 2003 survey of livestock haulers found that only 16% of the 132 respondents indicated that they washed their transport vehicles between loads, and fewer than 5% used disinfectants as a component of the cleaning process.¹² This may be attributed to the lack of written protocol provision by trucking companies on vehicle sanitation or, more likely, the lack of proper economic incentive for the truckers.¹³ An appreciation by buyers and sellers of the added value of the use of cleaned vehicles in the form of a potential reduction in both animal-disease losses and the incidence of foodborne pathogens may motivate the formation of compensation schemes for the time and expense required for proper sanitation.

EPIZOOTICS

Given the increased risk of spread and emergence of disease during shipping, the FAO blames “[t]ransport of animals over long distances as one cause of the growing threat of

livestock epidemics. . . .¹⁴ Historically, the advent of steam power during the Industrial Revolution allowed for the mass transport of cattle across long distances, which was blamed for an outbreak of a measleslike disease of cloven-hoofed animals called rinderpest that destroyed most of the cattle in Europe between 1857 and 1866.¹⁵ The greatest animal plague ever recorded, however, was the “Great Rinderpest Pandemic” toward the end of the 19th century. The Italian army’s use of cattle to pull gun carriages is blamed for the spread of the virus into sub-Saharan Africa, which resulted in the loss of up to 95% of cattle in some regions of Africa¹⁶ as well as up to 90% of other large ungulate species, such as the African buffalo and giraffe.¹⁵ Although rinderpest has no zoonotic potential,¹⁷ societies based on the cattle economy were devastated. As one Masai man described the episode, the corpses of both cattle and humans were “so many and so close together that the vultures had forgotten how to fly.”¹⁸ No longer can natural barriers like the Sahara fully protect populations against the spread of epidemic disease.

Of the diseases known to be transmitted by transport—including classical swine fever,¹⁹ exotic Newcastle disease of birds, bovine viral diarrhea, African swine fever, swine dysentery, swine vesicular disease, porcine reproductive and respiratory syndrome, post-weaning multisystem wasting syndrome, porcine dermatitis and nephropathy syndrome, enzootic pneumonia, bovine rhinotracheitis, glanders, and sheep scabies²—the American Veterinary Medical Association considers foot-and-mouth disease (FMD) to be the world’s most economically devastating.²⁰ Historically, dozens of outbreaks of FMD have been tied to livestock movements²¹ and contaminated transport vehicles.²²

In the 1997 outbreak in Taiwan, 4 million pigs were infected, and 37.7% of the nation’s pigs died or were killed, resulting in 65,000 jobs lost²³ at an estimated cost of \$6.6 billion.²⁴ The Taiwan Council of Agriculture concluded that the outbreak was likely caused by the smuggling of infected animals from mainland China.²⁵ An analysis of spatial and temporal patterns of FMD occurrence in Turkey, historically an important bridge between the endemic regions in Asia and disease-free Europe, showed a shift of predictors over the study period (1990–2002) away from short-distance spread between neighboring provinces toward large jumps ascribed to live animal transport over long distances.²⁶

Although the origin of the 2001 British FMD outbreak was blamed on the illegal importation of contaminated meat,²⁷ the subsequent explosive spread within the country was, according to the World Organization for Animal Health, “mainly attributed to the movement of subclinically infected animals, principally of sheep, and by contact with contaminated vehicles used for the transportation of these animals.”²² A 1997 outbreak of classic swine fever in the Netherlands that spread to Italy, Spain, and Belgium

was similarly linked to transport vehicles.¹⁸ The extensive spread facilitated by long-range transport not only makes easy eradication impossible but also undermines “regionalization.” Regionalization allows for affected areas of a country to be risk-stratified independently, thereby limiting international trade losses that would otherwise mount should an entire country be broad-brushed with a single disease-affected status.²⁸ Including tourism losses, the cost of the 2001 UK outbreak has been estimated at \$20 billion.²⁰

The further expansion of the 2001 British FMD outbreak into France was via the importation of infected sheep, and the spread of the disease into the Netherlands was traced to certified FMD-free calves imported from Ireland; the latter picked the virus up in transit at an overnight resting stop in France.²⁹ Thus, live animal transport plays a significant role in both the spread and transmission of infectious disease.

ZOONOSES

As costly and disruptive as livestock disease outbreaks can be, long-distance live animal transport may also facilitate the spread of animal pathogens with the potential to cause human disease. The Nipah virus, for example, emerged in 1998 on an industrial pig farm in Malaysia to become one of the deadliest of human pathogens, causing relapsing brain infections and killing 40% of those infected.³⁰ The disease erupted in the northern part of the Malaysian peninsula but was trucked nationwide.³¹ “A hundred years ago, the Nipah virus would have simply emerged and died out,” the Thai Minister of Public Health explained. “Instead it was transmitted to pigs and amplified. With modern agriculture, the pigs are transported long distances to slaughter. And the virus goes with them.”³²

In the Malaysian outbreak, the Nipah virus took the lives of approximately 100 people. Avian influenza viruses have the potential to spawn pandemics capable of killing millions.³³ In early 2004, outbreaks of highly pathogenic avian flu strain H5N1 were reported nearly simultaneously across eight countries in Southeast Asia. Given the pattern and timing of outbreaks, the FAO identified the transport of live birds reared for human consumption as a primary culprit in the rapid spread.³⁴ In February 2004, the FAO reported that 5,000 chickens had succumbed to avian influenza in Lhasa, Tibet, and that these infected birds had been transported to Tibet from China’s Lanzhou city—a trip spanning more than 1,000 miles.³⁵ The further the animals are transported, the further the diseases can spread.³⁶

Long-distance live animal transport also has been blamed for the spread of swine flu viruses in the United States. Throughout much of the 20th century, influenza viruses had established a stable H1N1 lineage in U.S. pigs. That seemed to have changed in August 1998 when thousands of

breeding sows fell ill on a North Carolina pig farm. An aggressive H3N2 virus was recovered, bearing the H3 and N2 antigens of the human influenza strain circulating since 1968. Not only was this highly unusual, but, upon sequencing of the viral genome, researchers found that it was not just a double reassortment (a hybrid of human and pig viruses, for example) but a never-before-described triple assortment,³⁷ a hybrid of three viruses—a human virus, a pig virus, and a bird virus. “Within the swine population, we now have a mammalian-adapted virus that is extremely promiscuous,” molecular virologist Richard Webby told *Science*. “We could end up with a dangerous virus.”³⁸

Within months, the virus appeared in Texas, Minnesota, and Iowa.³⁷ Within one year, it had spread across the United States.³⁹ The rapid dissemination across the nation was blamed on the cross-country transport of live pigs.³⁸ In the U.S., pigs travel coast to coast: They are frequently born in North Carolina, fattened in the corn belt of Iowa, and then slaughtered in California. It is often cheaper to ship the animals to the feed rather than ship the feed to the animals.⁴⁰ While this regional segmentation of production stages may cut down on short-term costs for the pork industry, the highly contagious nature of diseases like influenza—perhaps made even more infectious by the stresses of transport³⁸—must be considered when calculating the true cost of long-distance live animal transport.

BIOTERRORISM

According to the U.S. General Accountability Office (GAO), transporting live animals long distances may make countries vulnerable to bioterrorism as well.⁴¹ Over the past century, there has been a shift away from livestock production as a highly localized enterprise, where animals were typically born, fattened, and slaughtered in the same region. This change presents an opportunity for introduced pathogens to spread significant distances within a single incubation period—before a significant number of animals appear ill.⁴²

This continuous cycle of mass animal movement may provide a built-in dispersal mechanism for bioterror agents. Inter-auction movements and intra-auction mixing also increase the potential for disease spread.⁴⁰ Approximately 3,000 truckloads of cattle per day are being moved in the U.S.⁴³ Rocco Casagrande, director of the Center for Homeland Security, has suggested that a terrorist could potentially infect nearly the entire U.S. cattle population by infecting just a few animals in the nation’s major feedlots.⁴⁴ In one FMD simulation described by the North Carolina Department of Agriculture, 8 days after an attack at a single location, as many as 23 million animals across 29 states could need to be destroyed.⁴⁵

The nefarious introduction of animal diseases is not just a theoretical concern. Veterinary historians have docu-

mented at least a dozen attacks over the past century, starting with the first national biological warfare program, during World War I,⁴⁵ in which German agents on three continents introduced anthrax and other livestock diseases. New York, Maryland, and Virginia were among the targets hit.⁴⁶ During World War II, the Allies stockpiled 5,000,000 anthrax cakes that were to be spread over German pastures by parachute. The program was called “Operation Vegetarian.”⁴⁷ After World War II ended, the U.S. developed a number of biowarfare weapons, including cluster bombs filled with hog cholera or poultry virus-laden feathers that could be exploded at 1,500 feet.⁵ In the 1970s, a major outbreak of anthrax in Rhodesia (now Zimbabwe) that infected more than 100,000 people and undermined the struggle there for independence has been considered “very likely intentional.”⁵ The movement of cattle during the outbreak was implicated in disease spread.⁴⁸

U.S. animal agriculture has been described as a particularly easy target⁴⁹ for economic attack⁵⁰ as well as an assault on U.S. citizens. Part of this vulnerability derives from the industrial model of animal agriculture itself.

In 2004, the RAND Corporation prepared a report on agroterrorism for the Office of the Secretary of Defense titled, “Hitting America’s Soft Underbelly,” in which U.S. vulnerability was blamed in part on “[t]he concentrated and intensive nature of contemporary U.S. farming practices.”⁴⁹ According to the last U.S. Department of Agriculture census in 2002, just 6% of the nation’s hog farms produced three-quarters of the pigs and 2% of U.S. egg farms confined more than 90% of the nation’s egg-laying hens.⁵¹ Given that “highly crowded” animals are reared in “extreme proximity” in the U.S., the RAND report describes how one infected animal could quickly expose thousands of others.⁴⁹ Long-distance live animal transport could ferry a spreading infection to as many as 25 states within 5 days, according to USDA models.⁴⁹

The response to biological threats in the U.S. has been described as “largely reactive, compartmentalized, and susceptible to impulsive congressional reactions.”⁵² Many observers have noted that the agroterrorist threat hasn’t garnered sufficient attention,⁴⁵ but the situation seems to be improving. Although the 9/11 Commission (formally, the National Commission on Terrorist Attacks Upon the United States) did not make any direct references to agroterrorism in its report,⁵³ Homeland Security Presidential Directive 9 (HSPD-9), “Defense of United States Agriculture and Food,” released in 2004, specifically set out national policy to protect against terrorism targeting the food supply.⁵⁴

Given the reported ease by which a single individual could disrupt a significant portion of the U.S. economy and potentially kill thousands and terrorize millions,⁵⁵ former U.S. Department of Health and Human Services Secretary Tommy G. Thompson remarked in his farewell address:

“For the life of me, I cannot understand why the terrorists have not attacked our food supply, because it is so easy to do.”⁵⁶ Curtailing the long-distance live transport of animals as well as the concentration and intensification of the food animal industry could play an important role in mediating the impact of such an attack.

TWENTY-EIGHT HOUR LAW

In the United States, the number of cattle, sheep, and pigs trucked interstate each year increased from 30 million animals in 1970 to 50 million in 2001, yet there has not been a concurrent rise in regulatory safeguards.⁴⁰ Recognizing that “the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce,” the U.S. Animal Health Protection Act (AHPA) passed in 2002 gives the USDA broad authority to regulate interstate animal transport to prevent disease.⁵⁷ To date, however, the agency has not implemented the act’s mandate to comprehensively regulate interstate transport, instead focusing almost exclusively on the inspection of vehicles at national borders.⁵⁸ Although this is an important component, especially given the drop in agricultural inspections when inspectors were transferred to the Department of Homeland Security (DHS) in 2002 (even while imports were increasing),⁴¹ domestic live animal transport may also have significant economic, public health, and national security implications.

The 42nd U.S. Congress passed a law regulating interstate animal transport in 1873. The “Twenty-Eight Hour Law” requires that “a rail carrier, express carrier, or common carrier . . . may not confine animals in a vehicle or vessel for more than 28 consecutive hours” without the animals being rested, watered, and fed.⁵⁹ The terms “vehicle” and “common carrier” were not explicitly defined in the statute. The USDA interpreted the law to apply “only to rail shipments.”⁶⁰ As trucks now convey more than 95% of U.S. farm animals,⁶¹ by taking the position that “[t]he Twenty-eight Hour Law does not apply to transport by truck,”⁶² the USDA essentially rendered the statute obsolete.

In response to a petition for rulemaking asking that “common carrier” and “vehicle” be defined to include truck transport in accordance with the plain meaning of these terms,⁶³ the USDA reversed its decades-old stance in 2006,⁶⁴ conceding that trucks were indeed “vehicles” and therefore covered under the law.⁶⁵ It is now up to the USDA to investigate violations and assist the Department of Justice in prosecutions.⁶⁵

MAIL-ORDER CHICKENS

Rulemaking petitioners also asked that birds be defined as “animals” under the statute. Despite the epizootic and

zoonotic potential of avian diseases, the USDA administrator wrote in 2006 that “[t]he Twenty-Eight Hour Law was never construed as being applicable to poultry, and . . . USDA does not intend to change this longstanding interpretation of the statute.”⁶⁵ Although some poultry are transported long distances,⁶⁶ there are few publicly available statistics, probably because of the extensive vertical integration of the U.S. poultry industry.⁶⁷ Millions of live birds are reportedly shipped through the mail, however, via the U.S. Postal Service (USPS) every year.⁶⁸

The GAO, in its June 2007 report on USDA avian influenza preparedness efforts, questioned this practice, raising concerns that many birds entering states through the mail may be illegally undocumented and potentially diseased. The report documents that North Carolina agriculture officials found that, of the more than 5,000 birds entering the state via three postal facilities over a 9-day period in 2003, 72% were missing necessary health documentation. Furthermore, birds lacking health certification were kept in the same room as birds cleared of disease, raising the possibility of disease spread to birds that had been certified healthy. In August 2005, the North Carolina Department of Agriculture Food and Drug Safety administrator reportedly told a gathering of federal and state officials that current USPS regulations “are inadequate and present great potential for contamination of the poultry industry.”⁶⁹

Department of Homeland Security and state officials told the GAO that this problem also exists on commercial airlines that transport birds.⁷⁰ Shipping industry lobbying efforts have blocked attempts by airline carriers, however, to refuse live bird shipments. When several airlines announced plans to halt shipments of live poultry, the Senate, at the behest of the trade group Bird Shippers of America, tacked a provision onto a 2001 appropriations bill allowing the USPS to require airlines to carry live birds.⁶⁸ Airlines found loopholes through which they could continue to decline shipments of live poultry,⁷¹ so a bill was introduced in the Senate in 2006 to force their compliance.⁷² Given the concerns recently voiced to the GAO over the risks of disease transmission in this context, rescinding the current requirement for airlines to accept live birds rather than bolstering the policy may be more prudent.

ECONOMIC LOSSES

Although live animal transport regulations may be costly in the short-term, David Byrne, the former European Commissioner for Health and Consumer Protection, said that he remained “convinced that the longer-term gains, in terms of increased bio-security and healthier animals, will reap greater economic rewards into the future.”⁷³ In the short term, transport costs may be relatively low compared to production costs, such as the cost of land and labor,

which consequently may play a greater role in determining location and market segmentation. But the low private expense of transport may rarely factor in the associated social, environmental, and disease costs.⁷⁴ Limiting live animal transport may not allow only for good animal health and welfare but for good economics as well.⁷⁵

The costs associated with transport extend well beyond direct freight charges.⁷⁶ Data from the National Institute for Animal Agriculture suggest that 80,000 pigs die annually in the U.S. during the transportation process. Assuming a \$100 market value per hog, this equates to an \$8 million annual loss to the pork industry, not including carcass disposal fees.⁷⁷ Beyond death losses, nonambulatory (“downer”) pigs at the slaughter plant may be severely discounted and require additional labor handling costs, and carcass trim loss due to transport-related bruising and other pork quality defects may pose additional cost burdens.⁷⁸ Increasing transport floor space may significantly reduce both the percentage of nonambulatory pigs and total losses (dead and disabled),⁷⁹ and gentler handling techniques during loading and unloading (plastic canes compared to electric prods) may reduce stress-related disability.⁸⁰

Cattle mortality is relatively rare in transit, but transportation-associated loss of mobility has proven to be a costly problem. In 1999 the losses associated with the additional handling of nonambulatory cattle were valued at \$0.56 for every cow and bull marketed.⁸¹ With most disabled cattle now excluded from the U.S. food supply as a result of the discovery of bovine spongiform encephalopathy in the U.S. in 2003,⁸² the USDA estimates zero salvage value for these “downer” animals, with the possibility of added disposal costs.⁸³

In addition to production losses to disease, carcass characteristics may suffer. Inanition (exhaustion due to lack of nourishment) associated with transport is likely an important cause of carcass and meat quality depreciation. Broken bones, bruising, blood spots, and lacerations from transport may lead to carcass downgrading.⁸⁴ Bruising alone has been estimated to cause more than \$100 million in annual economic losses.⁸⁵ Preslaughter stress may result in paler chicken thigh meat⁸⁶ and tougher rabbit leg meat⁸⁷ and can contribute to the formation of dark, firm, and dry meat in beef and pale, soft, and exudative meat in pork.⁸⁸ Epinephrine infusion in pigs significantly perturbs the calpain enzyme system thought to be involved in myofibrillar protein degradation, a determinant of meat tenderization rates, raising the possibility that transport stress may result in tougher meat.⁸⁹ Similar results have been found in bovine⁹⁰ and ovine⁹¹ muscle in response to β -adrenergic agonist agent exposure. Transport has been shown to have a negative impact on beef⁹² and veal⁹³ palatability attributes in general, but a sensory panel could not differentiate ham juiciness or desirability based on duration of transport.⁹⁴

Long-distance transport can also lead to a reduction of

slaughter yield, an effect which may be only partially explained by fasting.⁹⁵ Much of the loss is from carcass components and not simply gastrointestinal fill.⁹⁶ Pigs transported for 11 hours may lose a commercially significant 3% of their body weight;⁹⁴ sheep transported for 18 hours may suffer as much as an 8% mean loss of live weight;⁹⁷ and the transport and holding of goats may result in a 10% loss of live weight.⁹⁸ Live-hauling broilers also results in carcass shrinkage, thought largely attributable to energy expenditure related to convective heat loss during transport.⁹⁹

There also may be nonfinancial benefits to a reduction in the transport of livestock. The livestock sector is coming under increasing scrutiny as a contributor to greenhouse gas emissions.¹⁰⁰ Measured in CO₂ equivalent, the FAO estimates that animal agriculture is responsible for 18% of worldwide emissions, a higher share than the global transportation sector,⁷⁴ leading critics to recommend a reduction in global meat consumption.¹⁰¹ Although this figure includes the transport of feed and the final processed animal product, it does not take into account the CO₂ emissions attributable to the transport of live animals.⁷⁴ To offset their carbon footprint, industry leaders Cargill¹⁰² and Smithfield¹⁰³ have both recently joined the Chicago Climate Exchange, the world’s first voluntary, legally binding reduction, registry, and trading program for greenhouse gas emissions. The livestock sector may be able to more cost-effectively buffer criticism in this area by publicly announcing reductions in long-distance transport, compared to less easily mitigated discharges such as enteric ruminant methane production.

There also seems to be an emerging social ethic regarding farm animal welfare.¹⁰⁴ A 2003 Gallup poll found that 62% of Americans sampled support “[p]assing strict laws concerning the treatment of farm animals.”¹⁰⁵ A 2003 Zogby poll estimated that two-thirds of Americans find it “unacceptable” that many state anti-cruelty statutes exempt standard farming practices and, separately, that no federal laws address on-farm treatment of farm animals. Nearly three-quarters of respondents believe that farms ought to be inspected by government officials to ensure that anti-cruelty regulations are being followed.¹⁰⁶

The nature of live animal transport requires open-sided trucks or ventilatory openings, which may offer many urban Americans an emotive glimpse of modern farm animal production. Highway accidents,¹⁰⁷ nonambulatory livestock,⁷⁸ and investigations of transport conditions¹⁰⁸ threaten to garner negative media attention for the livestock industry. By proactively addressing farm animal welfare concerns through self-regulating the extent of live animal transport, U.S. producers may improve consumer perceptions and challenge efforts to undermine industry autonomy via the imposition of new legislative restrictions.¹⁰⁴ Perceived higher welfare animal products may also add value and command premium prices.⁷⁵

THE EUROPEAN APPROACH

Long-distance animal transport is restricted in Europe to a duration ranging from 9 to 24 hours, with either continuous access to water or watering every 8 to 14 hours, depending on species.¹⁰⁹ In 2001, the European Parliament adopted by a large majority a resolution calling for the limitation of live animal transport to a maximum duration of 8 hours for all species.¹¹⁰ Although an 8-hour limit was rejected by the European Health and Consumer Protection Commissioner,⁷³ further restrictions on travel times (and animal densities) are expected to be announced before 2010.¹¹¹ Canada is likewise working toward reducing feed, water, and rest intervals as well as loading densities.¹¹²

In the European Community, 365 million head of livestock (not including poultry) are transported every year.¹¹⁰ The trend toward shipping live animals long distances within the EU has been accelerated by the formation of the single market. Sheep, for example, are now routinely sent from the UK to Italy, Greece, and Spain for slaughter; pigs are exported from the Netherlands to Spain and Italy for fattening; and cattle leave Germany, Ireland, and France for transport to the Middle East and North Africa, a practice subsidized by export refunds.¹¹³ The FAO has warned that this opening of live trade routes throughout Europe and the Near East could facilitate the spread of animal disease.¹¹⁴

The establishment of staging areas in Europe, at which animals can be unloaded to rest, have the potential to be counterproductive if adequate attention is not given to appropriate handling and biosecurity. Even if staging points, markets, and vehicles are properly cleaned and disinfected and animal groups are not mixed, frequent loading and unloading may increase stress, the risk of injuries, and the risk of disease transmission. Alternatives include properly equipped on-vehicle feeding, resting, and watering, provided that the loading densities are appropriately low.¹¹⁵

Reducing the overall duration of the journeys may be preferable to simply increasing the frequency of watering, feeding, and resting opportunities. In 2005, the 167 member countries of the Office International des Epizooties (World Organization for Animal Health) adopted animal transport standards,¹¹⁶ the first article of which reads: "The amount of time animals spend on a journey should be kept to the minimum."¹¹⁷ This echoes the conclusions of the European Commission's Scientific Committee on Animal Health and Animal Welfare and the European Food Safety Authority that "journeys should be as short as possible."^{115,118} Situating breeding facilities closer to feed and forage crop availability and increasing the number and regional distribution of smaller-scale non-species-specific processing plants could help achieve this end. The transport of semen and embryos may also replace in part the transport of animals for breeding purposes.¹¹⁵

The Federation of Veterinarians of Europe has stated that it has "always been of the opinion that the fattening of animals should take place within or near the place of birth" and that "[a]nimals should be slaughtered as near the point of production as possible."⁷² Regional abattoirs may also support local food economies and minimize environmental "food miles." The savings on live animal shipping costs associated with packing plant decentralization can help offset assembly costs and diminished economies of scale.¹¹⁹ The FAO encourages the establishment of uninterrupted "cold chains" of refrigeration from slaughter plant to supermarket in developing countries to reduce the disease risks associated with live animal transport and live animal market systems, but this is contingent on consumer acceptance of chilled meat.¹²⁰

Although physiologic indicators show that animals in transit become increasingly compromised with time, for some species journey duration may be less of a problem than the conditions under which they are traveling, such as loading density, vehicle design, and driving behavior.¹²¹ Although the latest EU transport regulations do not further restrict trip duration, they do include many important refinements.

The key improvements expected with the new policy, which went into effect January 2007, center on better education of key stakeholders—the animal attendants, drivers, and transport organizers—and stricter control mechanisms, such as the fitting of vehicles with satellite positioning devices to track animal movements and check compliance with travel times and rest periods.¹²² Mandatory improvements in vehicular design, such as the capacity for mechanical ventilation on long trips, are also expected to help minimize stress.¹¹⁶ With advances in technological innovation and affordability, it may soon be possible to equip transport vehicles with control systems to continuously monitor physiologic indicators such as heart rate and body temperature, climatic conditions onboard, and even vehicular vibration and movement for recording or transmission.¹²³

The importance of the basic education and training component, however, should not be underestimated. Many drivers of livestock conveyances are unaware that rapid braking or even the lateral acceleration around curves readily accepted by human passengers can increase stress and injury risk by throwing animals to the floor.¹¹⁵ Just as drivers of hazardous materials are required to complete specialized instruction, under the new EU rules truckers are subject to compulsory training and certification in careful driving and animal handling techniques.¹⁰⁹

Payment schemes involving bonuses or penalty deductions have also been shown to successfully improve driving behavior.¹¹⁵ For example, those receiving extra pay for reducing fuel usage were found to drive more slowly with gentler accelerations, resulting in a measurable improvement in animal welfare.¹²⁴ Similarly, when pay has been

tied to resulting meat quality, researchers have documented diminished evidence of trauma, such as bruising and bone breakages, and fewer dead-on-arrival animals.¹²⁵ The Scientific Committee on Animal Health and Animal Welfare has expressed opposition to allowing transporters to obtain insurance against mortality losses and poor carcass quality, as this might undermine incentives to decrease stressors.¹¹⁵

DRIVING FORWARD

It is uncertain whether the regulatory changes taking place in Europe and elsewhere could be cost-effectively applied in the United States. In 2006 the U.S. National Academy of Sciences published guidelines for the humane transportation of animals used in research.¹²⁶ A similar National Research Council review of farm animal transport could provide science-based guidance of particular relevance to U.S. producers and policymakers. In Europe, for example, the nontherapeutic use of antibiotics in agriculture is more restricted than it is in the U.S. The mass prophylaxis of cattle with penicillin,¹²⁷ tetracycline, and sulfa drug antibiotic classes¹²⁸ has been shown to reduce the incidence of transport stress-induced respiratory disease, although use must be prudently balanced with the risk for the emergence and spread of antimicrobial resistance.¹²⁹

International conferences and workshops addressing livestock transport organized in recent years by the American Meat Institute Foundation,¹³⁰ the Animal Transportation Association,¹³¹ the OIE,¹³² the European Commission, and others¹³³ represent another avenue by which regulatory experiences can be shared, research priorities established, and international guidelines standardized. Although broad consensus seems to exist on certain key animal transport issues,¹³⁴ space allowance guidelines, for example, vary greatly from country to country. Comparing current recommendations and regulations in the U.S., the EU, the UK, Ireland, South Africa, Australia, and New Zealand for minimum space allotments for pigs, for example, Bench and colleagues noted that South Africa recommends the least amount of space per transported pig (0.30 m²/100 kg), whereas the U.S. recommends the most (0.50 m²/100 kg).¹³⁴ Recommendations from Canada (0.36 m²/100 kg) and the EU and Ireland (0.425 m²/100 kg) fall into the range suggested by some studies on posture during transport—greater than 0.36 m²/100 kg but not to exceed 0.425 m²/100 kg.¹³⁴

There are several areas requiring further study. For each animal species and gender, there is still much to learn about optimal stocking densities, resting schedules, and ventilation requirements. The interaction of stressors—transport fatigue, food and water deprivation, and environmental factors such as vibration, motion, and light—is also poorly understood¹¹⁵ but can be investigated with a combination of

clinical, physiological, biochemical, and behavioral reaction measurements.¹²² A retrospective study of the role animal transport has played in past outbreaks may further elucidate the mechanisms and pathways of pathogen transmission.¹¹⁵ No comprehensive research exists, for example, on the bioaerosol and particulate emissions from driving and standing animal transport vehicles. A cross-cultural study of the socioeconomic reasons for continued live animal transport in the age of refrigeration would also be of value.¹¹⁵

A complete ban on long-distance live animal transport may not be tenable,⁷³ as there may always be the long-distance transport of specialized livestock (breeding stock and racehorses, for example),¹³⁵ but tighter regulations and a transition toward a carcass-only trade may mediate the potentially serious public health implications of epizootics, whether natural or intentional, and have additional positive social and economic benefits. The FAO projects worldwide annual meat production to double by 2050.⁷⁴ As farm animal production continues to increase on a global scale, recent developments in Europe and elsewhere may represent the first steps toward that goal.

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An HSI Report: The Welfare of Intensively Confined Animals in Battery Cages, Gestation Crates, and Veal Crates

Abstract

Around the world, an overwhelming number of egg-laying hens, pregnant sows, and calves raised for veal are reared in battery cages, gestation crates, and veal crates, respectively. The intensive confinement of these production systems severely impairs the animals' welfare, as they are unable to exercise, fully extend their limbs, or engage in many important natural behaviors. As a result of the severe restriction within these barren housing systems, animals can experience significant and prolonged physical and psychological assaults. Indeed, extensive scientific evidence shows that intensively confined farm animals are frustrated, distressed, and suffering. Battery cages for egg-laying hens and crates for pregnant sows and calves are simply not appropriate environments.

Introduction

People around the world care about the welfare of animals raised for food.¹ Despite this, much of industrial agribusiness continues to view these animals as commodities, rather than sentient individuals capable of experiencing joy and frustration, pain and suffering.

Indeed, favoring productivity over welfare in agriculture has had major consequences for farm animals, yet some agribusiness proponents continue to equate the ability of animals to gain weight or lay eggs as indicative of good welfare.² With the genetic selection of rapid growth characteristics and high rates of lay for almost all breeds of commercially raised farm animals, these animals will reproduce and grow, as well as produce eggs, even when intensively confined and struggling with demonstrably compromised welfare. Throughout animal agriculture there are abundant examples where animals are highly productive, yet still suffer. For example, a laying hen will continue to draw calcium from her bones to make egg shells even though minerals are depleted to the point that her skeletal integrity is compromised, leaving her prone to bone fractures.³ Cambridge University Professor of Animal Welfare Donald Broom asserts, "[E]fforts to achieve earlier and faster growth, greater production per individual, efficient feed conversion and partitioning, and increased prolificacy are the causes of some of the worst animal welfare problems."⁴

Equating productivity with good welfare is not a scientifically grounded theory. Productivity is often measured at the group level, which does not accurately reflect individual welfare. For example, if individual hens are crowded to the point that their individual rates of lay decline, the productivity of the entire house will still improve as there are more hens laying eggs.⁵ Similarly, pigs may be crowded into a barn to the point that their individual growth and reproduction is reduced, yet the performance of the herd as a whole will increase.⁶ According to Bernard Rollin, University Distinguished Professor of Philosophy, Physiology, and Animal Sciences at Colorado State University, "in industrial agriculture, this link between productivity and well-being is severed. When productivity as an economic metric is applied to the whole operation, the welfare of the individual animal is ignored."⁷

The breadth of scientific evidence demonstrating that intensively confined animals are frustrated, distressed, and suffering under modern production schemes is extensive,^{8,9,10,11,12,13,14} conclusively substantiating that battery cages for egg-laying hens and crates for pregnant sows and calves are simply not appropriate environments.

All animals have behavioral needs, internally motivated behaviors that persist in any environment, akin to the need of migratory birds to migrate, for example.¹⁵ Some behaviors are so important that animals will suffer either psychologically or physically if prevented from displaying them. Indeed, animals are strongly driven to perform such necessary, natural behaviors even after basic physiological requirements are met, such as the provision of food, water, and shelter.¹⁶

Egg-laying hens are reared in small wire battery cages so restrictive that the birds cannot even spread their wings.¹⁷ With no opportunity to exercise or engage in many other natural behaviors, these caged birds suffer immensely, as do intensively confined breeding sows and calves raised for veal. Pregnant sows in industrial systems are normally confined in 0.6 m (2 ft) wide gestation crates, narrow enclosures that prohibit the animals from even turning around.¹⁸ Similarly, many calves raised for veal are severely restricted in individual crates, unable to fully rotate their bodies or lie down comfortably in a natural position.^{19,20,21}

The welfare of these intensively confined hens, sows, and calves is significantly impaired, as the animals are denied the ability to exercise, fully extend their limbs or simply turn their bodies, or perform integral, instinctual, natural behaviors.⁹ The forced near-immobilization may take a serious physical and psychological toll, leading both to physiological problems and psychosis resulting from extreme boredom and frustration.²²

The entire European Union is phasing out barren battery cages by 2012²³ and gestation crates by 2013,²⁴ and has already banned veal crates.²⁵ In the United States of America, the states of Colorado²⁶ and Arizona²⁷ are requiring producers to phase out the use of gestation crates and veal crates, and the states of Florida²⁸ and Oregon²⁸ have similar measures phasing out gestation crates. The agriculturally rich and populous state of California is ending the use of battery cages, in addition to gestation crates and veal crates.²⁹

The Welfare of Laying Hens in Battery Cages

Battery cages are small wire enclosures. The most commonly used cages hold 5-10 birds.³⁰ Factory farms often contain thousands of these cages at an average space allowance of just 432-555 cm² (67-86 in²) per bird,³¹ which affords each hen an amount of floor space smaller than a single sheet of letter-sized paper. These cages prevent the birds from fully performing the bulk of their natural behaviors, including nesting, perching, dust-bathing, scratching, foraging, exploring their environment, running, jumping, flying, stretching, wing-flapping, and even freely walking—natural behaviors replaced by inactivity or inappropriate substitutes on the barren cage floor. Additionally, the severe restriction of physical movement leads to poor foot condition³² and metabolic disorders, including disuse osteoporosis³³ and liver damage.³⁴

Behavioral Deprivation

The central problem associated with the use of battery cage systems for housing laying hens is the severe restriction of movement and deprivation of opportunity to display important natural behaviors. The most well-documented behavioral need of the laying hen is to engage in nesting behavior, which is her requirement to seek out a secluded site in which to carefully scrape out and build a shallow nest on the ground. Nesting behavior is triggered internally by hormonal fluctuations associated with ovulation.³⁵ The internal, biological signals to perform nest-site selection and nesting behavior are always present, even in the restrictive confines of the battery cage, where natural stimuli are absent.³⁶ Studies have shown that hens are highly motivated to gain access to a nest site when they are about to lay an egg.³⁷ Ian Duncan, Emeritus Chair in Animal Welfare at the University of Guelph, contends that the most significant source of frustration for battery hens is “undoubtedly the lack of nesting opportunity.”³⁸ According to Michael Baxter, Director of the Design Research Center at Brunel University, the thwarting of nesting behavior is likely to cause “significant suffering.”¹⁰ Decades of

scientific studies suggest that hens are frustrated, distressed, and that they suffer in battery cages as there is no outlet for normal, internally triggered nesting behavior.^{8,10,39,40,41}

Their inability to nest is just one of many behaviors prevented when laying hens are confined in battery cages. The enclosure's wire flooring deprives the birds of the opportunity to express normal foraging, scratching, and dustbathing behaviors. The natural urge to forage and scratch remains strong, despite the presence of a complete diet fed *ad libitum*. Studies have shown that hens will choose to forage for feed on the ground in loose substrate rather than eat identical food freely available in a feeder.^{42,43} Dustbathing is also important to hens. Under naturalistic conditions, hens regularly bathe in dust to keep their feathers in good condition,⁴⁴ and caged hens still retain the natural urge to dustbathe, even when the stimulus of litter is not present.⁵ In fact, battery-caged hens will try to dustbathe on the wire floor of the cage,⁴⁵ sometimes leading to plumage degradation.⁴⁶ The best experimental evidence suggests that the function of dustbathing is to balance lipid levels in the feathers.^{44,47,48} However, even featherless chickens will dustbathe,⁴⁹ demonstrating that the need to perform the behavior is not based solely on external triggers, such as plumage condition or the presence of ectoparasites in the feathers, and is at least partially controlled internally by physiological factors.

Battery cages also prohibit hens from perching and roosting, natural behaviors of the hen under free-range conditions. The scientific literature suggests that the foot of a hen is “anatomically adapted to close around a perch”¹⁰—that is, their feet evolved to clutch onto branches. Perch use is important for maintaining bone volume and bone strength.^{50,51,52} Toe pad hyperkeratosis is a thickening of skin on the feet of hens, and it has been demonstrated to be worse in cages where hens stand on wire flooring than in systems that allow birds to perch.^{32,53} Baxter asserts that hens without access to perches are shown to suffer reduced welfare from “increased aggression [as perches serve as a refuge for subordinate hens], reduced bone strength, impaired foot condition and higher feather loss.”¹⁰

Fully performing comfort behaviors, such as stretching, wing-flapping, and preening, are impaired in the battery-cage environment.^{54,55,56,57} These behaviors are important for body maintenance and care of the feathers. Preference testing has found that hens prefer more space when given the opportunity to choose between enclosures that differ in size^{58,59,60,61} and, when given enough space, will engage in more comfort behaviors.⁵⁴

Metabolic Disease

Hens in cages are so intensively confined that they have no opportunity to exercise. One study demonstrated that birds in a cage-free, perchery system moved on average seven times as far as the comparison group kept in cages.⁶² Caged hens are not exposed to the normal range of physical forces and dynamic loading that strengthen and structure their bones. The scientific literature provides ample evidence that restriction of normal movement to the extent found in cages causes physical harm in the form of bone fragility and impaired bone strength.^{41,63,64,65,66} While all hens selectively bred for egg production are prone to osteoporosis-induced skeletal weakness, caged hens are at greater risk due to lack of exercise. Several studies have compared the bone strength of caged hens to those in perchery and deep-litter systems and concluded that bone strength is severely reduced in caged birds.^{33,62,67} Osteoporosis is so severe in caged hens that in one study, approximately one out of every four birds removed from their cages at the end of the laying period suffered from broken bones.⁶⁸

Caged hens also suffer from cage layer fatigue, a disorder in which the skeletal system becomes critically weakened, often leading to fractures, paralysis, and death.^{3,69} Cage layer fatigue was identified when laying hen flocks were first moved into cages in the 1950s, and it continues to be a “major issue.”³⁴ Another disorder that is primarily associated with caged hens is fatty liver hemorrhagic syndrome (FLHS). Caged hens on high-energy diets are the most frequently affected by this disease,⁷⁰ and multiple sources suggest that restriction of movement and lack of exercise are factors that predispose the birds to FLHS.^{69,71,72}

Summary: Laying Hens

There is a strong argument firmly based on extensive scientific evidence that cages are not appropriate environments for laying hens. The most recent comprehensive analysis of the welfare of laying hens in cages and alternative systems was the LayWel project, a collaborative effort among working groups in seven different European countries that examined data collected from 230 different hen flocks. After reviewing all of the current science, the report concluded:

With the exception of conventional cages, we conclude that all systems have the potential to provide satisfactory welfare for laying hens....Conventional cages do not allow hens to fulfil behaviour priorities, preferences and needs for nesting, perching, foraging and dustbathing in particular. The severe spatial restriction also leads to disuse osteoporosis. We believe these disadvantages outweigh the advantages of reduced parasitism, good hygiene and simpler management. The advantages can be matched by other systems that also enable a much fuller expression of normal behaviour. A reason for this decision is the fact that every individual hen is affected for the duration of the laying period by behavioural restriction. Most other advantages and disadvantages are much less certain and seldom affect all individuals to a similar degree.⁷³

Indeed, in addition to the findings of the LayWel project, many other experts agree that, in general, hen welfare is compromised more in cages than in properly managed alternative systems^{74,75} and that the differences between cage and cage-free systems are such that there is a clear welfare advantage for hens who are not confined in cages.⁶² According to Michael Appleby, former Senior Lecturer in Farm Animal Behavior at the University of Edinburgh:

*Battery cages present inherent animal welfare problems, most notably by their small size and barren conditions. Hens are unable to engage in many of their natural behaviors and endure high levels of stress and frustration. Cage-free egg production, while not perfect, does not entail such inherent animal welfare disadvantages and is a very good step in the right direction for the egg industry.*⁷⁶

The Welfare of Pregnant Sows in Gestation Crates

During their nearly four-month pregnancies, breeding sows in industrial pig production facilities are routinely confined in gestation crates, individual, concrete-floored metal cages 0.6 m (2 ft) wide by 2.1 m (7 ft) long, just slightly larger than the animal and so severely restrictive that the sow is unable to turn around.¹⁸ Crated sows suffer a number of significant welfare problems, including elevated risk of urinary tract infections, weakened bones, lameness, behavioral restriction, and stereotypies.⁷⁷ Gestation crates remain widely used around the globe, although their use is being phased out by some governments and corporations due to welfare concerns. The European Union is currently working towards a total ban effective in 2013 applicable after the fourth week of pregnancy,²⁴ and these crates are being phased out in several U.S. states (Colorado,²⁶ Oregon,²⁸ Arizona,²⁸ Florida,²⁸ and California).²⁹ Smithfield Foods,⁷⁸ the world's largest pig producer,⁷⁹ and Maple Leaf,⁸⁰ the largest pig producer in Canada,⁸¹ have already pledged to phase-out their confinement of sows in gestation crates.

Physical Problems

The long-term, intensive confinement of breeding sows in gestation crates significantly impairs their health and welfare, primarily due to the animals' inability to turn around or exercise. The severe restriction of movement leads to a reduction of muscle mass and considerable reduction of bone strength, making the most basic movements difficult and increasing the chance of a sow slipping and injuring herself.⁸² Successive pregnancies exacerbate the problems of diminished muscle mass and bone strength.⁸³

As gestation crates are barely larger than the sow's body, she must urinate and defecate where she stands. As such, the concrete flooring of the crates are often either partially or fully slatted, designed to allow waste to fall

through.⁸⁴ Living directly above the excrement pit may expose sows to aversively high levels of ammonia,⁸⁴ and respiratory disease has been found to be a major health issue for pigs kept in confinement.⁸⁵ Gestation-crated sows suffer from a higher rate of urinary tract infections than uncrated sows⁷⁷ because they are inactive, drink less water, urinate infrequently,⁸⁵ and may be in contact with their excrement.⁸⁶ These infections can result in a high mortality rate, with one study estimating that half of mortalities were caused by urinary tract infections.⁸⁵

The unnatural flooring of gestation crates may cause damage to joints,⁸⁷ lameness,⁸⁸ and toe lesions that, according to one report, afflict up to 80% of crated sows.⁸⁹ Erosion of the cement floor from water and feed leaves rocks and sharp edges that contribute to foot, leg, and shoulder sores.⁹⁰ Bolts affixing the crates in place contribute to similar injuries,⁹¹ as does rubbing against the bars of their enclosures and standing or lying on barren flooring.⁹² As gestation crates are narrow and typically placed side-by-side in production facilities, when lying down, sows must extend their limbs into adjacent stalls where they may be stepped on.⁹² Discomfort can be compounded by lack of bedding materials. Without bedding, sows have little thermal protection, which can cause systemic and local cold stress, and may contribute to or exacerbate injuries to skin and limbs.⁹³

In addition to external injuries, gestation-crated sows show increased resting heart rate compared to group-housed sows, probably due to decreased muscle fitness from chronic lack of exercise,⁹⁴ and are more likely to suffer decreased cardiovascular fitness than those group-housed.¹⁸

Psychological Problems

When pigs are not confined, they are active and expressively curious animals. Scientific observation and research have found pigs to be intelligent, social⁹⁵ animals, capable of learning complex tasks,^{96,97} perceiving time, and anticipating future events.⁹⁸ When immobilized in gestation crates without environmental enrichment or mental stimulation, their psychological well-being is impaired.

Pigs would naturally segregate into small groups with stable dominance hierarchies. Under free-range conditions, sows spend approximately 31% of their time grazing, 21% rooting, 14% walking, and 6% lying down.⁹⁹ Pigs root, bite, chew, and sniff at objects and the ground itself,¹⁰⁰ both to forage and to generally explore their environment. Intensive confinement thwarts nearly all natural behaviors, including foraging and rooting, reducing daily activity to the time it takes a sow to eat her concentrated diet. When released from confinement into semi-natural enclosures, sows quickly engage in their natural behaviors, foraging, nest-building, and traveling long distances.⁹⁹

When behavioral needs are denied in such highly restrictive environments, animals may perform unnatural behaviors in place of the expression of normal patterns of activity.¹⁰¹ Stereotypies are characterized as movements or behaviors that are abnormal, repetitive, and seemingly have no function or goal.²² Researchers attribute these behaviors to boredom and frustration resulting from an impoverished environment, confinement, restraint, and unfulfilled needs.^{22,102} Stereotypic behaviors are more common among gestation-crated sows compared to those in group pens^{13,103} and include bar-biting, head-weaving, pressing their drinkers without drinking, and making chewing motions with an empty mouth (sham or vacuum chewing).^{22,104,105} The amount of time sows engage in stereotypies increases with the time spent in crates.¹³ This expression of abnormal behavior is widely accepted as a sign of psychological disturbance,¹² frustration,¹⁰⁶ and impaired welfare.^{107,108} By comparison, in situations where sows have greater freedom in more complex environments, the amount of stereotyped behavior is nearly zero.¹⁰⁹

Regarding stereotypies, the European Commission's Scientific Veterinary Committee (SVC) noted, "The extent of stereotypy gives an indication of how poor the welfare is"¹⁰⁹—a finding corroborated by the American Veterinary Medical Association's (AVMA's) Task Force on the Housing of Pregnant Sows, which concluded that "stereotypies are an indication of welfare problems was a strong consensus among nearly all authors whose work was reviewed."¹¹⁰ Georgia Mason, Canada Research Chair in Animal Welfare at the University of Guelph, and colleague write: "Until such research increases our understanding, stereotypies should always be taken seriously as a warning sign of potential suffering...."¹⁰⁸

Summary: Gestating Sows

Vast scientific evidence shows improved physical and psychological health when sows are not confined to gestation crates. Mobility is a physical requirement for all animals, and this basic fact is reflected in the concluding remarks of veterinary and scientific reviews of sow housing and welfare: The AVMA's Task Force on the Housing of Pregnant Sows reported, "Gestation stalls, particularly when used in conjunction with feed restriction, may adversely affect welfare by restricting behavior, including foraging, movement, and postural changes,"¹¹⁰ and the SVC concluded, "Since overall welfare appears to be better when the sows are not confined throughout gestation, sows should preferably be kept in groups."¹¹¹

Indeed, research has found that outdoor, crate-free systems¹¹² and loose housing systems¹¹³ offer benefits to sow health and resilience. Compared with typical crate systems, like those used in the United States of America, deep-bedded, loose housing systems studied in Sweden result in lower cull rates and greater sow longevity.¹¹³ Commercial operations have also recorded better reproductive performance and lower mortality rates for sows in group pens rather than individual crates.⁹⁰ Group pens with trickle feeding systems, individual feed stalls, and electronic sow feeders are all feasible options currently and successfully in use.^{114,115,116} Although some of these alternatives, particularly indoor housing in small groups, do not provide for every behavioral need, they are a marked improvement to the use of gestation crates and improve the physical well-being of the sow by allowing her to walk, turn around, and lie down more comfortably. In its review, the SVC reported that group housed sows "have more exercise, more control over their environment, more opportunity for normal social interactions and better potential for the provision of opportunities to root or manipulate materials....As a consequence, group-housed sows show less abnormality of bone and muscle development, much less abnormal behaviour, less likelihood of extreme physiological responses, less of the urinary tract infections associated with inactivity, and better cardiovascular fitness."¹¹¹

The Welfare of Calves in Veal Crates

According to the United States Department of Agriculture (USDA), veal "is the meat from a calf or young beef animal. A veal calf is raised until about 16-18 weeks of age, weighing up to 450 pounds [204 kg]. Male dairy calves are used in the veal industry. Dairy cows must give birth to continue producing milk, but male dairy calves are of little or no value to the dairy farmer. A small percentage are raised to maturity and used for breeding."¹¹⁷

Intensive confinement of calves raised for veal has long raised pointed concerns regarding the animals' welfare. Calves raised for veal in these systems are kept in individual crates typically measuring approximately 66-76 cm (2.1-2.5 ft) wide.^{117,118} However, as a growing number of government bodies are taking action to end the use of veal crates, producers are beginning to make changes. Two of the largest U.S. veal producers, Strauss Veal¹¹⁹ and Marcho Farms,¹²⁰ have pledged to phase out veal crates, and convert their operations to crate-free group housing due to animal welfare concerns. As reported by *Meat Processing*, Strauss Veal & Lamb International "is committed to raising veal calves in a more humane manner. The company's goal is to be 100-percent converted to raising calves by the European-style, group-raised method within the next two to three years." Randy Strauss, co-president and CEO, stated to the industry journal that "this is the right thing to do...The traditional way of raising veal calves involves putting each calf in an individual stall. This practice is increasingly being frowned upon by a growing number of customers and consumers alike throughout the world."¹¹⁹ U.S. industry journal *Feedstuffs* reported eight months later that the American Veal Association's board of directors "unanimously approved new policy that the veal industry fully transition to group housing production by the end of 2017."¹²¹

Crated calves are typically tied to the front of the crate with a short tether, restricting virtually all movement.¹¹⁸ Stressful conditions lead to high incidence of stereotypic behavior and illness. In its 1995 report, the SVC concluded:

The welfare of calves is very poor when they are kept in small individual pens with insufficient room for comfortable lying, no direct social contact and no bedding or other material to manipulate....Every calf should be able to groom itself properly, turn around, stand up and lie down normally and lie with its legs stretched out if it wishes to do so.¹⁴

Impacts of Intensive Confinement

Confining calves to crates, where they remain nearly immobilized until they reach slaughter weight, presents many welfare problems. One of the greatest deprivations individually housed calves suffer is the ability to adopt their preferred lying posture and to stand and lie down naturally.¹²² As a primary purpose of lying down is to relax certain muscles, the restrictions that crates and tethers place on most normal lying postures of calves may impede full relaxation of the body and prevent the animals from lying comfortably.²¹ For all young mammals, rest is critical, and sleep disruption may occur if certain lying positions cannot be adopted.¹⁴ Lying posture is also very important for thermoregulation,¹⁴ as overheated calves adopt positions that maximize the surface area from which heat can be lost. Such positions usually involve stretching out the legs laterally.

Calves, like all young mammals, have a need for regular exercise, which helps reduce problems associated with inactivity,¹²³ such as abnormal bone and muscle development and joint disorders. Intensive confinement systems prohibit exercise and normal muscle growth.¹⁴ When given space, healthy calves will play, gallop, buck, and kick,¹²⁴ and when with other calves, they will also engage in play fighting.¹²⁵ In contrast, when closely confined for prolonged periods, these normal behaviors are thwarted, resulting in an intensification of the drive to perform these activities.¹²⁶

Cattle are social animals who obtain physical, physiological, and psychological comfort from each other.²¹ Under natural conditions, calves would associate in groups during the day from two weeks of age while their mothers forage and would begin to form relationships with their peers.¹²⁷ For calves raised without their mothers, social contact with other calves is of even greater importance.¹²⁸ Confining calves prevents the animals from adequate social contact, and researchers from the Danish Institute of Agricultural Sciences and the University of Copenhagen in Denmark found that calves were willing to work to gain access to social contact. They concluded that “[c]alves’ welfare may be threatened if they are not allowed to perform social behaviors, and since motivation is apparently higher for full social contact than for head contact it is likely that their welfare will be better if housed in groups....”¹²⁹

In order to maintain personal hygiene and help prevent disease, calves groom themselves, principally by licking. Cattle naturally lick all the parts of their body they can reach, though tethered calves are unable groom the hind parts of their body because of restrictions imposed by the stall and tether. Excessive licking of the forelegs, a re-directed behavior, is common in stall and tether systems.²¹

The chronic deprivation of needs and behaviors can lead to stress.²¹ Texas A&M University Department of Animal Science Professor Ted Friend and associates found that calves tethered in stalls had higher adrenal responses than group-housed calves, as well as increased levels of thyroid hormones and a higher neutrophil to lymphocyte ratio, another physiological indicator of chronic stress.¹³⁰

Individual housing and “minimizing calf-to-calf contact” have been cited as important for disease control for calves.¹³¹ The slatted partitions do not protect against airborne transmission, however, and calves in crates still have head to head contact. Friend and colleague conclude: “Thus, there remain many avenues for transmission of disease in most crate-housing systems.”²¹

Summary: Calves Raised for Veal

The cruelty of the veal crate is well-established. Nearly two decades ago, Friend testified before a legislative committee, explaining the results of his study on veal calf welfare funded by the U.S. Department of Agriculture:

Our results show that calves have a very strong drive to move or exercise that is blocked by chronic close confinement. The studies also found that maintaining calves in close confinement causes adverse physiological effects that alter metabolism and reduce the ability of the calf's immune system to respond to disease. All of these are changes in the body that are indicative of chronic stress....We also found that all of the symptoms of chronic stress were eliminated after the calves were removed from the crates....To summarize, our studies found that maintaining calves in crates is physically detrimental to the calf, something that is common knowledge in the industry.¹³²

Veal production practices, including restrictive confinement and social isolation, have been widely criticized on animal welfare grounds. They are currently illegal in the 27 countries of the European Union^{25,133} and are being phased out in the U.S. states of Colorado,²⁶ Arizona,²⁷ and California.²⁹

Studies clearly show that eliminating crates and switching to group housing would benefit calves.¹⁴ Group-housed calves have the opportunity for locomotion, social behavior, and more comfortable lying positions.²⁰ In its *Report on the Welfare of Calves*, the SVC wrote: "[G]eneral comparisons indicate that the housing of calves in individual pens, and the tethering of calves, results in problems for their welfare which are significantly reduced when the calves are group-housed on straw."¹⁴

Conclusion

Around the world, the tens of billions of animals raised in factory farms for meat, eggs, and milk suffer immensely.

Animals, including those farmed, are fully capable of feeling pain and suffering,^{134,135,136} as well as positive emotions.^{137,138} Intensively confined farm animals undoubtedly suffer as would dogs or cats if continuously kenneled without the opportunity to exercise or even engage in the most basic of movements.

Battery cages for hens and crates for calves and sows are inherently flawed. These barren, restrictive housing systems so severely impair normal movement that the expression of nearly all normal behaviors are thwarted, leading to significant and prolonged physical and psychological assaults. Adequate welfare of a hen in a battery-cage or a sow or a calf in a crate simply cannot be provided, and the scientific literature, particularly in the field of ethology, is very clear on this point. Alternative production systems exist for each of these forms of confinement, and forward-thinking producers are already moving toward housing practices that allow fuller expression of most forms of meaningful natural behavior.⁷⁸ Addressing the many welfare concerns with intensive confinement practices^{120,139,140} necessarily mandates industry shifts away from the intensive confinement of laying hens, pregnant sows, and calves raised for veal in battery cages, gestation crates, and veal crates, respectively.

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Humane Society International

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HSI is the international arm of the Humane Society of the United States, an animal welfare organization with 10.5 million supporters. HSI works to create a humane and sustainable world for all animals, including people, through education, support, and the promotion of respect and compassion. HSI's Factory Farming Campaign in Brazil seeks to improve the welfare of animals kept in industrial-scale intensive confinement systems, such as egg-laying hens in battery cages and breeding sows in gestation and farrowing crates. For more information on this campaign, please visit hsi.org.

5. RECOMMENDED CASE LAWS

Factory Farming and Intensive Confinement :

1. *Gauri Maulekhi v. Union of India*, CWP No. 5845 of 2015 (O&M) Decided On : 15.02.2018
2. *Gauri Maulekhi v. Union of India and Ors.* OA No.320/2021 (Environmental guidelines for poultry farms)
3. *Ved Prakash Aggarwal v. Municipal Commission, Nagar Nigam Ghaziabad-* OA No. 989 of 2019
4. *Nuggehalli Jayasimha v. Govt of NCT of Delhi*, Original Application No. 46/2018 | 20-05-2020

Transport of Animals

1. *Narayan Dutt Bhatt v. Union of India* (2018) SCC Online Utt 645
2. *Gauri Maulekhi v. State of Jammu and Kashmir & Ors.* (Order dated 22.03.2018) Original Application No. 473 of 2015 (M.A No. 10/2016, M.A No. 296/2017, M.A No.490/2017 & M.A No.1067/2017)
3. *Karnail Singh v. State of Haryana*, CRR-533-2013
4. *Gauri Maulekhi v. Union of India and Ors.* (WP No. 77 of 2010)
5. *State of UP v. Mustakeem and Ors.*, (1999) CrI. A. No. 283-87/2002

Livestock, Animal Markets and Slaughterhouses

1. *Ashwini Kumar v. Union of India* (Order dated 23.05.2017)
2. *Gauri Maulekhi v. M/s Delhi Agricultural Marketing Board* , W.P.(C) 1214/2018
3. *Shailesh Singh v. State of Uttar Pradesh and Ors.*, Civil Appeal No. 734 OF 2021
4. *Laxmi Narain Modi v. Union of India and Ors.*, Writ Petition (Civil) No.309 Of 2003
5. *M/s International Agro Foods v. Uttar Pradesh Pollution Control Board*, Original Application No. 122/2018

Food Safety :

1. *Ozair Hussain v. Union of India* AIR 2003 Del 103