



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 124] Jammu, Thu., the 29th Sept., 2011/7th Asv., 1933. [No. 26-a

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—ANIMAL/SHEEP HUSBANDRY
DEPARTMENT

Notification

Srinagar, the 29th September, 2011.

SRO-298.—In exercise of powers conferred under section 19 of the Jammu and Kashmir Prevention of Cruelty to Animals Act, Samvat 1990, the Government of Jammu and Kashmir hereby makes the following Bye-laws, namely :—

1. *Short title, extent and commencement.*—

- (i) These Bye-laws may be called the “Jammu and Kashmir Prevention of Cruelty to Animals (Establishment and Regulation of Animal Welfare Board and Societies) Bye-laws, 2011.

- (ii) These shall come into force from the date of their publication in the Government Gazette.

2. *Definitions.*—In these Bye-laws unless there is any thing repugnant,—

- (a) **“Act”** means the Jammu and Kashmir Prevention of Cruelty to Animals Act, Svt. 1990 (1934 AD) (Act No. XIII of 1990) ;
- (b) **“Animal”** means any living creature other than a human being ;
- (c) **“Animal Welfare Organization”** means any Organization for welfare of animals which is registered under the Jammu and Kashmir Societies Registration Act or any other law for the time being in force and recognized by the Board or by the Government ;
- (d) **“Board”** means the Jammu and Kashmir Animal Welfare Regulation Board established under these Regulations ;
- (e) **“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 of contrivance for the purpose of hindering or preventing its escape from captivity or confinement or which is poisoned or which is or appears to be maimed ;
- (f) **“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 is neither has been nor is intended to be so tamed, but has become in fact wholly or partly tamed ;
- (g) **“Local Authority”** means a Municipality District Board or a Panchayat Raj Institution or any other authority for the time being invested by law within the control and administration of any matters within a specified local area ;

- (h) **“Municipality”** means Municipal Corporation, Municipal Council or a Municipal Committee as the case may be ;
- (i) **“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 ;
- (j) **“Phooka” or “domm 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 ;
- (k) **“Prescribed”** means prescribed by rules made under the Act ;
- (l) **“Society”** means Society for Prevention of Cruelty to Animals (hereinafter referred to as SPCA) established in any district under the Societies Registration Act or any other law in force in the State and shall include the existing SPCA functioning in any district ;
- (m) **“Veterinary Doctor”** means a person registered under Jammu and Kashmir Veterinary Council Act, 2001.

3. *Establishment of J&K Animal Welfare Board.*—For the promotion of animal welfare and for protecting animals from being subjected to unnecessary pain or suffering, a Board to be called Jammu and Kashmir Animal Welfare Board is established.

4. *Constitution of the Animal Welfare Board.*—(1) The Board shall consist of the following members, namely :—

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| (i) Chief Minister, J&K | Chairman |
| (ii) Minister for Animal and Sheep Husbandry, J&K | Vice-Chairman |
| (iii) Minister of State for Animal/Sheep Husbandry Department, Jammu and Kashmir | <i>Ex Officio</i> Member |

(iv) Administrative Secretary, Animal and Sheep Husbandry Department	<i>Ex Officio</i> Member
(v) Administrative Secretary, Rural Development and Panchayats	<i>Ex Officio</i> Member
(vi) Administrative Secretary, Housing and Urban Development Department	<i>Ex Officio</i> Member
(vii) Administrative Secretary, Forests Department	<i>Ex Officio</i> Member
(viii) Director, Animal Husbandry, Kashmir	Member-Secretary
(ix) Director, Animal Husbandry, Jammu	Member
(x) Director, Sheep Husbandry, Jammu/Kashmir	Member
(xi) Chief Wildlife Warden	Member
(xii) Representative of 5 (five) Voluntary Organizations recognized by Animal Welfare Board of India and nominated by Government of J&K	Members
(xiii) Five persons actively involved in animal welfare to be nominated by Government of J&K	Members

(2) The Government may designate any member of the Board as its Member-Secretary.

5. *Term.*—The term of the nominated members of the Board shall be three years or such other term as the Government may specify from time to time.

6. *Functions of the Board.*—

- (i) The Board shall promote animal welfare in general and advise the Government in all matters relating to animal welfare activities ;

(ii) shall advise the Government—

- (a) for strict implementation of provisions of the Act in letter and spirit ; and
 - (b) for measures to be taken to prevent unwanted cruelty/ suffering to animals, particularly when they are being transported from one place to another or when they are used as performing animals or are kept in captivity or confinement ;
- (iii) shall advise the Government or any local authority or other persons on improvements in the design of vehicles and farm machinery so as to lessen the burden on draught animals ;
- (iv) shall advise the Government on matters relating to the veterinary care and attention which may be provided in veterinary hospitals and clinics and to recommend financial and other assistance to veterinary hospitals and clinics, wherever the Board thinks it necessary to do so ;
- (v) shall impart education in relation to humane treatment of animals and to encourage formation of public opinion against infliction of unnecessary pain to animals and for promotion of animal welfare through lectures, seminars, books, posters, cinematographic exhibition, televisions and the like ;
- (vi) shall conduct in collaboration with Animal Welfare Board of India (AWBI) various categories of training courses in animal welfare for school children and people interested in animal welfare activities ;
- (vii) shall advise the Government on matters connected with animal welfare or prevention of infliction to animals in animal farms established for commercial breeding, research or experimentation purpose ;
- (viii) shall advise the Government on regulation of cattle fair/markets with a view to preventing cruelty in the process of trading and marketing of animals/birds ;

- (ix) shall advise SKUAST, Kashmir and SKUAST, Jammu to start courses on Animal Welfare/Ethology in the curriculum of the Faculty of Animal Sciences ;
- (x) shall suggest and formulate appropriate regulations for the administration of its affairs and for carrying out its functions ;
- (xi) shall call for any information from the State Government, Local Bodies and other Statutory Bodies pertaining to animal welfare work and also visit any place in the State for purpose of discharge of its functions ;
- (xii) shall make a provision for financial compensation to farmers incurring losses by death of animals due to natural calamities/ infectious diseases or cases of poisoning, fires, floods, draught etc. in consultation with the Departments of Animal Husbandry, Revenue etc.

7. *Formation of Executive Committee of the Board.*—The Board shall constitute an Executive Committee to look after the activities of the Board which shall comprise of following members :—

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| (i) Administrative Secretary,
Animal/Sheep Husbandry | Chairman |
| (ii) Director, Animal Husbandry, Kashmir | Vice-Chairman |
| (iii) Director, Animal Husbandry, Jammu | Member |
| (iv) Director, Sheep Husbandry,
Jammu/Kashmir | Members |
| (v) Chief Wildlife Warden | Member |
| (vi) One representative from SPCAs | Member |
| (vii) One representative from Animal Welfare
Board of India | Member |
| (viii) One representative from J&K State
Veterinary Officers Association or a
renowned veterinarian | Member |

- (ix) One representative from any registered Social Organization Member

(2) The Member-Secretary of the Executive Committee shall be Director, Animal Husbandry Department, Kashmir/Jammu as the Government may designate.

8. *Function of the Executive Committee.*—

- (i) the Executive Committees shall suggest all steps to the Board, as it may think fit for amelioration of suffering of animals by encouraging or providing for the construction of sheds, water troughs and proper provision for veterinary assistance to animals ;
- (ii) shall advise the Board or any local authority or other persons in design of slaughter houses or their maintenance and in connection with slaughter of animals so that unnecessary pain/suffering, whether physical or mental is minimized in pre-slaughter stages ;
- (iii) shall take all steps as it may think fit to ensure destruction of unwanted/stray animals by local authorities, whenever it becomes necessary to do so, either instantaneously or after being rendered insensible to pain or sufferings ;
- (iv) shall encourage the establishment of 'Pinjrapole', 'Rescue Homes,' Animal Shelters, Sanctuaries and such other Animal Enclosures where animals and birds may find a shelter when they have become old and useless or when they are abandoned and need protection and care ;
- (v) shall encourage the formation of Animal Welfare Organizations like Societies for Prevention of Cruelty to Animals (SPCAs) and shall revive the dysfunctional ones in any local area of the State and to issue guidelines to all NGO working in the State in connection with animal welfare activities and shall supervise their work activities ;

- (vi) shall recognize and affiliate Animal Welfare Societies/Bodies/ Organization established in the State for the purpose of preventing unnecessary pain/suffering to animals and for the protection of animals and birds and shall cooperate with and coordinate the work and activities of all such NGOs ;
- (vii) shall recommend/grant financial and other assistance to NGOs engaged in animal welfare activities, who will work under the general supervision and guidance of the Board ;
- (viii) shall prepare agenda papers and organize meetings of the Board.

(2) The Executive Committee shall also be empowered to run the day to day affairs of the Board. However, such matters shall be referred to the Board where a Policy Decision is required or financial implications are involved.

9. *Meeting of the Board and Executive Committee.*—(1) The Executive Committee shall meet at least 4 times in a year, at any place as may be decided by it.

(2) The Executive Committee may constitute one or more Standing Committees on specific matters. In each such committee, apart from 2-3 members, an expert/specialist in the concerned field may be invited.

(3) The Chairman of the Board or the Executive Committee shall preside over the meetings of the Board or the Executive Committee, as the case may be.

(4) The quorum for the Executive Committee meeting shall be 5 and for the Board meeting it will be 1/3rd of the total strength of the members enrolled.

(5) The notice period for the meeting of the Board and the Executive Committee shall be 15 and 7 days respectively.

(6) The minutes of the Board meeting shall be recorded by the Secretary and shall be circulated to all members and also to the Government.

(7) The minutes of the meetings of the Executive Committee shall be recorded by its Member-Secretary and shall be circulated to all members and also to the Board.

10. *Powers.*—The Board shall frame regulations in consultation with appropriate authorities on the following issues :—

- (i) Transportation of animals ;
- (ii) Livestock/Poultry/Animal Farming ;
- (iii) Livestock markets/hats ;
- (iv) Marketing of animals, pet animals, pet birds ;
- (v) Breeding and maintenance of laboratory animals by individuals, research laboratories, hospitals, educational institutions, pharmaceutical concerns and the like ;
- (vi) Maintenance of performing and sports animals ;
- (vii) Maintaining animals in captivity ;
- (viii) Controlling stray dog population and control of Rabbis under ABC Programme ;
- (ix) Dog licensing, meat shops and slaughter houses ;
- (x) recognition of NGOs engaged in animal welfare activities.

11. *Relationship with Animal Welfare Board of India (AWBI).*—The relationship between Central and State Board for which acceptance of AWBI has to be obtained shall be as under—

- (i) The AWBI should execute its maximum programmes in the State through the State Board ;
- (ii) The State Board should be kept informed about all policy decisions taken by AWBI ;
- (iii) A representative of the State Board may be taken in the AWBI ;

- (iv) Periodical meetings of the Chairman/Member-Secretary of AWBI the Central and State Board should be held ;
- (v) State Board should be made more effective and AWBI may function as a guiding force on the top ;
- (vi) The State Board may recognize and affiliate NGOs of the State on the basis of the guidelines of AWBI till then AWBI may continue to recognize NGOs in the State but before doing so, a report of the State Board must be obtained and given due weightage ;
- (vii) Applications for grants submitted by the NGOs of the State made to the AWBI should be submitted through the State Board. These grants may be disbursed to the NGOs directly with the approval of the State Board, wherever possible.

12. *Miscellaneous.*—(1) The Board shall ensure coordination between the State Government Organization and Non-Government Organizations (NGOs) in welfare activities and ensure strict implementation of the Act.

(2) The Government on the recommendations of the Board may at any time, remove, for reasons to be recorded in writing, a member from office after giving him/her 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.

(3) The office of the Board shall be located in the office of the Director of Animal Husbandry of the Headquarter of the Government.

(4) The Director of Animal Husbandry, Kashmir/Jammu shall provide all secretarial assistance to the Board as and when required as long as provision is not made for Board's own staff.

(5) The funds of the Board shall consist of contributions, donations, subscriptions, bequests, gifts and the like made to it by local authorities or institutions or by any other person, apart from contribution made by the Government in the Departments of Animal Husbandry, Rural Development, Forest or any other department or any public undertaking.

(6) The recommendations made by the Standing Committee shall be forwarded to the Member-Secretary of the Board, who shall place the same on agenda for the next meeting of the Board.

(7) The Board shall prepare the budget well in time (in the month of February each year).

(8) The services of essential secretariat staff shall be obtained from the Directorate of Animal Husbandry, Jammu/Kashmir on deputation.

(9) The non-official members of the Board shall be issued identity cards by the Government.

(10) The non-official members shall be entitled to meeting allowances as per standing rules.

(11) Any recommendations made by the Board shall be effective only after approval of the State Government.

13. *Society for prevention of cruelty to animals in a district.*—

(1) The Government shall by notification in the Official Gazette, establish, as soon as may be and in any event within six months from the date of commencement of these regulations, a Society for every district in the State to be the Society for Prevention of Cruelty to Animals (SPCA) in that district :

Provided that any Society for Prevention of Cruelty to Animals functioning in any district on the date of commencement of these regulations shall continue to discharge its functions till establishment of the SPCA in that district under these regulations.

(2) The Managing Committee of the Society shall be appointed by the Government or the local authority of the district consisting of a Chairperson to be appointed by the Government or the local authority of the district, as the case may be with the concurrence of the Board and shall consist of such number of other members as may be considered necessary by the Government or the local authority of the district subject to the condition that—

- (i) at least two members shall be representatives of the Animal Welfare Organizations which are actively involved in the work

of prevention of cruelty to animals and welfare of animals preferably from within the district ; and

- (ii) at least two members shall be the persons elected by the general body of members of the Society.

(3) The duties and powers of the Society, shall be to Aid the Government, the Board and local authority in enforcing the provisions of the Act and to make such Bye-laws and guidelines as it may deem necessary for the efficient discharge of its duties.

(4) The Society, or any person authorized by it, in this behalf, if it or he has reasonable grounds for believing that any person has committed an offence under the Act, it or such authorized person may require such person to produce forthwith any animal in his possession, control, custody or ownership, or any license, permit or any other document granted to such person or required to be kept by him under the provisions of the Act and may stop any vehicle or enter into any premises in order to conduct a search or inquiry and may seize an animal in respect of which it or such authorized person has reason to believe that an offence under the Act is being committed, and deal with it in accordance with law.

(5) In addition to the powers conferred by these regulations, the State Government may, in consultation with the Board, confer such other powers upon any Society for exercising the powers and discharging the functions assigned to it under these regulations.

14. *Setting up of infirmaries and animal shelters.*—(1) The Government may provide land and other facilities to any Society for the purpose of constructing infirmaries and animal shelters.

(2) Every such infirmary and animal shelter shall have---

- (i) a full time veterinary doctor and other staff for the effective running and maintenance of such infirmary or animal shelter ; and

- (ii) an administrator who shall be appointed by the Society.

(3) Every Society shall, through its administrator or otherwise, supervise the overall functioning of the infirmaries and animal shelters under its control and jurisdiction.

(4) All cattle ponds and pinjrapoles owned and run by a local authority shall be managed by such authority jointly with the Society or Animal Welfare Organizations.

15. *Regulation of Society for Prevention of Cruelty to Animals* (SPCAs).—(1) Every Society shall submit its annual report to the Board incorporating therein the activities undertaken by it for the welfare of animals and the steps or measures taken by it to implement various provisions of the Act along with annual accounts duly audited by a Chartered Accountant or any other body authorized by law within a period of one month from the date of its accounts having been finalized by its Managing Committee.

(2) The Board shall examine such annual report and the annual accounts submitted by the Society and may give any directions to it for improvement of its functioning including the supersession of the Managing Committee of the Society with a view to give effect to the provisions of the Act :

Provided that the Board shall give opportunity of personal hearing to the office bearers of the Society or any representative authorized by it before giving direction of its supersession and holding of fresh elections for electing a new Managing Committee as per Bye-laws of the Society.

(3) The Board shall give any direction to any Society for the smooth and efficient functioning of the Society including the procedure for holding the election of the Managing Committee of the Society, utilization of financial resources and management of assets of the Society with a view to give effect to the provisions of the Act.

(Sd.)

Commissioner/Secretary to Government,
Animal/Sheep Husbandry Department.