

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART II, SECTION 3,
SUB-SECTION (i)]

Government of India
Ministry of Environment, Forest and Climate Change

NOTIFICATION

New Delhi, dated _____, 2016.

G.S.R.-----.— The following draft of certain rules, which the Central Government proposes to issue in exercise of the powers conferred under section 38 of the Prevention of Cruelty to Animals Act, 1960 (39 of 1960), is hereby published, as required under sub-section (1) of section 38 of the said Act, for the information of public likely to be affected thereby; and notice is hereby given that the said rules shall be taken into consideration on or after the expiry of a period of thirty days from the date on which copies of the Gazette containing this notification are made available to the public;

Any person interested in making any objection or suggestion on the said draft rules may forward the same in writing for consideration of the Central Government within the period so specified to the Deputy Secretary (Animal Welfare) to the Government of India in the Ministry of Environment, Forest and Climate Change, Paryavaran Bhawan, New Delhi.

DRAFT RULES

1. **Short title and commencement.**— (1) These rules may be called the Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2016.
(2) They shall come into force on the date of their final publication in the Official Gazette.
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) “Animal Welfare Organisation” means a welfare organisation for animals recognised by the Board, 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) “Board” means the Animal Welfare Board of India, established under section 4 of the Act and reconstituted from time to time under section 5A;

- (d) "breeder" means an individual or group of persons who own dogs of specific breeds for breeding and sale of dogs and pups, and includes boarding kennel operator, intermediate handler and trader;
- (e) "boarding kennel operator" includes an individual or group of persons that keep pet dogs and pups for temporary housing in kennels or any other establishments;
- (f) "carrier" means the operator of any airline, aircraft, railroad, motor carrier, shipping line or other enterprise which is engaged in the business of transporting animals on hire;
- (g) "certificate of registration" means a certificate of registration issued under these rules;
- (h) "dog" includes a pup;
- (i) "intermediate handler" means any person who receives interim custody of animals during the course of their sale or purchase;
- (j) "inspector" means a person appointed by the local authority or the State Animal Welfare Board, and includes a representative of an Animal Welfare Organisation authorised in writing by the State Board:

Provided that any person who is or has been a pet shop owner or breeder, or is related to a pet shop owner or breeder, shall not be appointed or authorised as an inspector under these rules;

- (k) "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 matter within a specified local area;
- (l) "State Board" means a State Animal Welfare Board constituted in a State by the State Government;
- (m) "trader" includes an individual or group of persons who sells dogs and pups acquired from any breeder or pet shop, or from his or their own breeding facility, or imported for sale, or acquired in any other manner;
- (n) "pet shop" means a shop, place or premises, including any shop, place or premises in a weekly or other market, where pet animals are sold or housed, kept or exhibited for sale, or where any retail or whole-sale business involving the selling or trading of pet animals are carried out;

(o) "schedule" means a schedule annexed to these rules;

(p) "veterinary practitioner" means a veterinary practitioner registered under the provisions of the Indian Veterinary Council Act, 1984 (52 of 1984).

(2) All other terms and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.

3. Prohibition of breeding of dogs without registration.— (1) No breeder shall carry on or continue any breeding activity or own or house dogs for breeding and sale of dogs and pups, unless the breeder has obtained a certificate of registration in respect of the establishment being used or intended to be used by him for breeding or housing the dogs for breeding, from the Board in accordance with these rules.

(2) Every breeder shall prominently display the certificate of registration in the establishment.

(3) Every breeder shall keep the establishment used by him for breeding or for housing the dogs to be bred or sold, open for inspection by the State Board or the Board.

4. Registration of breeder and establishment.— (1) A person shall not be eligible for registration as breeder under these rules, unless—

(a) in the case of an individual, he has attained the age of majority and is of sound mind and is not disqualified from contracting under any other law for the time being in force; and

(b) in any other case, the person is a corporation, company or other association of persons duly registered in accordance with any law for the time being in force.

(2) An application for registration of breeder in respect of an establishment used or intended to be used by him for breeding or housing the dogs for breeding, shall be made to the State Board in the Form appended to the First Schedule providing all information required therein and accompanied with a non-refundable fee of five thousand rupees.

(3) A breeder shall be required to make separate applications for every establishment being used or intended to be used for breeding or housing dogs for breeding.

(4) The State Board shall, on receipt of an application for registration under sub-rule (2), cause the establishment of the breeder to be inspected by a team comprising of an authorised representative of the State Board and a veterinary practitioner.

(5) The team referred to in sub-rule (4) shall after making inspection submit to the State Board a report signed by all the members of the team.

(6) The State Board, after considering the report of the team submitted under sub-rule (5) and on being satisfied that breeder and the establishment complies with the requirements specified under these rules, register the breeder in respect of that establishment.

(7) The State Board shall not register the breeder in respect of an establishment, if—

(a) the information submitted by the breeder has been found to be false or the applicant has made material and deliberate misstatements in the application or provided falsified or fabricated records to the State Board; or

(b) the breeder has, at any stage prior to submission of his application for registration, been convicted of any offence under the Act, or the Wildlife (Protection) Act, 1972 (53 of 1972) or for any offence relating to animals under any other law for the time being in force; or

(c) the breeder has refused to allow the inspection team free and unimpeded access to the establishment; or

(d) the breeder does not meet the requirements laid down under rule 6.

(8) Where the State Board does register the breeder in respect of an establishment, the State Board shall inform the breeder in writing the reasons thereof.

(9) A certificate of registration issued by the State Board shall be valid for a period of two years, and may be renewed upon an application being made to the State Board together with a fee of five thousand rupees.

(10) A certificate of registration issued under these rules shall be non-transferable.

5. Renewal of registration.— (1) An application for renewal of registration shall be made, at least thirty days prior to the expiry of the registration, to the State Board in the Form appended to the First Schedule and the provisions of rule 4 shall *mutatis mutandi* apply.

(2) The State Board shall not renew of registration of a breeder in respect of an establishment, unless the State Board, after considering the report of the team is satisfied that the breeder and the establishment complies with the requirements specified in rules 6 and the Second Schedule.

6. Requirements to be met by breeders and establishments used for breeding or housing dogs for breeding.— Every breeder shall comply with the standards and requirement set out in the Second Schedule.

7. Inspection of establishment.— (1) The State Board may, either upon receipt of a complaint or for any other reason, cause any establishment of a breeder to be inspected by an inspector authorised in writing by it in this behalf.

(2) The inspector so authorised under sub-rule (1) shall, on producing his authority, have power to—

(a) enter into the establishment at any reasonable time and access to all areas within the establishment and all animals, and records, to ascertain whether the requirements of these rules are being complied with;

(b) take pictures, record videos, and make copies of the records:

(3) An establishment of a breeder registered under these rules shall be inspected at least once each year.

(4) The inspector shall submit to the State Board a report in writing of the inspection.

(5) If the State Board, after considering the report referred to in sub-rule (4) is of the opinion that any requirements of these rules are contravened by the breeder, it may, after giving a copy of the report to the breeder an opportunity to show cause, revoke the registration of the breeder in respect of that establishment and communicate to him the reasons thereof in writing.

8. Conditions for sale.— (1) Every breeder shall ensure that—

(a) pups less than eight weeks in age are not sold;

(b) dogs over 6 months in age are not sold without first being sterilized, unless they are being sold to another licensed breeder;

(c) dogs and pups are not sold for use in experiments, unless the purchaser is a breeder registered with the Committee for the Purpose of Control and Supervision of Experiments on Animals constituted under section 15 of the Act:

Provided that the sale of pups by the purchaser shall only be made to a facility registered with the Committee for the Purpose of Control and Supervision of Experiments on Animals;

(d) only dogs in good health, that have been provided the medical inoculations, are sold;

(e) each pup sold is micro-chipped and complete record of treatment and vaccination is maintained;

(f) pups are not displayed in public places for the purpose of immediate sale; and

(g) receipt for sale is provided to each purchaser and copy thereof is retained with the micro-chip number of the pup sold and name, address and phone number of the purchaser.

(2) A breeder shall not breed a litter unless he has pre-screened candidates on a waiting list for the puppies.

(3) The breeder shall furnish to the buyer in writing, details of feeding, dates of inoculations and de-worming of the puppy and the name and address of the veterinary practitioner who was attending to it.

(4) Every breeder shall screen prospective buyers to ascertain their potential to take proper care of the breed, especially if it is a large one, and attend to its grooming, socialising, spatial and veterinary needs, and bear the expense for its upkeep and maintenance.

(5) No breeder shall sell a dog to a pet shop operating without licence.

(6) The breeder shall keep track of all pups produced and sold and it shall be the responsibility of the breeder to obtain information regarding the progress and state of health of all dogs sold by him, at least once each year.

(7) Every breeder shall rehabilitate a pup not sold within a period of six months, through an animal welfare organisation recognised by the Board or the State Board.

9. Records.— (1) Every breeder shall maintain records of all animals housed in the establishment, including dogs for breeding and dogs for sale and be kept at the establishment for inspection.

(2) Every breeder shall maintain records of individual dogs, both male and female, including the following information, namely:—

(a) breed;

(b) name and number (or litter number);

(c) micro-chip number;

(d) sex, colour and markings;

(e) date of birth;

(f) names and microchip numbers of sire and dam;

(g) name of breeder from whom acquired (where applicable);

- (h) name and address of person from whom directly acquired (where applicable);
- (i) date of acquisition;
- (j) date and duration of lease, if any;
- (k) date and place of mating;
- (l) names of persons handling the mating;
- (m) name and number of dog, including micro-chip number, with which mated;
- (n) name and address of owner (where applicable);
- (o) date of whelping;
- (p) number of pups whelped, by sex colour and markings;
- (q) litter registration number if any;
- (r) date of sale, death or rehabilitation of each pup so described;
- (s) name and address of purchaser;
- (t) cause of death as determined by a veterinary doctor of each dog that dies in the establishment; and
- (u) any other information that is deemed relevant by the Board or the State Board.

(3) Every breeder shall use clear and concise contracts to document sales, lease arrangements, spaying or neutering contracts, and any other contract pertaining to the dogs at their establishments.

(4) Every breeder shall maintain health and medical records of each dog, whether male or female, and of every pup in every litter and a copy of the records of any dog or pup that is sold shall be provided to the purchaser.

(5) All records maintained by the breeder under these rules shall be kept at least for a period of eight years, unless the State Board directs in writing that the records be maintained for a longer period for the purpose of investigation.

10. Appeal.— (1) Any breeder aggrieved by the decision of the State Board may, within thirty days of receipt of the decision, prefer an appeal to the Local Governing Bodies i.e. District Magistrate or District Collector, as the case may be.

(2) Local Governing Bodies i.e. District Magistrate or District Collector, as the case may be, shall after giving notice to the breeder and the State Board, and giving an opportunity of hearing to the parties, either reject or allow the appeal, for the reasons to be recorded in writing and communicated to the breeder and the State Board.

11. Reports by breeder.— Every breeder registered under these rules shall submit,—

(a) at the end of each year, a report to the State Board, consisting of the information as to the total number of animals sold, traded, bartered, brokered, given away, boarded or exhibited during the previous year;

(b) provide to the State Board, such other information as may be required by the State Board, as the case may be, from time to time; and

(c) the State Board shall send a consolidated report at the end of each year to the Board consisting of the information as to the total number of animals sold, traded, bartered, brokered, given away, boarded or exhibited during the previous year and any such other information as may be required by the Board, as the case may be, from time to time.

12. Effect of death of breeder registered under these rules.— In the case a breeder registered under these rules, dies before the expiry of the period of registration, the registration in respect of the establishment shall be deemed to have been granted to his legal heirs in respect of that establishment and shall remain in force until the end of a period of three months from the date of death of the breeder and thereafter a fresh application for registration of the breeder in respect of that establishment shall be made in accordance with these rules for continuing the establishment.

13. No licence without registration.— No establishment being used or intended to be used for breeding or housing dogs for breeding shall be granted any licence by the local authority, unless the breeder has obtained a certificate of registration from the State Board in accordance with these rules.

THE FIRST SCHEDULE
[See rules 4(2) and 5(1)]

FORM

**APPLICATION FOR REGISTRATION OF BREEDER IN RESPECT OF AN
ESTABLISHMENT**

To

The State Animal Welfare Board

----- (name of the state)

Subject: Application for registration of breeder in respect of an establishment

Sir,

I/We ----- r/o----- with office
address -----, do hereby apply for a
registration as breeder in respect of the establishment -----
(details of establishment) in accordance with the particulars set out below:

- (1) Name and address of the applicant (breeder):
- (2) Name and address of the establishment:
- (3) Telephone number:
- (4) Details of accommodation and infrastructure available at proposed establishment:
- (5) Working hours and rest day, i.e. day on which establishment shall remain closed:
- (6) Ventilation arrangement:
- (7) Lighting arrangement:
- (8) Heating or cooling arrangement, and manner in which comfortable temperature will be maintained for all pet animals:
- (9) Arrangements for food storage:
- (10) Cleanliness, how proposed to be maintained, and arrangements for removal of animal excreta and waste:
- (11) Arrangement for disposal of animals that die:
- (12) Arrangement for medical and veterinary support:
- (13) Details of dogs proposed to be bred in the establishment:
 - (a) Breeds and number of dogs of each breed.
 - (b) Age of each of dog.
 - (c) Accommodation and number and size of cages and enclosures.
- (14) Qualification and experience of the application (breeder) in respect of breeding activities:

(15) Details of cheque or demand draft number for payment of fee:

ADDITIONAL DETAILS IN CASE OF RENEWAL OF REGISTRATION

(16) Details of dogs acquired and mated:

Sl. No.	Dog's micro-chip number	Date of acquisition	Date of mating	Mated with (micro-chip number of mate)	Pups born (micro-chip numbers)

(17) Number of dogs and pups died with reasons of death and micro-chip number:

(18) Details of dogs/pups sold:

Sl. No.	Dog/pup sold (micro-chip number)	Age of dog/pup	Date of sale	Sale price	Name, address and telephone number of purchaser

(19) Number of pups unsold and manner of their rehabilitation:

I/We do hereby declare that the information provided by us is accurate and true.

Place:

Date:

Signature of Applicant

THE SECOND SCHEDULE

[See rules 5(2) and 6]

PART I

FACILITIES TO BE PROVIDED BY BREEDER IN AN ESTABLISHMENT

1. Suitable kennels or accommodation.— The dogs shall at all times be kept in kennels or accommodation suitable in all respects, in terms of construction, size, number of dogs, exercising facilities, proper temperature, lighting, ventilation and cleanliness.

2. Adequate housing.— (1) Adequate housing with the provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation and appropriate space shall be provided.

(2) All housing shall be made of impervious materials that can be sanitised and wood shall not be allowed for this purpose.

3. Indoor housing facility.— The indoor housing facility at the establishment with environmental controls, housing or intended to house dogs and meeting the following requirements shall be provided, namely:—

(i) it may consist of runs or pens totally enclosed in a barn or building, or of connecting inside or outside runs or pens within a totally enclosed building;

(ii) it shall be capable of controlling the temperature within the building or structure within the limits set forth for that species and age of animal, of maintaining humidity levels, and of rapidly eliminating odors from within the building;

(iii) it shall have an impervious floor. Impervious surface means a surface that does not permit the absorption of fluids;

(iv) it shall be an enclosure created by the continuous connection of a roof, floor and walls; and

(v) it shall have at least one door for entry and exit that can be opened and closed and any windows or openings which provide natural light shall be covered with a transparent material such as glass or hard plastic.

4. Care and upkeep of dogs.— The dogs shall be supplied with—

(a) adequate quantity of wholesome food at suitable intervals of not more than eight hours, and suitable for that species and age and enough to maintain a reasonable level of nutrition in each animal and served in a safe receptacle, dish or container;

(b) adequate supply of fresh, clean drinking water in a safe receptacle, dish or container and available at all times; and

(c) a fenced area for adequate exercise or provision for exercising the dog on a leash exists.

PART II GENERAL REQUIREMENTS TO BE ADHERED TO BY BREEDERS

5. Breeding requirements.— (1) The breeder shall be knowledgeable about reproduction, nutrition, wellness and care, early behavioral development, and breeding ethics.

(2) Only normal, healthy, mature female dogs that have reached their eighteenth month shall be bred and shall be certified as healthy by a veterinary practitioner at least ten days prior to their being bred.

(3) No female dog shall be exploited to produce litters in two consecutive breeding seasons.

(4) Female dogs shall not be used such that they give birth to puppies before the end of the period of twelve months beginning with the day on which they last give birth to puppies.

(5) Only one litter shall be produced in one year.

(6) No female dog shall be exploited to give birth to more than five litters of puppies during her lifespan.

(7) No male dog shall be used for breeding unless he is a healthy, mature dog, and only after he has reached his eighteenth month and shall be certified as healthy by a veterinary practitioner at least ten days prior to his being mated.

6. Common breeding techniques.— (1) Breeders are known to utilise following four common breeding techniques, namely:—

(i) out breeding;

(ii) line breeding;

(iii) in breeding; and

(iv) incest breeding.

(2) Notwithstanding anything in sub-paragraph (1), the following two breeding techniques are allowed and accepted under these rules, namely:—

(i) out breeding— the mating of dogs, which are not at all related to one another; and

(ii) line breeding— mating between dogs that are marginally related to each other and in this case dogs are chosen for their special attributes to obtain certain types.

(3) The following two mating techniques are not allowed and prohibited under these rules—

(i) in breeding— mating between dogs that are related. That means that at least one ancestor of either is present on the side of both sire and dam. In breeding is breeding between relatives of the 2nd to 4th grade in straight or side line within the first four

generations e.g. uncle to niece, nephew to aunt, cousin to cousin, grandparents to grandchildren;

(ii) incest breeding— mating between parents and children or between brother and sister, i.e. 1st grade relatives. Incest breeding as well as continued inbreeding and line breeding is risky; since it increases the danger of hereditary diseases.

(4) Female dogs shall not be mated after the age of eight years.

(5) Every breeder shall furnish the proof of age of their breeding female dogs certified by a veterinary practitioner.

(6) Every breeder shall keep a full record of the litter that the male dog or female dog has previously produced and other relevant details of the litter.

(7) Every breeding female dog shall be up-to-date with their vaccination boosters and de-worming prior to mating.

(8) There shall be no tail docking, ear cropping or any other kind of mutilation of the puppy and any change of appearance by artificial means is strictly forbidden.

PART III HEALTH RELATED REQUIREMENTS

7. Health related requirements.— Every dog shall be kept in a clean, healthy and safe environment and be provided with all socialisation opportunities, vaccinations, and de-worming necessary to provide maximum mental and physical well-being.

8. Veterinary care.— (1) Every breeder shall have the services of a consultant veterinary practitioner available to attend to emergency medical requirements and records of his visits shall be maintained in writing.

- (2) The consultant veterinary practitioner shall visit the establishment periodically, at regular intervals and medical examination of each dog at the establishment shall be conducted at least once every month and a record of the same shall be maintained by the breeder.
- (3) Individual health records shall be maintained of all animals above the age of eight weeks, or that have been weaned, or that have been treated with a medical procedure, whichever occurs first.
- (4) Litter health records may be kept on litters when litter-mates are treated with the same medication or procedure and health records (or a copy) shall accompany all animals upon transfer of ownership.
- (5) Every breeder shall ensure that daily observation of all dogs to assess their health and well-being is performed by a veterinary practitioner or by a para vet if a mechanism of direct and frequent communication is established so that timely and accurate information on problems of animal health, behavior and well-being is conveyed to the consultant veterinary practitioner.
- (6) Adequate training and guidance to personnel involved in the care of animals, including daily observation of animals, is required and the breeder shall employ only such persons that can perform at the level required by these rules.
- (7) If the veterinary practitioner finds, either during the course of a visit to the establishment, or upon his attention being invited to the same by the State Board, that an animal or group of animals from a breeding kennel are suffering from contagious, communicable or infectious disease or exposure to any disease, a quarantine to that establishment may be issued by the veterinary practitioner until the animals are—
 - (i) recovered and no longer capable of transmitting the disease; or
 - (ii) isolated; or
 - (iii) tested, vaccinated or otherwise treated; or
 - (iv) humanely euthanised by a veterinary practitioner and properly disposed off.
- (8) A quarantine issued by the veterinary practitioner shall remain in effect until released in writing by the veterinarian and the information regarding such a quarantine having been issued shall be provided by the veterinary practitioner to the Animal Husbandry department of the State Government and the State Board, in writing.
- (9) All puppies shall be vaccinated which can start at the age of seven-eight weeks, and are usually completed at the age of eighteen weeks.
- (10) The dogs shall have been tested for genetic defects, including hip dysplasia, progressive retinal atrophy, night blindness, hypothyroidism, entropion, ectropion, overshot, undershot jaw (when incisors do not touch or mesh), wry mouth, two or more missing teeth, unilateral cryptorchid or full cryptorchid males.

9. Euthanasia.— All euthanasia of mortally wounded or injured animals or incurably sick or terminally ill animals shall be accomplished by a veterinary practitioner in a manner and through a method approved by the Veterinary Council of India and the records shall be maintained of all animals euthanised.

PART IV

HOUSING FACILITIES AND MANNER OF HOUSING DOGS

10. Structure and construction.— (1) Housing facilities for dogs shall be structurally sound, and be kept in good repair, contain the animals securely and restrict other animals from entering.

(2) Areas inside of housing facilities shall be kept neat and free of clutter, including equipment, furniture and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices.

(3) Housing facilities shall be physically separated from any other business.

(4) All surfaces in housing facilities, and all other constructions shall be such as allow them to be readily cleaned and sanitised, or removed or replaced when worn or soiled.

(5) There shall be no jagged edges or sharp points that may injure the animals.

(6) The ceilings of indoor housing facilities shall be impervious to moisture.

11. Storage facilities.— (1) Supplies of food and bedding shall be stored outside the animal area and in a manner that protects the supplies from spoilage.

(2) The supplies shall be stored off the floor and away from the walls, to allow cleaning underneath and around any supplies.

(3) Foods requiring refrigeration must be stored accordingly, and all food be stored in a manner that prevents contamination and deterioration of its nutritive value.

(4) All open supplies of food and bedding must be kept in leak-proof containers with tightly fitting lids to prevent contamination and spoilage and only food and bedding that is currently being used may be kept in the animal areas.

12. Cleaning.— (1) Hard surfaces with which the dogs come in contact shall be spot-cleaned daily and sanitised.

(2) There shall be no accumulation of excreta, and floors made of sand, gravel, grass or other similar material shall be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta.

13. Drainage and waste disposal.— (1) Regular waste disposal, removal and disposal of animal and food waste, discarded bedding, debris, garbage, water, other fluids and wastes, shall be provided for.

(2) Housing facilities shall be equipped with disposal facilities and drainage systems that ensure rapid elimination of animal waste and water and if closed drainage systems are used they shall be equipped with traps that prevent the backflow of gases sewage onto the floor.

(3) Standing puddles of water in animal enclosures and adjacent areas shall be drained or mopped up so that the animals stay dry.

(4) Trash containers in housing facilities, food storage and food preparation areas shall be leak-proof and possessed of tightly fitted lids at all times.

14. Water and electricity.— The housing facility shall have reliable and adequate electricity supply, and adequate potable running water for the animals' drinking needs, for cleaning, and for carrying out other husbandry requirements.

15. Ambient and comfortable temperature.— (1) The temperature within indoor housing facilities for animals shall be ambient and comfortable, depending on the breeds of dogs that are housed inside.

(2) The temperature shall be such as provides for their health and well-being.

16. Ventilation.— (1) Adequate ventilation at indoor housing facilities containing dogs shall be ensured by means of windows, doors, vents or air conditioning.

(2) The air shall be circulated by fans, blowers or air conditioning so as to minimize drafts, odors and moisture condensation.

17. Lighting.— (1) Indoor housing facilities for animals shall be well-lit enough to permit routine inspection, cleaning of the facility and observation of the animals.

(2) Primary enclosures shall be placed so as to protect the animals from excessive light.

18. Chemicals.— (1) Chemicals used for normal husbandry practices, cleaning, disinfecting, and the like, that may be toxic to the animals shall not be stored in food storage or food preparation areas, but may be stored in adjacent rooms or in secure cabinets in the animal areas.

(2) All chemicals shall be clearly labeled.

19. Medicine.— (1) All medication shall be stored in clean, dust restricting cabinets with well-fitting doors or other suitable containers with well-fitting lids.

(2) All medication shall be clearly marked, or labeled.

(3) Manufactures' labels, including expiration date, shall not be removed or defaced.

(4) Medication such as dips, and rinses and those marked for external use only may be stored in the same cabinet but shall be physically separated from other medication.

20. Fire detection and extinguishers.— All indoor housing facilities and the indoor portion of sheltered housing facilities shall be equipped with properly maintained smoke or heat detection devices and extinguishers.

21. Outdoor housing facilities.— (1) The following categories of dogs shall not be kept in outdoor facilities, unless that practice is specifically approved by the attending veterinary practitioner in writing—

(i) dogs that are not accustomed to the temperatures prevalent in the area or region in question;

(ii) dog breeds that cannot tolerate the temperatures prevalent in the area or region in question, such as long-haired breeds in high temperature locations; and

(iii) sick, infirm, aged or young animals.

(2) Outdoor facilities for dogs shall include one or more structures with roofs, i.e., one or more shelters that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal within the structure to sit, stand and lie down in a normal manner, and to turn about freely and in addition, one or more separate outside areas of shade shall be provided, large enough to contain all the animals at once and protect them from the direct rays of the sun.

(3) Shelters in outdoor facilities for animals shall contain a roof, four sides and a floor, and shall—

(i) provide the animals with adequate protection and shelter from heat and cold; and

(ii) provide the animals with protection from the direct rays of the sun and the direct effect of wind, rain, snow or other precipitation.

(4) Primary enclosures for animals shall meet the following minimum requirements—

(a) primary enclosures shall be constructed of suitable material and shall be structurally sound;

(b) they shall be kept in good repair;

(c) they shall have no sharp points or edges that can injure the animals;

- (d) they shall be such as contain the animals securely, and keep other animals from entering the enclosure;
 - (e) enable the animals to remain dry and clean;
 - (f) provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable for or hazardous to the animals;
 - (g) provide sufficient shade to shelter all the animals housed in the primary enclosure at one time;
 - (h) provide all the animals with easy and convenient access to clean food and water;
 - (i) enable all surfaces that come in contact with the animals to be readily cleaned and sanitized, or replaced when worn or soiled ;
 - (j) have floors that are constructed in a manner that protects the animal's feet and legs from injury; and
 - (k) provide sufficient space to allow each animal to turn about freely, to stand, sit and lie down in a comfortable, normal position, and to walk in a normal manner;
- (5) Each dog housed in a primary enclosure (including weaned puppies) shall be provided a minimum amount of floor space, calculated as follows—
- (a) length of the enclosure: four times the length of the dog, measured from the tip of its nose to the base of its tail; and
 - (b) breadth of the enclosure: two times the length of the dog, measured from the tip of its nose to the base of its tail.
- (6) Each female dog with nursing puppies shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by the attending veterinarian.
- (7) The interior height of a primary enclosure shall be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.
- (8) Cages or crates used to contain animals for short periods of time shall be large enough to permit the animal to stand, sit, lie and turn around in a normal manner.
- (9) Dogs shall not be caged except at night when the caregiver retires, or when necessary for medical reasons.

22. Dogs on tethers.— (1) Dogs may be kept on tethers only in outside housing facilities that meet the requirements of this rule, and only when the tether meets the requirements of this paragraph.

(2) The tether shall be attached to the front of the dog's shelter structure or to a post in front of the shelter structure and shall be at least three times the length of the dog, as measured from the tip of its nose to the base of its tail.

(3) The tether shall allow the dog convenient access to the shelter structure, and to food and water containers.

(4) The tether shall be of the type and strength commonly used for the size of dog involved, and shall be attached to the dog by a well-fitted collar that does not cause trauma or injury to the dog.

(5) Collars made of materials such as wire, flat chains, or chains with sharp edges, or chains with rusty or non-uniform links, are prohibited.

(6) The tether shall be attached such that the dog is not in danger of becoming entangled with other objects or coming into physical contact with other dogs in the outside housing facility, and such that the dog is able to roam to the full range of the tether.

(7) A perimeter fence that is of sufficient height to keep unwanted animals out shall enclose the dog housing area where dogs are on tethers.

(8) The fence shall be constructed such that it protects the dogs by preventing other dogs of equal or greater size from going through it or under it, or even above it, and coming into contact with the dogs inside.

23. Compatibility.— (1) All dogs housed in the same primary enclosure shall be compatible, as determined by observation.

(2) Not more than twelve adult dogs shall be housed in the same primary enclosure.

(3) Female dogs in heat shall not be housed in the same primary enclosure with sexually mature males, except for breeding.

(4) Except when maintained in breeding colonies, female dogs with litters shall not be housed in the same primary enclosure with other adult dogs; puppies less than four months of age shall not be housed in the same primary enclosure with adult dogs other than their dam or foster dam.

(5) Dogs with a vicious or aggressive disposition shall be housed separately from other dogs.

(6) Dogs that have or are suspected of having a contagious disease shall be isolated from healthy animals.

(7) When an entire group or room of animals is known to have or believed to be exposed to an infectious or contagious agent, the group may be kept intact during the process of diagnosis, treatment and control.

24. Exercise for dogs and socialising.— (1) Commercial kennels, commercial breeders, traders, other dealers, and exhibitors shall develop, document and follow an appropriate plan to provide dogs with an opportunity for exercise.

(2) The plan shall be approved and signed by the breeder and the attending veterinarian, and include written standard procedures to be followed in providing the opportunity for exercise.

(3) The plan shall also be made available to the State Board upon request.

(4) The plan shall, at a minimum, comply with each of the following—

(a) dogs over twelve weeks of age, except female dogs with litters, housed, held or maintained by any animal shelter, boarding kennel, commercial kennel, commercial breeder, trader, other dealer, exhibitor, or other licensee shall be provided the opportunity for exercise regularly; and

(b) the frequency, method and duration of the opportunity for exercise shall be determined by the consultant veterinary practitioner.

(5) The breeder, in developing their plan, shall consider providing positive physical contact with humans that encourages exercise through play or other similar activities and if a dog is housed, held or maintained at a facility without sensory contact with another dog, it shall be provided with positive physical contact with humans at least once daily.

(6) The opportunity for exercise may be provided in a number of ways, including—

(a) group housing in cages, pens or runs that provide at least one hundred percent of the required space for each dog if maintained separately under the minimum floor space requirements of this rule;

(b) providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian;

(c) adequate exercise either in a fenced area or on a leash with a person on the other end;

(d) exercising for at least thirty minutes twice per day;

(e) socialising with people at suitable intervals equaling at least three hours per day for adult and five hours per day for puppies less than four months of age; and

(f) other similar activities.

(7) Every establishments shall keep checklists documenting the name of the caretakers who complete these tasks, and the time at which each does so and checklists shall be made available to the Board during inspections, or when demanded.

(8) Every establishment shall ensure that forced exercise methods or devices such as swimming, treadmills or carousel-type devices are resorted to or used:

Provided that if, in the opinion of the veterinary practitioner, it is inappropriate for certain dogs to exercise because of their health, condition or well-being, the breeder may be exempted from meeting the requirements of this paragraph for those specific dogs only.

25. Feeding.— (1) Animals shall be fed as per prescribed standards.

(2) The food shall be uncontaminated, wholesome, palatable and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal.

(3) The diet shall be appropriate for the individual animal's age and condition.

(4) Food receptacles used for animals shall be readily accessible to all animals and shall be located so as to minimise contamination by excreta and be protected from the rain. Feeding pans shall be made of a durable material that can easily be cleaned and sanitized and shall be kept clean.

26. Cleaning, sanitisation, and housekeeping.— (1) Excreta and food waste shall be removed from primary enclosures daily, and from under primary enclosures as often as necessary, to prevent an excessive accumulation of feces and food waste, to prevent soiling of the animals contained in the primary enclosures, and to reduce disease hazards, insects, and odors.

(2) When water is used to clean the primary enclosure, whether by hosing, flushing or other methods, animals shall be removed unless the enclosure is large enough to ensure that the animals will not be harmed, wetted or distressed in the process.

(3) Standing water shall be removed from the primary enclosure and adjacent areas.

(4) Animals in other primary enclosures shall be protected from being contaminated with water and other wastes during the cleaning.

(5) Hard surfaces of primary enclosures and food and water receptacles shall be cleaned and sanitised, by washing them with appropriate detergent solutions and application of disinfectants.

(6) Pens, runs and outdoor housing areas using material that cannot be cleaned and sanitised using the method previously stated, such as gravel, sand, grass, earth or absorbent bedding, shall be cleaned and sanitised by removing the contaminated material as necessary to prevent odors, disease hazards, and insects.

27. Housekeeping for premises.— In an establishment where housing facilities are located, including buildings and surrounding grounds, shall be kept clean and in good repair, and free of accumulations of trash, junk, waste products and discarded matter and weeds, grasses and bushes shall be controlled so as to facilitate cleaning of the facility, control and prevent fleas and ticks, and protect the health and well-being of the animals and regular de-ticking shall be practiced at the time of grooming.

28. Annual vaccination of dogs.— The dogs at every breeding establishment shall be annually vaccinated against rabies (and preferably against canine distemper, parvo-virus, leptospirosis and viral hepatitis).

29. Employees.— (1) Every breeder shall have enough employees to carry out the level of husbandry practices and care required by these rules.

(2) The employees who provide for husbandry and care or handle animals shall be properly trained, and supervised by an individual who has the requisite degree of knowledge, background and experience in proper husbandry and care of dogs to be able to do so.

30. Identification of dogs.— Every breeder shall ensure that—

(a) every dog is identified by an official tag affixed to the collar of each dog;

(b) identification of all breeding stock and of pups over three months, are performed by a veterinary practitioner through micro-chipping;

(c) tags are sequentially numbered and referenced to record which completely and accurately identify the source of the dog, all medical treatment or procedures that it may have been subjected to, and the disposition of the animal; and

(d) the micro-chips are allotted sequential numbers for the same purpose and a record of the tag number and micro-chip number used to identify the dog accompany each dog that is sold or otherwise moved out of the establishment.

[F.No.1/1/2010-AWD (Pt)]

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Joint Secretary to the Govt. of India

भारत सरकार
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, तारीख....., 2016

सा.का.नि.(अ) कतिपय नियमों के निम्नलिखित प्रारूप जिसे केंद्रीय सरकार पशुओं के प्रति क्रूरता का निवारण अधिनियम, 1960 (1960 का 39) की धारा 38 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए जारी करने का प्रस्ताव करती है, को उक्त अधिनियम की धारा 38 के उपखंड (1) के अधीन यथा अपेक्षित उनके द्वारा संभाव्य प्रभावित जनता की जानकारी के लिए प्रकाशित किया जाता है और नोटिस दिया जाता है कि उक्त नियमों पर उस तारीख से जब इस अधिनियम की प्रतियां, भारत के राजपत्र में यथा प्रकाशित, जनता को उपलब्ध कराई जाती हैं, से तीस दिन की अवधि की समाप्ति के पश्चात् विचार किया जाएगा ।

कोई हितबद्ध व्यक्ति उक्त प्रारूप नियम पर कोई आपेक्ष या सुझाव देना चाहे, केंद्रीय सरकार को यथा विनिर्दिष्ट अवधि में उप सचिव (पशु कल्याण), भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, पर्यावरण भवन, नई दिल्ली को विचार के लिए लिखित में अग्रेषित कर सकता है ।

प्रारूप नियम

1. संक्षिप्त नाम और प्रारंभ :- (1) इन नियमों का संक्षिप्त नाम पशुओं के प्रति क्रूरता का निवारण (श्वान प्रजनन और विपणन) नियम, 2016 है ।

(2) ये राजपत्र में उनके अंतिम प्रकाशन की तारीख को प्रवृत्त होंगे ।

3. परिभाषाएं :- इन नियमों में जब तक कि 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 ऐसा कल्याण संगठन अभिप्रेत है जो बोर्ड द्वारा मान्यताप्राप्त पशुओं के लिए है और जिसमें इस अधिनियम के अधीन बनाए गए पशुओं के प्रति क्रूरता का निवारण (पशुओं के प्रति क्रूरता के निवारण करने के लिए स्थापन और सोसाइटियों का विनियमन) नियम, 2001 के अंतर्गत किसी जिले में स्थापित पशुओं के प्रति क्रूरता के निवारण के लिए सोसाइटी भी सम्मिलित है ;

(ग) "बोर्ड" से अधिनियम की धारा 4 के अधीन स्थापित और धारा 5क के अधीन समय-समय पर पुनर्गठित भारत का पशु कल्याण बोर्ड अभिप्रेत है ;

(घ) "प्रजनक" से कोई व्यक्ति या व्यक्तियों का समूह अभिप्रेत है जो प्रजनन और श्वान तथा पिल्लों के विक्रय के लिए विनिर्दिष्ट नस्लों के अपने श्वान रखता है और जिसमें श्वान भोजन व्यवस्था, घर प्रचालक, मध्यवर्गी संचालक और व्यापारी सम्मिलित हैं ;

(ड) "भोजन व्यवस्था" श्वान घर प्रचालक जिसमें कोई व्यष्टि या व्यक्तियों का समूह सम्मिलित है जो श्वानघरों या किसी अन्य स्थापन में अस्थायी रूप से श्वान और पिल्लों को पालता है;

(च) "वाहक" से कोई एयरलाइन, हवाई जहाज, रेल सड़क, मोटर कैरियर पोत परिवहन लाइन या अन्य उद्यम जो किराए पर पशुओं के परिवहन के कारबार में लगा हुआ है, अभिप्रेत है;

(छ) "रजिस्ट्रीकरण का प्रमाणपत्र" से इन नियमों के अधीन जारी रजिस्ट्रीकरण का प्रमाणपत्र है;

(ज) "श्वान" में पिल्ले सम्मिलित हैं;

(झ) "मध्यवर्ती" से ऐसा कोई व्यक्ति जो पशुओं की उनके विक्रय क्रय के दौरान अंतरिम अभिरक्षा प्राप्त करता है, अभिप्रेत है;

(ञ) "निरीक्षक" से स्थानीय प्राधिकरण या राज्य पशु कल्याण बोर्ड द्वारा नियुक्त व्यक्ति अभिप्रेत है और जिसमें राज्य बोर्ड द्वारा लिखित में प्राधिकृत पशु कल्याण संगठन का प्रतिनिधि भी सम्मिलित है;

परंतु यह कि कोई व्यक्ति जो पालतू पशु दुकान का मालिक या प्रजनक है या रह चुका है या पालतू पशु दुकान मालिक या प्रजनक से संबंधित रहा है, इन नियमों के अधीन निरीक्षक नियुक्त या प्राधिकृत नहीं किया जाएगा;

(ट) "स्थानीय प्राधिकरण" से विनिर्दिष्ट स्थानीय क्षेत्र में किसी मामले के नियंत्रण और प्रशासन सहित विधि द्वारा समय-समय पर लागू करने के लिए नगरपालिका समिति, जिला बोर्ड या अन्य प्राधिकारी अभिप्रेत हैं ;

(ठ) "राज्य बोर्ड" से राज्य सरकार द्वारा राज्य में गठित राज्य पशु कल्याण बोर्ड अभिप्रेत है;

(ड) "व्यापारी" में कोई व्यष्टि या व्यक्तियों का समूह सम्मिलित है जो किसी प्रजनक या पालतू पशु की दुकानों से या अपने या उनकी अपनी प्रजनन सुविधा से या विक्रय के लिए आयातित या किसी अन्य रीति में प्राप्त किए गए श्वानों और पिल्लों का विक्रय करता है, अभिप्रेत है ;

(ढ) "पालतू पशु दुकान" से दुकान, स्थान या परिसर अभिप्रेत है जिसमें साप्ताहिक या अन्य बाजार में कोई दुकान, स्थान या परिसर सम्मिलित है जहां पालतू पशुओं को विक्रय किया जाता है या ठहराया या रखा या विक्रय के लिए प्रदर्शित किया जाता है या जहां कोई खुदरा या थोक कारबार जिसमें पालतू पशुओं का विक्रय या व्यापार किया जाता है, सम्मिलित है, अभिप्रेत है ;

(ण) "अनुसूची" से इन नियमों से उपाबद्ध अनुसूची अभिप्रेत है ;

(त) "पशु चिकित्सा व्यवसायी" से भारतीय पशु चिकित्सा परिषद् अधिनियम, 1984 (1984 का 52) के उपबंधों के अधीन रजिस्ट्रीकृत पशु चिकित्सा व्यवसायी अभिप्रेत है ।

(2) इन नियमों में सभी अन्य पद और अभिव्यक्तियां जो प्रयुक्त हुई हैं और परिभाषित नहीं की गई हैं किंतु अधिनियम में परिभाषित हैं, उनका वही अर्थ होगा जो इनका उस अधिनियम में है ।

3. बिना रजिस्ट्रीकरण के श्वानों के प्रजनन का प्रतिषेध - (1) कोई प्रजनक अपने श्वानों या रखे हुए श्वानों के प्रजनन के लिए और श्वानों तथा पिल्लों के विक्रय के लिए किसी प्रजनन क्रियाकलापों को नहीं करेगा और न ही जारी रखेगा जब तक प्रजनक ने प्रयुक्त किए जाने वाले या उसके द्वारा