

जगमोहन यादव
आई.पी.एस.



पुलिस महानिदेशक,
उत्तर प्रदेश,

1-तिलक मार्ग, लखनऊ।
दिनांक :सितम्बर 16, 2015

विषय:- रिट याचिका संख्या-(एस)-881/2014 गौरी मौलेखी बनाम यूनियन आफ इण्डिया व अन्य में मा0 उच्चतम न्यायालय द्वारा पारित आदेश दिनांक 13.7.2015 के अनुपालन के संबंध में ।

प्रिय महोदय,

कृपया उपर्युक्त विषयक रिट याचिका में मा0 उच्चतम न्यायालय द्वारा समस्त प्रतिपक्षियों की तरफ से तैयार की गयी प्रस्तावों एवं श्री बंशीधर शर्मा, पुलिस महानिदेशक, सशस्त्र सीमा बल की तरफ से प्रस्तुत शपथपत्र को स्वीकार करते हुए दिनांक 13.7.2015 को पशुकूरता की रोक थाम के सम्बन्ध में निम्नलिखित आदेश पारित किया गया है तथा उक्त का अनुपालन किये जाने हेतु निर्देश दिये गये है:-

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

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

2. मा0 उच्चतम न्यायालय में पुलिस महानिदेशक, एस0एस0बी0 श्री बंशीधर शर्मा के नेतृत्व वाली समिति की "पशुओं के प्रति क्रूरता के निवारण एवं कल्याण के संबंध में" जो संस्तुतियां प्रस्तुत की गई थीं, जिनका अनुपालन पुलिस विभाग द्वारा सुनिश्चित किया जाना है। कमेटी की संस्तुतियां संक्षिप्त निम्नवत् है:-

(i) विधि प्रवर्तनकारी प्रशिक्षण संस्थानों में (Animal Welfare Board of India) द्वारा पशुओं के कल्याणार्थ तैयार माडल के विषय में जानकारी दी जाय।

- (ii) विधि प्रवर्तनकारी संस्थानों में (AWBI) द्वारा पशुओं के कल्याणार्थ प्रशिक्षण माडल जो पुलिस अनुसंधान विकास द्वारा जारी किया गया है वे राज्य के समस्त विधि प्रवर्तनकारी प्रशिक्षण संस्थानों में लागू किया जाय।
- (iii) पशुओं के संरक्षण व कल्याण के लिये प्रभावी विधि व्यवस्था का अनुपालन सुनिश्चित कराया जाय तथा अवैध रूप से पशु बलि व बध निवारित किया जाये।
- (iv) खाद्य सुरक्षा व मानक अधिनियम 2003 और विनियम 2011 के प्राविधानों के विपरीत धार्मिक स्थानों अथवा लोक स्थानों पर पशुओं के वध की अनुमति न प्रदान की जाय।
- (v) बिना वैध परिवहन प्रमाण-पत्र के पशुओं का अपरिवहन निवारित किया जाये तथा पशुओं के परिवहन में पशु कूरता निवारण अधिनियम 1960, पशु परिवहन नियमावली 1978, वधशाला नियम 1978, पशुओं का पैदल परिवहन अधिनियम 2001, पशुओं के प्रति कूरता के निवारण हेतु सोसाइटियों का गठन नियम 2001, मोटर वाहन अधिनियम 1988, भादवि 1960 के नियमों का अनुपालन कराया जाय।
- (vi) विधि प्रवर्तनकारी संस्थाओं विशेषतया पुलिस द्वारा पशुओं का अवैध व्यापार तथा बार्डर से तस्करी को निवारित किया जाय।
- (vii) निरुद्ध पशुओं को काजी हाउस अथवा पशुशालाओं में स्थायी रूप से न रखा जाय। उनकी नीलामी विधि अनुसार करायी जाय तथा यह सावधानी बरती जाय कि पशु तस्कर पुनः उन्हें नीलामी में न ले सके। पशुओं के व्यापारी पंजीकृत हो। जिला प्रशासन द्वारा परमिट अथवा परिवहन हेतु लाइसेंस निर्गत किया जाना आवश्यक होगा।
3. उल्लेखनीय है कि विशेष कार्याधिकारी, गृह(पुलिस)अनुभाग-3, उ0प्र0 शासन के पत्र संख्या:439भा0सं0-छ:-पु0-3-15-2(100)पी/2014 दिनांक 31.8.2015 मय अनुलग्नक (छायाप्रति संलग्न) द्वारा उक्त आदेश के अनुपालन के संबंध में मा0 सर्वोच्च न्यायालय के आदेश से सम्बन्धित संस्तुतियों का विवरण उपलब्ध कराते हुए उसके क्रियान्वयन के संबंध में कार्ययोजना भी बनाये जाने की अपेक्षा की गयी है।
4. उक्त के संबंध में उ0प्र0 शासन के पत्र संख्या:82रिट/37-1-2015-11(29)/2001 दिनांक 20.8.2015 द्वारा अवगत कराया गया है कि पशुधन अनुभाग-1 की विज्ञप्ति/अधिसूचना संख्या-3538/ 37-1-2010-11(29)/2001 दिनांक 28.7.2010 द्वारा पशुकूरता की रोक थाम के सम्बन्ध में प्रदेश के समस्त जनपदों में सोसाइटी फॉर प्रिवेन्शन ऑफ क्रूयलिटी टू एनीमल (SPCA) का गठन किया गया है, जिसकी प्रति इस मुख्यालय के पत्र संख्या:डीजी-सात-एस-10(154)/2015 दिनांक 08.9.2015 द्वारा समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, उ0प्र0 को प्रेषित की जा चुकी है।
5. उक्त के अतिरिक्त पशुओं की तस्करी एवं कूरता पर रोक-थाम हेतु इस मुख्यालय के परिपत्र संख्या:डीजी-29/2006 दिनांक 28.8.2006 एवं परिपत्र संख्या:डीजी-14/2013 दिनांक 26.4.2013 द्वारा आवश्यक दिशा-निर्देश अनुपालनार्थ निर्गत किये गये है तथा उक्त निर्गत दिशा निर्देशों में पशुकूरता के रोक थाम के विधिक प्राविधानों के संबंध में विस्तृत रूप से अवगत कराते हुए उसका कड़ाई से अनुपालन सुनिश्चित किये जाने के निर्देश भी दिये गये है।

(3)

6. अतः आपसे अपेक्षा की जाती है कि मा0 उच्चतम न्यायालय द्वारा पारित आदेश दिनांकित 13.7.2015 एवं मा0 सर्वोच्च न्यायालय के आदेश से सम्बन्धित संस्तुतियों का भली-भाँति अध्ययन कर लें और मा0 उच्चतम न्यायालय द्वारा पशुकूरता के रोक-थाम के संबंध में दिये गये आदेश का यथावत अनुपालन सुनिश्चित कराये जाने हेतु जनपद स्तर पर एक कार्यशाला का आयोजन कराकर जनपद में नियुक्त समस्त अधिकारियों/कर्मचारियों को पशुकूरता के प्रति संवेदनशीलता के विषय में विस्तृत रूप से पारित आदेशों से अवगत करा दें एवं समस्त पुलिस कर्मियों को मा0 उच्चतम न्यायालय के पारित निर्णय के अनुरूप क्रमवार प्रशिक्षित करायें ताकि पशुओं के साथ हो रही पशुकूरता की रोक थाम के संबंध में उन्हें और अधिक संवेदनशील बनाया जा सकें तथा मा0 उच्चतम न्यायालय द्वारा उक्त निर्णय में अवधारित निर्देशों का अनुपालन कड़ाई से सुनिश्चित किया जाय।

संलग्नक:- यथोपरि।

भवदीय,


(जगमोहन यादव) 6/4/15

समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक,
प्रभारी जनपद/रेलवे, उ0प्र0।

प्रतिलिपि:- निम्नलिखित को कृपया सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. पुलिस महानिदेशक 'रेलवे', उ0प्र0 लखनऊ।
2. पुलिस महानिदेशक 'प्रशिक्षण', उ0प्र0 लखनऊ।
3. पुलिस महानिदेशक 'अभियोजन', उ0प्र0 लखनऊ।
4. समस्त जोनल पुलिस महानिरीक्षक, उ0प्र0।
5. समस्त परिक्षेत्रीय पुलिस उप महानिरीक्षक, उ0प्र0।

फैक्स/बैठक दिनांक 1-9-2015
संख्या-439भा0स0-छ:-पु0-3-15-2(100)पी/2014

प्रेषक,

प्रकाश नारायण,
विशेष कार्याधिकारी,
उ0प्र0 शासन।

सेवा में

पुलिस महानिदेशक,
उ0प्र0 लखनऊ।

गृह (पुलिस) अनुभाग-3

लखनऊ: दिनांक : 31 अगस्त, 2015

विषय:-रिट याचिका संख्या-(एस)-881/2014 गौरी मौलेखी बनाम यूनियन आफ इन्डिया व अन्य में मा0 उच्च न्यायालय द्वारा पारित आदेश दिनांक 13-7-2015 के अनुपालन के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक पशुधन अनुभाग-1 के पत्र संख्या-3516/37-1-15-700/2015 दिनांक 25-8-की प्रति संलग्नक सहित प्रेषित करते हुए मुझे यह कहने का निदेश हुआ है कि मा0 उच्चतम न्यायालय के निर्णय दिनांक 13-7-2015 के अनुपालन में कार्यवाही किये जाने के संबंध में दिनांक 1-9-2015 को 11.00 से 12.00 बजे तक मुख्य सचिव के अध्यक्षता में उनके सभा कक्ष में एक बैठक आहूत की गयी है।

2- अतः अनुरोध है कि अपने विभाग से संबंधित संस्तुतियों के कियान्वयन के संबंध में कार्ययोजना की विवरण सहित उक्त आयोजित बैठक में प्रतिभाग किये जाने हेतु संबंधित अधिकारी को निर्देशित करने का कष्ट करें तथा प्रकरण से संबंधित आख्या की एक प्रति गृह पुलिस अनुभाग-3 को भी उपलब्ध करायें।

संलग्नक-यथोपरि

भवदीय,

(प्रकाश नारायण)
विशेष कार्याधिकारी।

Imp.
AD4(Cr.)

पुलिस महानिदेशक
उत्तर प्रदेश

31/8/15

(हितेश चन्द्र अवस्थी)
अपर पुलिस महानिदेशक (अपर)
उत्तर प्रदेश लखनऊ

31-8-15

AP/15/SP

पुलिस महानिदेशक (अपर)
उत्तर प्रदेश

305341-41-3-2015

मा0 सर्वोच्च न्यायालय के आदेश / बैठक

संख्या- 35/4/37-1-15-7(10)/2015

प्रेषक,

दया शंकर सिंह
संयुक्त सचिव,
उ0प्र0 शासन।

347 गौरी गौरी / बैठक / 2015

सेवा में,

प्रमुख सचिव,
गृह(पुलिस)/नगर विकास/वित्त/पंचायती राज/
बेसिक शिक्षा/माध्यमिक शिक्षा/उच्च शिक्षा/
सूचना एवं जनसम्पर्क/परिवहन/चिकित्सा एवं स्वास्थ्य/
ग्राम्य विकास/खाद्य एवं औषधि प्रशासन/राजस्व/वन/
अतिरिक्त ऊर्जा स्रोत/नियोजन/न्याय विभाग,
उ0प्र0शासन।

पशुधन अनुभाग-1

लखनऊ:दिनांक 25 अगस्त, 2015

विषय-रिट याचिका (एस)(सिविल) संख्या-881/2014 गौरी मौलेखी बनाम सूनियन
आफ इण्डिया व अन्य में मा0 उच्चतम न्यायालय द्वारा पारित आदेश दिनांक
13-7-2015 के अनुपालन के सम्बन्ध में।

Noted
G.M.
1.9.2015

महोदय,

उपर्युक्त विषय पर प्रमुख सचिव, पशुधन विभाग के पत्र संख्या-3242/
37-1-2015, दिनांक 10 अगस्त, 2015 (प्रति संलग्न) के संदर्भ में मुझे यह कहने
का निदेश हुआ कि मा0 उच्चतम न्यायालय के निर्णय दिनांक 13.07.2015 के
अनुपालन में कार्यवाही किए जाने के संबंध में दिनांक 01-9-2015 को 11.00 से
12.00 बजे तक मुख्य सचिव महोदय की अध्यक्षता में उनके सभाकक्ष में एक बैठक
आहूत की गयी है। कृपया अपने विभाग से संबंधित संस्तुतियों के क्रियान्वयन के
संबंध में कार्ययोजना के विवरण सहित बैठक में प्रतिभाग करने का कष्ट करें।
इस सम्बन्ध में विभागों की सुविधा हेतु प्रत्येक संस्तुति, जिन पर कार्यवाही
अपेक्षित है, के सम्मुख विभागों के नाम एवं उनके द्वारा अपेक्षित कार्यवाही का
राशित विवरण यथासम्भव अंकित कर दिया गया है। प्रशासकीय विभाग इस सम्बन्ध
में अपन स्तर से भी अपेक्षित कार्यवाही का विश्लेषण कर लें ताकि कोई महत्वपूर्ण
बिन्दु/कार्यवाही छूट न जाय।

भवदीय,

दया शंकर सिंह
संयुक्त सचिव।

संलग्नक:यथोपरि।

(7920)
OSD/PN
क.व.का.व.

3-11-15
OS/504-3
31.8.15

24/8/15
(आनन्द कुमार सिंह)
संयुक्त सचिव
गृह विभाग
उत्तर प्रदेश शासन।

27/08/15
(कमल रावतना)
सचिव
गृह विभाग
उत्तर प्रदेश शासन।

1 C (A/C)

(सि.वि. (अ))

26/8/15

देवाशीष पण्डित
प्रमुख सचिव, गृह, गोपन एवं बीजा पासपोर्ट विभाग,
उत्तर प्रदेश शासन।

(अ.वि. (अ))

भा० सर्वोच्च न्यायालय के आदेश से सम्बन्धित संस्तुतियों एवं सम्बन्धित विभाग, जिनके स्तर से कार्यवाही अपेक्षित है, का संक्षिप्त विवरण

(iii) Economic and other ramifications:

- (a) Yearly wastage of large population of productive animals
- (b) Great setback to the development of agriculture as well as animal husbandry.
- (c) Probability of outbreak of contagious and infectious disease
- (d) Illegal activities with respect to sale and transportation of livestock including cross border smuggling.

C. Recommendations-

- 1) Activation of legally mandated institutions and mechanism:

The legal framework for protection and welfare of animals is already well established through Prevention of Cruelty to Animals Act 1960 (PCAA) and also by the notable Supreme Court of India in the W.P.(C) No. 49/2001 filed Greta Seshamani Vs Union of India and Ors.

The protection and welfare of animals in the States has been entrusted with the District Semi-Government Statutory bodies called the Societies for the Prevention of Cruelty to Animals (SPCA). These need to be constituted under the prevention of Cruelty to Animals (Establishment and Regulation of Societies for the Prevention of Cruelty to Animals) Rules, 2001 (hereinafter "SPCA Rules").

It is the duty of each State to constitute Distt SPCAs in each and every district in the State as per Rule 3 of the SPCA Rules in every district of the Government States

A Concise Note on Recommendation

In Uttar Pradesh under the notification of PCA act 2001 The establishment of SPCA and regulation rule 2001- In Section 3

- (1) State Animal Welfare board has been instituted vide order No. 3152/37-1-10-11(29)/2001 Date 5-7-2010 and by letter no..... the board has been established.
- (2) Vide letter No. 3548/31/1/10/11(29)/2001 dated 28-7-2010 in each district of U.P. district SPCA has been instituted and by order No. 4542/37/1/2010 date 15-1-2013- 65 district
- (3) 534/37-1-2013 date 4-6-2013 9 district has been established

In Lucknow S.P.C.A has been worked previously.

The SPCAs are either non-existent or barely functional. The issues of budget allocation and accountability in the sanction of full time posts for veterinarians or the officer in charge also require to be addressed.

The Hon'ble Supreme Court has also directed the States to constitute "State Animal Welfare Boards" (SAWB), to supervise and coordinate with the Distt. SPCAs. Although the State Animal Welfare Boards have been notified, their complete activation is yet to be achieved. Accordingly the following are recommended.

(a) The States may be directed to establish the mandated State Animal Welfare Boards and District SPCAs by securing appropriate budgetary allocation, provision of land, infrastructure and by creation and filling of posts.

(b) As per the provisions of Section 9 & 91 of PCAA, 1960, Union Govt must provide assistance to the SAWBs and SPCAs to setup the same and make operational these institutions.

(c) Union Govt. may be asked to provide assistance to the SAWBs and SPCAs to set up the same and make operational these institutions. Govt should fund the animal welfare schemes. Proper budget provisions may be made for various animal welfare schemes.

(d) Both Union Govt. & State Govt. may also consider funding animal welfare schemes as participatory animal welfare program ensuring CSS (Centre Sponsored State), SSS (State Sponsored Schemes) & assistance by other Central State

For budgetary provision the District administration and Department of Animal husbandry (AH) are using budget from usual budget. For smooth running the schedule of New Demand for budget allocation has been given to government.

For land the G.O may be given by Revenue Department.

In the district level DSPCA chief veterinary officer has been deputed as secretary member and doing Animal Welfare related activities with its duty.

For Budgetary provision AWBI may be requested. (Government of India)

By AWBI it is sanction fund to its recognized NGO (Animal welfare organisation) for

- (a) Animal shelter 25 lac (10% NGO share) viz 22.50 lac
- (b) Ambulance/Animal carrier 3.50 lac
- (c) Animal Breed Control programme fund given to municipalities 370/- Rs per operation.
- (d) Regular grant to recognized NGO

(e) The District SPCAs in border areas may include a representative of SSB as a member along with the District Prosecution Officer for better coordination.

2) Creation and maintenance of infrastructure:

The States may set up Kanji Houses/animal shelter through their respective DSPCAs, Municipal authorities and NGOs in each and every District with sufficient capacity to ensure that rescued animals are adequately sheltered and cared till their rehabilitation. Services of Veterinary Officers and staff may be made available in the area of each Kanji House/animal shelter for its effective running and maintenance.

One Kanji House/animal shelter may be set up within 15 Kms of the International Border in each District by the concerned State Govt.

3) Awareness:

- The main problem of sacrificing cattle at the Gadhimai Mea lies in the superstition which is associated with the fulfilment of wishes. Besides the enforcement there is need to create awareness regarding superstition and beliefs by organizing camps for educating the people through educational films/documentaries or through performing arts to convey a belittling message. These films may be made in Hindi and local languages to connect with the local population.

- In addition, special awareness drives may be conducted in educational institutions across the State with respect to development of scientific temper to dispel and discard notions emanating from such superstitions.

(e) In constitution of DSPCA a member from SSB and District Prosecution Officer of the seven border District of Indonepal border may be included by separate G.O.

In U.P. through AWBI Animal shelter has been established which are regulated by the NGO

For Kanji house or cattle pond the local self government/ Panchayat can be called

By help of local self government/ Panchayat the Kanji house/Animal shelter within 15 Km from Border line. For this AWBI may be requested.

Department of Revenue may be asked for arrangement of land.

Department of Finance for arranging finance.

Animal Husbandry Department will coordinate

3 Training camps etc with film shows, documentaries regarding checking of animals sacrifices will be organized in all district specially at 7 district of Nepal border

(with help of AWBI Chennai, Department of Information, Department of Education)

Special drive throughout state in respect of above subject

(with financial support of AWBI/SAWB by DSPCA) department of Information may be lead role in awareness.

(By help of Department education, Department of Information It can be made easy.)

Animal Welfare Board of India (AWBI) has the mandate to provide education in relation to humane treatment of animals under Section 9k of the Prevention of Cruelty to Animals Act 1950. Hence films and other literature, to discourage ritual sacrifice may be provided by them.

5% of the budget of AWBI and State Animal Welfare Boards may be spent on awareness generation and capacity building.

The State Animal Welfare Boards may supervise and coordinate with the District SPCAs to spread information and awareness on animal welfare and ritual sacrifice, the use of sacrificing productive livestock, the rules regarding transport and the legal framework in place. Such awareness may also be disseminated through print, TV and radio broadcasts in addition to face to face interactions with the public at such venues as town hall or Panchayat, public rallies etc.

SSB will play an active role in spreading awareness amongst the masses in its Area of Responsibility under its Samajik Chetna Abhiyans and other Civic Action Programmes. Special awareness campaigns throughout the States may be organized by all the concerned agencies.

4) Sensitization and training of all stakeholders:

The effective enforcement of the law requires coordinated efforts by various Union and State agencies including Sashstra Seema Bahi (SSB), Customs Force, Women

Letter to AWBI regarding organizing education in PCA (AWBI)

Letter to AWBI/SAWB for using 5% budget in awareness and capacity building (AWBI)

The order will be circulated regarding stoppage of sacrifice

(Through department of Information TV/Akashvani/Education may be invited in fulfilling the cause)

SSB can help in campaign under samajikChetnaAbhiyanetcthrough out the state

Trainings will be given to all stake holders regarding PCA act at state and district level by Financial support of AWBI. The training will be organized by AHD with the help of AWBI. In this Police, Custom, SSA.

Magistrates, the Department of Animal Husbandry, Transport Department, Forest Department, Public Health Department, Food Safety Department, Panchayat Raj Department & Rural Development Department and Municipal authorities. To ensure smooth and effective implementation of the laws in force, it is necessary to sensitize all concerned agencies towards the issue of animal protection and welfare particularly the issue of ritual animal sacrifice.

- Law Enforcement Agencies Training Module on Animal Welfare developed by AWBI and circulated by Bureau of Police Research & Development may be implemented in all Law Enforcement Training Institutions across the States as well as in the SSB. In addition, inter-agency training programmes may be conducted by the District Administration for effective implementation of Animal Welfare and Protection Laws and ensuring greater clarity of roles played by each agency.
- The issue of Gachinai Mela and animal sacrifice in general on either side, may be included as agenda point in various regular formal and informal meetings organized between the officers of both the countries like - Co-ordination Meeting between DG, SSB and IG, APF Nepal, Bilateral Consultative Group (BCG) on Security issues (Joint Secretary level meeting), Joint Working Group (JWG) on Border Management (Joint Secretary level meeting), Coordination meeting between Sector DSG of SSB with their Nepalese counterparts, Border District Coordination Committee (BDDCC), Meeting between respective DM from Indian side and CDO from Nepal side, Formal Coordination

Transport, forest, Public health Department, Food safety Department, Panchayati Raj Department, Rural Development Department, Urban Development department will be included.

AWBI will be asked for training of police for law enforcement.

(AWBI will make module for training)

Department of Police, Home, SSB.

CDO/DM meeting to Nepalese counter part of Nepal Border district. A letter to organize border district coordination committee which is headed by DM, for such subject (By Chief Secretary to DM)

5) Restriction on slaughter:

Apart from focusing on Godhimal alone which happens once in 5 years, all the small animal sacrifice events may also be summarily discouraged and illegal slaughter of animals prevented by the State Govts. and their agencies. This way a solid platform and precedence can be built before the next Godhimal event.

No animal slaughter may be allowed at any religious or public place and slaughter may be permitted only in accordance with the Food Safety and Standards Act 2008 and Regulations 2011.

6) Regulations of Pashu Haats/Melas:

Rules may be framed to regulate cattle markets ensuring that healthy cattle are being sold only for legally authorized purposes. Such guidelines have been drafted and accepted by Uttarakhand State on 22nd December 2010 through GO number 2722(XV-1/10/7)(59)08 (Annexure A-3). This may be adopted as a Rule under Section 38 (1) of the Prevention of Cruelty to Animal Act 1960.

7) Transportation of Animals:

Animal transportation may be done only in accordance with the various Acts and Rules in vogue including:

- a. Prevention of Cruelty to Animals Act 1960
- b. Transport of Animals Rules 1978.
- c. Transport of Animals Amendment Rules 2001
- d. Motor Vehicles Act 1988.
- e. Indian Penal Code 1860.
- f. Food Safety and Standards Regulation 2011.

Presently, as per regulation, vaccinated, vaccinated and unvaccinated animals are transported.

GovadhNivaranAbhiyaan 2002 and such other Acts and rules should be published for Public awareness.

Letter to be written by C.S. to D.M. for not sacrificing animal slaughter at religious place or public place

(CS to local authorities),

Urban Development department

Pashuhaat/Mela

Guideline will be made according to U.K. (Uttar Khand)

Urban Development department and Panchayat

Department of Home will help in regulation of these haat&Melas.

Department of Animal Husbandry (AHD) will provide health coverage to animals, provide certificate for transportation.

- Dinesh Rai letter
- Parivahan
- All type of provision will be circulated. (Department of Transport, Food safety, Home will do.)

Department of Home will regulate the Act.

Department of A.H.D provide certificate for transportation of animals.

Sick, injured and pregnant animals are transported without being checked by concerned authorities.

No animal transportation may be permitted without "Health certificate" in the prescribed format issued by registered Veterinary Officer. This would help curb illegal movement of livestock across the States.

8) Intelligence collection and information:

Enforcement agencies working in the border areas of Indo-Nepal Border need to emphasis on intelligence and information regarding smuggling of animals. In this regard, active support and cooperation could be sought from the public to give information with respect to movement of animals for the purpose of sacrifice through the toll-free helpline numbers of SSB and State Police.

By help of LIU and Intelligence agencies the information of smuggling can be achieved to check the problem

(Department of Home, Police, Transport, SSB)

AHD will coordinate.

9) Enforcement - State Police/Customs/SSB/SPCA:

All the law enforcement agencies working in the border States may be directed to actively work individually towards achieving the objective of stopping illegal trade and smuggling across the border. However coordinated effort among all the agencies needs to be ensured through regular District SPCA meetings.

Home Department may write a letter to state police, SSB for enforcing law. The DSPCA will coordinate accordingly.

Department of Transport, Home

AHD will coordinate through DSPCA.

10) Disposal of seized animals:

The cattle once seized cannot be permanently kept in Kanj House/animal shelters. The usual practice is to auction them. Mostly it is the smugglers themselves who take part in the auction and buy back the seized cattle. It is therefore, recommended that:

The animal seized during illegal transportation will be given to Goshala/Gosadan, Animal shelter etc.

Registration of cattle traders at district level may be done by AHD with order of DM.

(Department of Home, Urban Development department, Panchayat & Revenue)

- The records of the cattle must be preserved
- Transported with Brand Authority that is mandatory for the transportation of cattle

- Purpose must be mentioned for which it is being transported
- Trade routes and day of movement of cattle must be mentioned clearly.
- The district authorities may have a centre of registration for movement of these cattle.
- All cattle being transported must have an identification mark.
- Rules may be framed to regulate disposal of seized cattle ensuring that the seized cattle do not get recycled into smuggling. Such guidelines have been drafted and adopted by Uttarakhand on 13th May, 2011 through GO number 398/XV-1/2011. The same may be adopted as Rules under Section 38 (1) of the Prevention of Cruelty to Animal Act 1960.
- The State of Uttarakhand has issued a Government Order for entrusting the custody of the case property cattle rescued from animal sacrifice to the farmers on a Rs. 100 bond that such cattle must be used solely for agricultural purposes. This benefits the farmers as well as the cattle and ensures the quick disposal of productive cattle. The unproductive animals may be sent to suitable retirement homes or shelters. This system may be replicated in other States. SSB may be given the responsibility of identification of eligible allottees and facilitation of entrusting custody of the animals rescued to the allottees within its Area of Responsibility. The consequent physical verification and monitoring of such animals can also be done by SSB within their Area of Responsibility.

11) Transportation, feeding, maintenance and health care of the seized animals:

The cost of transportation, feeding, maintenance and health care of seized animals upto Army Houses/Vet Hospitals/animal shelters may be borne by the District Magistrate as mandated by Section 35 (4) of PCA Act 1960 or the Customs Department in case of cross border smuggling of animals.

The cost of transportation, feeding, maintenance and healthcare upto seized animals will be borne by district authority. In case of smuggling the custom will borne.

(Department of District Homes, Revenue, AH, Customs,AWBI)

12) Compliance of Section 35 (4) of PCA Act 1960 by District Magistrate with respect to fixing/revising of rates of transportation to infirmary, daily maintenance and treatment of animals may also be ordered by Hon'ble Supreme Court. In addition, as per Section 35 (5) of PCA Act recovery of daily maintenance of case property from the accused may be effected by District Magistrates in each case as mandated

Fixing of rate for transportation upto infirmary, maintenance and treatment of animals will be done by D.M. with the help of DSPCA.

13) Individual identification/Tagging and registration of confiscated animals handed over to Army Houses/Animal Shelters must be made mandatory by the Government Veterinary Officer in order to prevent recycling.

The animals seized will be tagged for identification then handed over to Goshala/Animal shelter. It is mandatory for inspection and postmortem of seized animals(AHD).

In case of illness or death of the seized animal it may be certified by the Government Veterinary Doctor of the area

14) Rehabilitation:

In order to prevent the sacrifice of weak cattle/retired cattle, measures to create self sufficiency in villages by promoting the use of biogas plants and other by products of gochar may be taken and successful models can be replicated

The rescued animals which are protected in Goshala/Animal shelters will provide health coverage. --(AHD)

The rescued animal within their area will be maintained by the respective Department. --(Urban Development department & Panchayat Raj) Will provide land for grazing shelter(of GocharBhumi) --(Department of Revenue) With help of Rural division the training can be supported. --(Department of Rural development) With help of GosevaAyog the training will be organized with the help of Goshala. (Kanour)-(AHD)

Measures for rehabilitation of seized animals should be taken in the following manner:-

- (a) For productive animals: - Uttaranchal model may be adopted.

State of U.K model may be adopted.

The State of Uttaranchal has issued a Government Order No 398/XV-1/2011 dated 12.5.2011 (Annexure A-4) for entrusting the custody of the case property animals rescued from animal sacrifice to the farmers on a bond that they must be used solely for agricultural purposes. This benefits the farmers as well as the cattle and ensures the quick disposal of productive cattle.

- (b) For unproductive animals: - Kanpur Goshala Model and/or Patmedha (Kutch, Gujarat) Model may be adopted (Annexure A-3).

By help of Kanpur Goshala the idea can be adopted.

- (c) For unproductive animals, Gochar Bhumi development in compliance of Hon'ble Supreme Court C.A. No.438 of 2011 may be effected by the concerned authorities (Annexure A-4).

Through Revenue Department the Gochar Bhumi can be developed (Department of Revenue)

- (d) Goshalas/animal shelters must be preferred and developed in Government barren lands for a minimum period of 5 years for rotational grazing until the barren land converts to fertile land and thus heavy expenditure for improvement of unproductive land can be saved through unproductive animals.

In U.P. there are 481 registered Goshalas having land for grazing their animals. The Gocharbhumi can be allotted for the animals (Department of Revenue)

- (e) The basic issue to save cattle and stop selling of animals to smugglers lies in making the business of smuggling unattractive by way of stricter enforcement on the one hand and devising means of alternate revenues on the other. A Cooperative Society can be formed whereby a member would be motivated to give his cattle to the Society instead of selling to smugglers. He could be given a share

Illegal transportation of animals, a letter has been issued by Chief secretary.

The animals which are unproductive can be given to goshalas where the livestock product eg Urine, cow dung can be used

(Gosevaayog, AHD)

certificates for the value of the crops so given and would be able to earn an annual dividend from the profits made by the Society out of the proceeds of agricultural and medicinal use of punch gavya, bio pesticides, organic farming, compost and wormicompust towards improving the health of the soil and crop. The economic viability of such a project may be researched by the relevant department before considering implementation.

(f) Training to make self sustaining and profit making Goshala/animal shelters for non-milking/old unproductive cattle is presently conducted in Kanpur (U.P) through its model Goshala. Master Trainers may be trained at this facility in order to build similar capacity in other States. This training program may be supported by the AWBI and SAWB. These Goshalas may be given initial financial assistance through the various schemes of the Animal Husbandry Department, Government of India.

15) Prosecution and penalty:

The Hon'ble Supreme Court vide its order dated 7th May 2014 in civil appeal no.5387 of 2014 (para 77.3) has observed that the 'Parliament is expected to make proper amendment of the PCAA to provide an effective deterrent to achieve the objects and purpose of the act and for violation of section 11 adequate penalties and punishments may be imposed'

The same may be expedited

16) Time bound disposal by Courts

The status of trial conviction and sentence/penalty of offenders - first time and habitual transgressors, transgressors 3-3-3-3 The four States a question may

Arrangement of training programme for self sustaining and profit making to goshalas. With help of Kanpur Goshala (By help of U.P. GosevaAyog)

SAWB and AWBI sponsoring.

Increase of penalties and punishment for violation of Sec II

(Central Government-A.W.D)

To write a letter AWD for Increase adequate penalties and punishment for violation of PCA Act Sec. II. --- Animal Husbandry Department, Government of India

Last 10 years case registered in PCA Act, their conviction and penalties.--(Home Department)

Coordination with police department and law department.--(AHD)

be asked to submit status report on its registration, conviction/acquittal, penalty imposed animals confiscated with respect to cases registered under the various Animal Protection Laws in the past 10 years. Accordingly, time bound disposal of court.

17) Compounding of offences and revision of penalty amount:

To facilitate speedy disposal of cases compounding of offences may be incorporated with amendment to PCA Act 1960. In addition, the penalty amount requires to be revised as has been directed by the Honble Supreme Court.

18) Physical verification:

Physical verification of the case property of confiscated animals

- Department of Animal Husbandry, SSB and SPCA may be authorised under Section 32 and 34 of PCA Act 1960 by State Government for implementation within their respective Areas of Responsibility.

19) Use of Corporate Social Responsibility programme:

As per item IV of Schedule VII of the Companies Act 2013, Animal Welfare is an admissible area of Corporate Social Responsibility. The Ministry of Corporate Affairs, Government of India has recently issued a guideline to all Corporates in India to contribute 2% of their profit towards CSR. Funding for activities pertaining to prevention of cruelty and welfare of animals may be encouraged through this programme.

The person convicted under trial and how much penalties and punishment imposed under the PCA act 1960 --(Department of Law) Organisation Rescued animals which got shelter.-- (Urban Development department and Panchayat Raj) In past 10 years how many case registered, the person got jail rescued animals and results. The central government may be requested for speedy disposals and increase of penalty

(AWD)

Speedy disposals of cases.--(Government of India)

The department of AH has already authorized its VO and CVO's of the area under Sec 32 and 32

SSB may be authorized for such.

The rescued animals will be physically verified.-- (Department of A.H.)

Under Sect. 32 & 34 the power should be given to SSB.--(Homes)

Ministry of corporate affair GOI will issue a guideline to all corporate in India to contribute 2% of its profit and may use it for Animal Welfare

(Letter will be issued)

The department may coordinate --(AHD)

To issue guideline to corporate sector to contribute its CSR regarding Animal Welfare.--(Department of Industry)

20) Monitoring and Evaluation:

In addition to Godhimai Mela which is held every five years, there are smaller festivals which occur in Nepal where animal sacrifice is also conducted. Extra vigilance may be taken during these periods as well. Therefore, it is recommended that a monitoring and evaluation committee may be constituted which may meet once every six months and submit their recommendations to the State and Central Governments. This will ensure lasting impact on the cattle smuggling across the Indo Nepal Border

The monitoring and evaluation will be done by SAWB and DSPCA of border district.

In monitoring committee a member of SSB is must.

The meeting will be organized at intervals of Six month.

The SAWB & DSPCA will monitor instate. --(AHD)

A committee for evaluation will be constituted for monitoring & evaluation. --(Government of India)

Banshi Dhar Sharma

(Banshi Dhar Sharma)
Director General, SSB
Respondent No.2