



What is law?



The Constitution of India

- *The Union and its territory [Part I]*
- *Citizenship [Part II]*
- *Fundamental Rights [Part III]*
- *Directive Principles of State Policy [Part IV]*
- *Fundamental Duties [Part IVA]*
- *Union Executive, Legislature and Judiciary [Part V]*
- *State Executive, Legislature and Judiciary [Part VI]*
- *The Union Territories [Part VIII]*
- *The Panchayats [Part IX]*
- *The Municipalities [Part IXA]*
- *Relations between the Union and the States [Part XI]*



Fundamental Rights

Part III- Fundamental Rights (Article 12-35)

Article 13. Laws inconsistent with or in derogation of the fundamental rights.

(2) “The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.”

Remedies are provided under Article 32 and Article 226 of the Constitution.



Directive Principles of State Policy

Part IV- Directive Principles of State Policy [DPSPs]

Article 37 of the Constitution of India-

“Application of the principles contained in this Part.— The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”



Fundamental Duties

Part IVA- Fundamental Duties

Article 51A. Fundamental Duties.

“(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;”

Acts



- Legislations made by the Parliament of India or the State Legislatures.
- *Examples of Central Acts and State Acts.*
- **Applicability of the respective laws-**

“245. Extent of laws made by Parliament and by the Legislatures of States. – (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.”

Acts



“246. Subject-matter of laws made by Parliament and by the Legislatures of States. — (1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the “Union List”).

*(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State 1*** also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the “Concurrent List”).*

*(3) Subject to clauses (1) and (2), the Legislature of any State *** has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the “State List”).”*

Acts

Draft Prevention of Cruelty to Animal (Amendment) Bill. 2022

	The Prevention of Cruelty to Animal (Amendment) Bill. 2022
	A
	BILL
	<i>further to amend the Prevention of Cruelty to Animals Act,</i>
	Be it enacted by Parliament in the Seventy Third Year of the Republic of India as follows:
	1(1) The Act may be called as Prevention of Cruelty to Animal (Amendment) Act,2022
	(2) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint:
	CHAPTER I PRELIMINARY
Insertion of new sub section (j) of section 2.	In the principal Act, under Section 2 after sub-section (i), the following definitions shall be inserted: 1. "Bestiality" means any kind of sexual activity or intercourse between human being and animal
Insertion of sub section (k) of section 2.	2. "Gruesome cruelty" means any act involving animals which led to extreme pain and suffering to the animals which is mostly likely to leave the animal in life long disability which Includes mutilation or killing of animal by the use of strychnine injection in the heart or any other cruel manner that is known to cause permanent physical damage to the animal or render animal useless or cause any injury which is likely to cause death including bestiality, animal fighting for the purpose of bating or promote or take part in any shooting match or competition wherein animals are released from the captivity for the purpose of such shooting.
Insertion of sub section (l) of section 2.	2. "Jurisdictional veterinarian" means a person within the local jurisdiction of the area employed by State Government who holds a degree of a recognized veterinary college and is registered with the State Veterinary Council or Veterinary Council of India.
Insertion of sub section (m) of section 2.	4. "State Animal Welfare Board (SAWB)": means the Board constituted by the State Government under the provision of the Chapter VII of this Act.
Insertion of sub section (n) of section 2.	5."Society for Prevention of Cruelty to Animal (SPCA)": Society for prevention of cruelty to animals means a society established under the Rules farmed under this Act.
Insertion of sub section (O) of section 2.	6. "Community Animals": means any animal born in a community for which no ownership has been claimed by any individual or an organization, excluding wild animals as defined under the wildlife Protection Act, 1972 (53 of 1972)
Insertion of sub section (p) of section 2.	7. "Poultry facilities": means any establishment wherein poultry birds as defined by the World Organization for Animal Health are reared or housed for commercial poultry production intended for human

Acts



Q. When does a legislation becomes come into force?

- a. Passed by the Legislature [Article 107, the Constitution of India].
- b. Received Presidential Assent or Assent by the Governor of the State.
- c. Bills reserved by the Governor of the State for the consideration of the President [*Article 200, 201 of the Constitution of India*].
- d. Commencement clause in the bill [On assent/ from a specific date/ from the date of publication in the Official Gazette].

Ref: Section 5, The General Clauses Act, 1897.

Acts

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



भारत का राजपत्र The Gazette of India

असाधारण
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सं. 1314]
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नई दिल्ली, सोमवार, अगस्त 24, 2009/भाद्र 2, 1931
NEW DELHI, MONDAY, AUGUST 24, 2009/BHADRA 2, 1931

कृषि मंत्रालय

(पशुपालन, डेयरी और मत्स्यपालन विभाग)

अधिसूचना

नई दिल्ली, 24 अगस्त, 2009

का.आ. 2158(अ).—पशुओं में संक्रामक एवं संसर्जन्य रोगों के निवर्णन तथा रोकथाम अधिनियम, 2009 (2009 का 27) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा 25 अगस्त, 2009 को यह तारीख निश्चित करती है जब उत्तर प्रदेश राज्य को छोड़कर सभी राज्यों और संघ शासित प्रदेशों में उक्त अधिनियम को प्रवधान लागू होंगे।

[फा. सं. 51-44/90-एलडीटी(आरपी) (खंड IV)]

अरविंद कौशल, संयुक्त सचिव (एल एच)

MINISTRY OF AGRICULTURE

(Department of Animal Husbandry,
Dairying and Fisheries)

NOTIFICATION

New Delhi, the 24th August, 2009

S.O. 2158(E).—In exercise of the powers conferred by sub-section (2) of Section 1 of the Prevention and Control of Infectious and Contagious Diseases in Animals Act, 2009 (27 of 2009), the Central Government hereby appoints the 25th day of August, 2009 as the date on which the provisions of the said Act shall come into force in all the States and the Union Territories except the State of Uttar Pradesh.

[F.No. 51-44/90-LDT(RP)/Vol. IV]

ARVIND KAUSHAL, Jt. Secy. (LH)

Subordinate Legislation



Article 13(3)(a)-

13. Laws inconsistent with or in derogation of the fundamental rights. —

“(3) In this article, unless the context otherwise requires, — (a) “law” includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;”

Rules



1. Where is the power to make Rules? Who has the power to make Rules?
2. Can Parliament make modifications?

Regulations



1. Where is the power to make Regulations?

E.g.- Section 16 (2), Food Safety and Standards Act, 2006

2. Who has the power to make Regulations?

Government Orders

1/118636/2023

संख्या- 725 / XV-1 / 23 / 4(12)22

प्रेषक,

राजेन्द्र कुमार भट्ट,
संयुक्त सचिव,
उत्तराखण्ड शासन।

सेवा में,

निदेशक,
पशुपालन विभाग,
उत्तराखण्ड, देहरादून।

पशुपालन अनुभाग-1

देहरादून : दिनांक 01 अप्रैल, 2023

विषय : यात्रा मार्गों पर अश्ववंशीय पशुओं के संचालन हेतु Standard Operating Procedure के सम्बन्ध में

महोदय,

उपरोक्त विषयक आपके ई पत्र संख्या 11390/2023/पशुधन-लीन/प0क0मो0शि035(8)/2023-24 दिनांक: 25.04.2023 के क्रम में यात्रा मार्गों पर अश्ववंशीय पशुओं के संचालन हेतु निम्नवत् Standard Operating Procedure निर्धारित किया जाता है :-

- यात्रा मार्ग हेतु कुल 5000 (पाँच हजार) अश्ववंशीय पशु की क्षमता जिसमें 4000 (चार हजार) यात्रा हेतु एवं 1000 (एक हजार) माल वाहन हेतु निर्धारित किया जाता है। प्रति किलोमीटर (आगा-जाना) के लिए प्रति किलोमीटर लगभग 263 अश्ववंशीय पशुओं (कुल 19 कि०मी० के यात्रामार्ग हेतु 5000 अश्ववंशीय पशु) एवं हेमकुण्ड यात्रामार्ग में अनावश्यक क्रूरता की संभावना के निवारण हेतु यात्रा मार्ग पर पशुओं को गुनगुने पेयजल तथा रोड शैल्टर की उचित व्यवस्था हेतु, प्रति किलोमीटर अधिकतम 70 अश्ववंशीय पशुओं (कुल 15 कि०मी० की दूरी हेतु 1,050 अश्ववंशीय पशु) की अधिकतम धारिता क्षमता निर्धारित किया जाता है।
- यात्रा मार्ग पर प्रत्येक पशु स्वामी द्वारा अधिकतम 2 अश्ववंशीय पशु को संचालित किया जायेगा। प्रतिदिन एक अश्ववंशीय पशु से एक वक्कर लगाने की अनुमति होगी।
- यात्रा मार्गों पर अत्यधिक कठिन परिस्थितियाँ एवं ठण्डे वातावरण में बर्फ, बर्फ, ओलावृष्टि के कारण अश्ववंशीय पशुओं में ज्वर, खांसी, दमा, न्यूमोनिया इत्यादि के कारण अकाल मृत्यु से बचाव हेतु आवश्यक है कि पशुओं हेतु कुछ-कुछ दूरी पर अस्थायी रोड शैल्टर की उचित व्यवस्था सुनिश्चित की जायेगी। पशु को पानी पिलाने के बाद, अनिवार्य रूप से कम से कम 20 मिनट आराम दिया जायेगा।
- यात्रा मार्ग पर यात्रा से पहले प्रत्येक पशु का भली प्रकार स्वास्थ्य परीक्षण किया जायेगा। स्वास्थ्य परीक्षण में किसी भी प्रकार की कोई भी कमी होने पर अश्व पशुओं को यात्रा मार्गों पर परिवहन की अनुमति कदापि नहीं दी जायेगी।

Government Orders

संख्या: 1052- /9-8-2023-नगरी3

प्रेषक,
डा. राजेन्द्र पैसिया,
विशेष सचिव,
उत्तर प्रदेश शासन।
सेवा में,
समस्त नगर आयुक्त,
उत्तर प्रदेश।

नगर विकास अनुभाग-8

लखनऊ, दिनांक 02-08-2023

विषय: प्रदेश के समस्त नगर निगमों में बिना रजिस्ट्रेशन से संचालित पेट शॉप को नियंत्रित किये जाने के सम्बन्ध में।

महोदय,

उपरोक्त विषयक के सम्बन्ध में शासन के संज्ञान में आया है कि प्रदेश के कई नगर निगमों में श्वानवशीय पशुओं के प्रजनन एवं विक्रय से सम्बन्धित अपजीकृत पेट शॉप बड़ी संख्या में संचालित हो रहे हैं जिन्हें रोका जाना अत्यंत आवश्यक है। शासन द्वारा इसे गंभीरता से लिया गया है।

2- उल्लेख किया जाना है कि भारत सरकार द्वारा निर्गत पशुओं के प्रति क्रूरता निवारण (श्वान प्रजनन एवं विपणन) नियम-2017 के प्रस्तर- 13 एवं पशुओं के प्रति क्रूरता निवारण (पालतु पशु दुकान) नियम-2018 के प्रस्तर-14 में पेट शॉप के प्रजनन एवं विक्रय हेतु निम्नलिखित व्यवस्थाएँ की गयी हैं।

- 1- पशुओं के प्रति क्रूरता निवारण (श्वान प्रजनन एवं विपणन) नियम-2017, प्रस्तर- 13 के अनुसार प्रजनन के लिए प्रजनन करने या रखे जाने वाले श्वानों के लिए प्रयोग किए जाने वाले या किए गए जाने से आशयित स्थापन को स्थानीय निकाय द्वारा अनुज्ञप्ति प्रदान नहीं किया जाएगा, जब तक कि प्रजनक ने राज्य बोर्ड से इन नियमों के अनुसार रजिस्ट्रीकरण प्रमाण-पत्र प्राप्त न कर लिया हो।
- 2- पशुओं के प्रति क्रूरता निवारण (पालतु पशु दुकान) नियम-2018, प्रस्तर-14 के अनुसार किसी भी पालतु पशु दुकान को स्थानीय प्राधिकारी द्वारा अनुज्ञप्ति तब तक नहीं दी जाएगी, जब तक पालतु पशु दुकान ने नियमों के अनुसार राज्य बोर्ड से रजिस्ट्रीकरण प्रमाण-पत्र अभिप्राप्त न कर लिया हो।

3- इस सम्बन्ध में नगर विकास विभाग द्वारा दिनांक 28-02-2023 को निर्गत एस.ओ.पी. के प्रस्तर-2 एवं प्रस्तर-7 में श्वान के पंजीकरण एवं पालन तथा पालतु पशु दुकानों के सम्बन्ध में विस्तृत दिशा-निर्देश निर्गत किए गए हैं।

4- अतः इस संबंध में मुझे यह कहने का निदेश हुआ है कि पशुओं के प्रति क्रूरता निवारण (श्वान प्रजनन एवं विपणन) नियम-2017 एवं पशुओं के प्रति क्रूरता निवारण (पालतु पशु दुकान) नियम-2018 में उल्लिखित प्रावधानों तथा शासन द्वारा निर्गत एस.ओ.पी. में दी गयी व्यवस्था का कड़ाई से अनुपालन सुनिश्चित करते हुए नगर निगमों में संचालित अपजीकृत पेट शॉप के विरुद्ध नियमानुसार कार्यवाही कर कृत कार्यवाही की मासिक सूचना संकलित करने का कष्ट करें एवं संकलित आख्या प्रतिमाह शासन को उपलब्ध कराया जाना सुनिश्चित करें। यह भी सुनिश्चित किया जाए कि श्वानवशीय पशुओं के प्रजनन एवं विक्रय के सम्बन्ध में एडव्यू.बी.आई. से पंजीकृत विपणन केन्द्र तथा नागर निकाय द्वारा प्रदत्त लाइसेंस प्राप्त दुकानों को ही श्वानों के प्रजनन/विपणन की अनुमति दी जाए इसके अतिरिक्त नगर निगम सीमा क्षेत्र में जो भी पेट शॉप/विक्रय केन्द्र पाए जाएं, उन्हें अनियमित मान कर नियमानुसार उनके विरुद्ध विधिक कार्यवाही की जाए।

कृपया उक्त निर्देशों का कड़ाई से अनुपालन करने का कष्ट करें।

भवदीय


(डा. राजेन्द्र पैसिया)
विशेष सचिव।

Circulars by the Animal Welfare Board of India [AWBI]



ANIMAL WELFARE BOARD OF INDIA
Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India
(Department of Animal Husbandry and Dairying)
NIAW Campus, 42 Milestone, Delhi-Agra Highway
NH-2, Ballabhgarh, Haryana-121004 Tel: 0129-2557700
Email: animalwelfareboard@gmail.com : Website: www.awbi.in

No.3-4/2021-2022/PCA

Dated: 29.11.2022

To,

1. The District Collectors / District Magistrates of all State / UTs
2. The Commissioners, Municipal Corporations of all Districts of all State/UTs

Subject: Standard Operative Procedure for dealing with the complaints of the Ferocious/Aggressive Dogs and Dog Bites cases in humane manner-regarding.

Animal Welfare Board of India (AWBI) is a Statutory Body established under the Prevention of Cruelty to Animal Act, 1960 (PCA Act). The AWBI is an advisory body to the Central Government and State Government and also looks after the matter of implementation of PCA Act, 1960 and the Rules framed under this Act.

2. The AWBI has received several queries on how to deal with the issues of the ferocious/ aggressive dog and dog bites issues as there is growing concern among the public and local Bodies, which sometimes led to unnecessary conflict.

3. In this regard, it is stated that for the effective long term resolution of conflicts with street animals and prevention of dog bites, it is important that an effective Animal Birth Control Program in accordance with law should be in-place by the local authority. When street dog population is not controlled effectively and scientifically and dogs are merely relocated or killed, the dog bite cases increase. The dog fights continue over mating and protection of litters in the absence of an effective Animal Birth Control Program.

4. Further, it is stated that removing dogs from any area creates an unstable & constant changes which rapidly multiplied in the area. Conflict can ultimately and invariably increase in areas where street dogs are dislocated, removed or killed.

5. Hence, for the purpose of street dog population management by local authorities, in accordance with the Animal Birth Control (Dogs) Rules, 2001 and the 'Revised Module for Street Dog Population Management, Rabies Eradication and Reduction of Man-Dog Conflict' ('Revised Module'), the AWBI has prepared the "**Standard Operative Procedure for dealing with the complaints of the Ferocious/Aggressive Dog and Dog Bites cases in humane manner**" detailing the necessary protocol which must be followed dealing with the complaints of the Ferocious /Aggressive Dog and Dog Bites to ensure the proper welfare of the animals and to prevent any unnecessary pain or suffering to the animals. Copy of the ABC Rule and Revised ABC Module are available in the website of AWBI i.e. www.awbi.gov.in

6. In order to effectively and lawfully deal with the complaints with regard to 'ferocious' or 'aggressive' dogs, or any nuisance being alleged because of community



ANIMAL WELFARE BOARD OF INDIA

(Ministry of Environment, Forest & Climate Change, Govt. Of India)
National Institute of Animal Welfare Campus
42 KM Mile Stone, Delhi-Agra Highway
NH-2, Ballabhgarh, Haryana - 121004
E-mail: awbi@md3.vsnl.net.in; animalwelfareboard@gmail.com
Website: www.awbi.org

M. RAVIKUMAR, IFS
Secretary

No.9-1/2018-19/PCA

3rd May, 2018

To

The Chief Secretary of the States / UTs
Principal Secretary Animal Husbandry of the States and UTs
Principal Secretary Law of the States and UTs

Sub: Request for necessary action for the implementation of the provisions of PCA (Care and Maintenance of Case Property Animals) Rules 2017 – reg.

Sir / Madam,

The Animal Welfare Board of India (AWBI) is a statutory body established under Section 4 of the Prevention of Cruelty to Animals Act, 1960. The functions of the Board include the promotion of animal welfare generally for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular.

The Central Government has notified Prevention of Cruelty to Animals (Marketing and Care of Case Property) Rules 2017 for the maintenance of Animals seized in violation of Act and Rules made thereunder (copy attached).

It is noticed that the above Rules are not implemented in letter and spirit and resort to avoidable burden on Animal Welfare Organizations and Governmental agencies.

We draw your kind attention towards provisions of Section 4 of cost of care and keeping of animals pending litigation;

- i) State Board shall within in 3 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.
- ii) The magistrate shall use the rates specified by the State Board as minimum specified rates for transport, maintenance and treatment of seized animals under sub-section (4) of section 35 of the Act.
- iii) 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.