

PERFORMING ANIMALS (REGISTRATION) RULES, 2001

CONTENTS

1. Short title and commencement.
2. Definitions.
3. Application for Registration.
4. Fee and registration.
5. Power to call for additional information.
6. Form of certificate of registration.
7. Prior information for use of performing animals in films.
8. General conditions for registration.
9. Register.
10. Inspection of register.
11. Application for variation of entries in register.
12. Submission of report by veterinary doctor.
13. Prohibition on exhibition and training of specified performing animals.
14. Power to inspect.
15. Report of inspection.
16. Cancellation of registration in respect of which registration has been granted.
17. Issue of duplicate copies of certificate.

SCHEDULE 1 :- Form of Application

SCHEDULE 2 :- Certificate of Registration

SCHEDULE 3 :- Form of Register

SCHEDULE 4 :- Form of Application for Variation of Particulars Entered in Register

SCHEDULE 5 :- Suggestive Size of Cages for Transportation

SCHEDULE 6 :- Minimum prescribed size for feeding/retiring cubicle/enclosures for important mammalian species of captive animals

SCHEDULE 7 :- Suggestive Size of Cages for Transportation

SCHEDULE 8 :- Minimum prescribed size for feeding/retiring cubicle/enclosures for important mammalian species of captive animals

PERFORMING ANIMALS (REGISTRATION) RULES, 2001

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT. S.O. 267 (E) dated 26, March, 2001. Published in the Gazette of India (Extra), Part II, Section 3 (ii). No. 195 dated March 26, 2001.- Whereas the draft of Performing Animals (Registration) Rules, 2000 were published, as required by sub-section (1) of section 38 of the Prevention of cruelty to Animals Act, 1960 (59 of 1960), under the notification of the Government of India in the Ministry of Social Justice and Empowerment, number S.O.1162(E) dated the 26th December, 2000 in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) dated the 27th December, 2000 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification are made available to the public; And whereas, copies of the said Gazette were made available to the public on the 1st January, 2001; And whereas, no objection or suggestion has been received from the public in respect of the said draft rules by the Central Government; Now therefore, in exercise of the powers conferred by sub-section (1) and (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement. :-

(1) These rules may be called the Performing Animals (Registration) Rules, 2001.

2. Definitions. :-

In these rules unless the context otherwise requires,-

(a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);

(b) "Board" means the Animal Welfare Board of India, established under section 4 and as reconstituted from time to time under section 5A of this Act;

(c) "film" means a cinematograph film as defined in the Cinematograph Act of 1952 (37 of 1952),

(d) "fitness certificate" means a certificate granted by a veterinary doctor to be nominated by the prescribed authority certifying the health and fitness of the animal;

(e) "owner" means the owner of an animal and includes any other person in possession or custody of such animal whether with or without the consent of the owner; 7

(f) "ownership certificate" means a certificate granted under section 42 of the Wildlife (Protection) Act, 1972 (53 of 1972);

1

(g) "prescribed authority" means the Central Government, or such other authority including the Board or the State Government, as may be authorised by the Central Government;

(h) "performing animal" means an animal which is used at or for the purpose of any entertainment including a film or an equine event to which the public are admitted;

(i) "Schedule" means a Schedule appended to these rules;

(j) "veterinary doctor" means a person registered with the Veterinary Council of India established under the Veterinary Council Act, 1984 (52 of 1984)

1. In Rule 2, clause (g), shall be substituted, by Performing Animals (Registration) Amendment Rules, 2001. Noti. No. F. No. 01/07/2001, A.W.D. (Pt), date. 08/01/2002, Gaz. of India, Exty., Part. II, Sec. 3(ii), No 20, date. 08/1/2002, page.4.

3. Application for Registration. :-

(1) Any person desirous of training or exhibiting a performing animal shall, within thirty days from the commencement of these rules, apply for registration to the prescribed authority and shall not exhibit or train any animal as a performing animal without being registered under these rules. **1**

"Provided that the race horses which have been registered by the owners with the Turf Authorities shall not, on intimation of such registration to the prescribed authority, require registration under this rule and the general conditions as specified in Rule 8 shall apply to such registration subject to such other conditions as may be imposed by the prescribed authority."

(2) Any person desirous of exhibiting or training any performing animal shall apply for registration in the form of application set out in the First Schedule.

(3) Every such application shall be made to the prescribed

authority.

1. In Rule 3, In Sub-rule (1), proviso shall be added, by Performing Animals (Registration) Amendment Rules, 2001. Noti. No. F. No. 01/07/2001, A.W.D. (Pt), date. 08/01/2002, Gaz. of India, Exty., Part. II, Sec. 3(ii), No 20, date. 08/1/2002, page.4.

4. Fee and registration. :-

Every application for registration shall be accompanied by a fee of Rupees five hundred which may be paid either in cash or in such other manner as may be specified by the Board for this purpose.

5. Power to call for additional information. :-

(1) The prescribed authority may call for such additional records and information as it deem fit from the applicant in respect of the particulars furnished by it.

(2) If the prescribed authority is satisfied about the proposed performance and the method to be adopted for the training of such animals by the applicant it may grant registration.

(3) The prescribed authority while granting registration may impose such other conditions, as it may deem appropriate for the training and upkeep of such performing animals.

6. Form of certificate of registration. :-

(1) The certificate of registration shall be issued by the prescribed authority in the form set out in the Second Schedule.

(2) Every registration shall be given a serial number in an order in which it is made, and it shall be indicated in the certificate of registration.

7. Prior information for use of performing animals in films.

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(1) Every owner desirous of hiring out or lending a performing animal in the making of a film shall give prior information in the format as specified by the prescribed authority for this purpose to specifying the kind of animal, age of animal, physical health of the animal the nature of performance to be done by the animal, the duration for which the animal shall be used for such performance, the duration and method of training of the animal for such performance and the justification for the use of such animals in the film and such other information as may be required by that

authority,

(2) Every such application shall be accompanied by a fitness certificate issued by a veterinary' doctor certifying the health and fitness of the animal along with a ownership certificate in case of animals covered under the Wildlife (Protection) Act, 1972 (53 of 1972)

8. General conditions for registration. :-

(1) The prescribed authority while granting registration may impose such terms and conditions as it deems appropriate and ¹[may] impose the following conditions in granting registration, namely:-

(i) every owner who has ten or more such performing animals ¹[may] have a veterinarian as a regular employee for their care, treatment and transport;

(ii) the owner ¹[may] not transport such animals by road continuously for more than 8 hours and except in carges admeasuring as specified in the Fifth Schedule;

(iii) the owner ¹[may] ensure proper watering and feeding halts during such transportation;

(iv) the owner after transportation ¹[may] provide feeding and retiring enclosures in respect of the animals specified in the Sixth Schedule;

(v) the owner ¹[may] ensure that any animal is not inflicted unnecessary pain or sufffering before or during or after its training Or exhibition;

(vi) the owner ¹[may] not deprive the animal of feed or water in order to compel the said animal to train or perform any trick;

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(vii) the owner ¹[may] train an animals as a performing animal to perform an act in accordance with its basic natural instinct,

(viii) the owner ¹[may] not make a performing animal perform if it is sick or injured or pregnant;

(ix) the owner ¹[may] ensure mat no sudden loud noise is deliberately created within the vicinity of any performing animal or bring an animal close to fire, which may frighten the animal;

(x) the owner in case the performing animal is to be exhibited under artificial light, the overall intensity of such light ¹[may] not be more than 500 LUX;

(xi) the owner ¹[may] not subject the animals to any action which may either kill or injure or use the animal in scenes which may cause injury to the animals;

(xii) the owner ¹[may] not use any tripping device or wires or pitfalls for such animals;

(xiii) the owner ¹[may] not expose any animal to either burning fire or to fire accidents;

(xiv) the owner ¹[may] not keep any animals including horses in close proximity while shooting scenes involving explosives or other loud noises;

(xv) the owner ¹[may] ensure that props such as spears, nails splinters, barbed wires or other such props ¹[may] not cause injury to the animals during the performance;

(xvi) the owner ¹[may] ensure that the equines are not made to walk on hard surfaces without being shod and ¹[may] further ensure that the animals are not used in downhill slides or rodeo slide stops without proper skid and hock boots;

(xvii) the owner of any enquine ¹[may] not use any whip other than ²¹[***] shock absorbing whip which has been scientifically tested to prove that it will not cause weals, bruising or other damage to the horse and subject to the conditions that- (a) the whip ¹[may] not have raised binding, stitching, seam or flap. (b) the whip ¹[may] be used by licensed jockeys only. (c) the owner ¹[may] also ensure that the whip is not used other than either on the quarters in either the forehand or the backhand position or down the shoulder in the backhand position or use the whip with the arm above shoulder height, (d) the whip ¹[may] not be used more than ²⁶["eight times"] in a race. ²⁷[(e) each horse immediately after the race and again after a period of six hours but within eight hours of the race shall be subject to the veterinary inspection to check for injuries.] ⁴[(f) the horses shall be housed in stables admesuring 12 ft x 12 ft with adequate facility for the horses to see each other with adequate provision for proper

ventilation and protection against heat, and an environmental friendly atmosphere as far as possible.] ⁴["Provided that if the whip is used more than eight times in a race, the prescribed authority in consultation with the Turf Authorities shall decide, if the use of such whip in excess of the number specified, was for any reason to save the horse or the jockey from any accident, for the purpose of initiating any action under the Act."]

(xviii) the owner ¹[may] ensure that the animal is not used on floors that are very smooth without the use of non-skidding mats.

(xix) the owner ¹[may] ensure that large gathering of animals is not allowed in such a way which may cause or result in stampede to the animals;

(xx) the owner ¹[may] ensure that the animal is not made or incited to fight against other animals and ¹[may] further ensure that sedatives or tranquillisers or steroids or any other artificial enhancers are not administered by a veterinary doctor for the purpose of treatment of an injured or sick animal; ³⁴["and the use of steroids shall be avoided as far as possible provided the steroids may be used if no other option is available to be supported by a veterinary prescription and the purchase of such steroids shall be from a duly authorised source."]

(xxi) the owner ¹[may] ensure that the animals ¹[may] not be transported or be kept or confined in cages and receptacles which do not measure in height, length or breadth as specified under the Transport of Animal Rules, 1978, the Recognition of Zoo Rules, 1992 or under any other Act, rule or order for this purpose;

(xxii) the owner ¹[may] ensure that the animal is not continuously used for excessive number of takes in shooting a film without providing adequate rest to the animal and in the event of a snake being used it ¹[may] not be made to ingest any substances or made to crawl across tarred or any heated surface and ¹[may] not be contorted to wrestle;

(xxiii) the owner ¹[may] ensure that while using an animal in shooting a film, the fight sequence ¹[may] further ensure that no birds are shown in cages;

(xxiv) the owner ¹[may] inform the prescribed authority at least four weeks in advance informing the place, date and time of the

actual making of the film wherein the animal is to be used.

43

(xxv). Persons desirous of transporting horses from one place to another shall adhere to the following minimum norms to enhance conditions of travel as also safety of the horses, namely:

(a) no horse shall be tied up in such a way that his head and neck movements are unnaturally restricted while travelling.

(b) all horses must be watered at least every four hours and provided adequate ration of hay during the journey lasting more than eight hours.

(c) adequate ventilation and free flow of fresh air in the vehicle shall be ensured during transport.

(d) rubber mats shall preferably be used for flooring instead of straw bedding.

(e) horses shall not be transported within twenty four hours of having raced.

(f) no horse shall be raced, where the period of journey exceeds six hours, unless twenty four hours have elapsed since completion of the travel.

(2) The prescribed authority may also impose such other conditions for the grant of registration as may be deemed appropriate to it for the welfare of animals.

1. In Rule 8, In Sub-rule (1), the word ["shall"] shall be substituted, by Performing Animals (Registration) Amendment Rules, 2001. Noti. No. F. No. 01/07/2001, A.W.D. (Pt), date. 08/01/2002, Gaz. of India, Exty., Part. II, Sec. 3(ii), No 20, date. 08/1/2002, page.4.

21. In Rule 8, Sub-rule (1) In clause (xvii) the word ["an air cushioned"] shall be omitted, by Performing Animals (Registration) Amendment Rules, 2001. Noti. No. F. No. 01/07/2001, A.W.D. (Pt), date. 08/01/2002, Gaz. of India, Exty., Part. II, Sec. 3(ii), No 20, date. 08/1/2002, page.4.

26. In Rule 8, Sub-rule (1), In clause (xvii) the word and figure ["3 times"] shall be substituted, by Performing Animals (Registration) Amendment Rules, 2001. Noti. No. F. No. 01/07/2001, A.W.D. (Pt), date. 08/01/2002, Gaz. of India, Exty., Part. II, Sec. 3(ii), No 20, date. 08/1/2002, page.4.

27. In Rule 8, Sub-rule (1), In clause (xvii) after sub-clause (d), sub-clause (e), (f) and proviso, shall be inserted, by Performing

Animals (Registration) Amendment Rules, 2001. Noti. No. F. No. 01/07/2001, A.W.D. (Pt), date. 08/01/2002, Gaz. of India, Exty., Part. II, Sec. 3(ii), No 20, date. 08/1/2002, page.4.

34. In Rule 8, Sub-rule (1), In clause (xx) at the end, shall be inserted, by Performing Animals (Registration) Amendment Rules, 2001. Noti. No. F. No. 01/07/2001, A.W.D. (Pt), date. 08/01/2002, Gaz. of India, Exty., Part. II, Sec. 3(ii), No 20, date. 08/1/2002, page.4.

43. In Rule 8, Sub-rule (1), after clause (xxiv) clause (xxv), shall be inserted, by Performing Animals (Registration) Amendment Rules, 2001. Noti. No. F. No. 01/07/2001, A.W.D. (Pt), date. 08/01/2002, Gaz. of India, Exty., Part. II, Sec. 3(ii), No 20, date. 08/1/2002, page.4.

9. Register. :-

Every person to whom a certificate of registration is issued under these rules shall have his name entered in a register which shall be kept in the form set out in the Third Schedule.

10. Inspection of register. :-

The register kept for the purpose of these rules shall be open to inspection during office hours or any working day on payment of a fee of twenty rupees and any person may take extract therefrom or may require the prescribed authority to issue to him a certified copy of any entry made therein on payment of a fee of fifty rupees.

11. Application for variation of entries in register. :-

Every application for the variation of any particular entered in the register maintained for the purpose of these rules shall be in the form set out in the Forth Schedule and when any particular is varied the existing certificate of registration shall be cancelled and a new certificate be issued.

12. Submission of report by veterinary doctor. :-

Every person who has been granted registration under these rules shall ensure that a monthly report of all the performing animals in the form to be specified by the prescribed authority in respect of their health, deaths and births duly certified by a veterinary doctor is submitted to the prescribed suthority on or before the 7th of every succeeding month.

13. Prohibition on exhibition and training of specified performing animals. :-

Performing animals whose performance has been prohibited under sub-section (2) of section 22 of the Act shall not be trained or exhibited as a performing animal.

14. Power to inspect. :-

(1) The prescribed authority may depute an officer or authorise any other person, to inspect the mode of transport, care and upkeep of the animals, or to be present at the time of training or exhibition of the performing animals or during making of a film to ensure that the conditions of registration are being complied with.

(2) The owner shall not obstruct the entry of such officer or authorised person and extend all possible assistance to enable him to discharge his duty.

15. Report of inspection. :-

The officer deputed or person authorised under rule 14 shall after inspection submit a report to the prescribed authority about the compliance of the rules and the condition as specified by the prescribed authority.

16. Cancellation of registration in respect of which registration has been granted. :-

1. Every animal in respect of which registration has been granted under rule 5 shall be exhibited and trained subject to the conditions of registration and these rules.

2. Every animal in respect of which registration has been granted under rule 5 shall be exhibited for a film subject to the conditions of registration and these rules.

3. The prescribed authority in the event of breach of any of the conditions of registration under rule 5 or any provision of the Act or the rules made thereunder may suspend the registration pending enquiry and after granting an opportunity of hearing revoke the registration so granted or issue such orders or directions as it may consider proper for the welfare of the animals.

17. Issue of duplicate copies of certificate. :-

Any person who has been granted registration under these rules may, on proof by him that the original certificate of registration has been lost or destroyed and on payment of a fee of one hundred rupees, be given a duplicate copy of the certificate of registration which for the purpose of these rules shall have the same effect as the original certificate of registration.

SCHEDULE 1

Form of Application

(See rule 3(2) I, the undersigned do hereby apply for registration under the Performing Animals (Registration) Rules, 2001 and do hereby declare the following particulars to be true and complete to the best of my knowledge and belief. Date.....

Signature..... Address to which order of approval is to be sent.....

PARTICULARS
 1. Full Name of applicant (inblock letters)
 2. State name (if any used in India)
 3. Nationality
 4. Either (a) address of fixed place of residence in India, and (b) the postal address in India to which letters may be forwarded
 5. Address or Address (if any) in India. Other than temporary addresses while on tour at which applicant trains or intends to train performing animals (ifnon, write "None")
 6. State whether registered under the Performing Animals Rules; 1973. If so, state the number and date of certificate of registration.
 7. Copy of ownership certificate if the animal is a protected specie under the Wildlife (Protection) Act, 1972.
 8. (i) Particulars of performing animals proposed to be Species sex age number (a) trained (b) exhibited (c) trained and exhibited for use in films (ii) Trained performing animals already available as prescribed above for being exhibited.
 9. Describe the nature of the performance or Performances in which the performing animals are to be exhibited or for which they are to be trained, mentioning any apparatus which is used or to be used for the purpose of the performance.

Explanation.- Detailed description of what is to be done by the animals taking part in the performance, the number of performances to be given in one and the same day, and the number of each king taking part in the performance.

SCHEDULE 2

Certificate of Registration

(see rule 6) This is to certify that the person to whom the under-mentioned particulars relate has this day been registered under the Performing Animals (Registration) Rules, 2000 with the Registration Authority for the Name of the place:..... Serial Number of Entry in Register-..... Date:..... Signature of Clerk of Registration Authority

| PARTICULARS | | |
|------------------------------|-------------|--|
| Name of trainer or exhibitor | Nationality | Either (a) Address of fixed place of residence of India or (b) permanent postal address in India to which letters addressed to the trainer or exhibitor may be forwarded |
| (1) | (2) | (3) |

SCHEDULE 3

Form of Register

(See rule 9)

| S. No. | Name of trainer or exhibitor | Nationality | Either (a) Address of fixed place of residence in India or (b) permanent postal address in India to which letters Addressed to the trainer or exhibitor may be forwarded |
|--------|------------------------------|-------------|--|
| (1) | (2) | (3) | (4) |

SCHEDULE 4

Form of Application for Variation of Particulars Entered in Register

(see rule 11) Application to liave the particulars entered in the register with respect to the applicant varied. To The prescribed authority, Full Name of the applicant (in block letters) Number and date of Certificate of Registration •- I return herewith my certificate of registration under the Performing Animals (Registration) Rules, 2000 and I hereby apply to have the particulars entered in the Register with respect to be varied as follows' and the reasons given below: I also request that my existing certificate may be cancelled and a new certificate of registration of may be issue to me. Signature:.....
Address:.....

SCHEDULE 5

Suggestive Size of Cages for Transportation

(see rule 8(ii))

| Species | Length (m) | Breadth (m) | Height (m) |
|-----------------------|--------------|-------------|------------|
| Slender Ions | 0.40 | 0.25 | 0.35 |
| Slow loris | 0.60 | 0.25 | 0.45 |
| Horse (domestic/Wild) | 3.00 | 1.00 | 1.75 |
| Ass(domestic/Wild) | 2.25 | 80 | 1.28 |
| Zebra | 2.60 | 95 | 1.80 |
| Elephant (Adult) | 4.80 | 2.40 | 2.84 |
| Hippopotamus (Common) | 4.06 | 2.10 | 1.50 |
| Pigmy Hippo | 1.52 | 1.000 | .74 |
| Civet | 0.79 | 40 | 0.38 |
| Mongoose | 0.56 | 25 | 0.13 |
| Duck | 0.38 to 0.63 | 22.0.35 | 0.21 |

SCHEDULE 6

Minimum prescribed size for feeding/retiring cubicle/enclosures for important mammalian species of captive animals

(See rule 8(iv))

| Name of the Species | Size of the cubicle/enclosures in metres | | |
|-----------------------|--|---------|--------|
| | Length | Breadth | Height |
| Family-Felidate | | | |
| Lepoard | 2.00 | 1.50 | 2.00 |
| Small cats | 1.80 | 1.50 | 1.50 |
| Family - Elephantidae | | | |
| Elephant | 8.0 | 6.0 | 5.5 |
| Family-Rhinocerotidae | | | |
| One homed Indian | | | |
| Rhinoceros | 5.0 | 3.0 | 2.5 |
| Family- Carvidae | | | |
| Brow antlered deer | 3.0 | 2.0 | 2.5 |

| | | | |
|-----------------------|-----|-----|-----|
| Hangul | 3.0 | 2.0 | 2.5 |
| Swamp deer | 3.0 | 2.0 | 2.5 |
| Musk deer | 2.5 | 1.5 | 2.0 |
| Mouse deer | 1.5 | 1.0 | 1.5 |
| Family - Bovidae | | | |
| Nilgini tahr Chinkara | 2.5 | 1.5 | 2.0 |

SCHEDULE 7

Suggestive Size of Cages for Transportation

| (see rule 8 (ii)) | | | |
|-----------------------|---------------|-------------|------------|
| Species | Length (m) | Breadth (m) | Height (m) |
| Slender Ions | 0.40 | 0.25 | 0.35 |
| Slow loris | 0.60 | 0.25 | 0.45 |
| Horse (domestic/Wild) | 3.00 | 1.00 | 1.75 |
| Ass (domestic/Wild) | 2.25 | 80 | 1.28 |
| Zebra | 2.60 | 95 | 1.80 |
| Elephant (Adult) | 4.80 | 2.40 | 2.84 |
| Hippopotamus (Common) | 4.06 | 2.10 | 1.50 |
| Pigmy Hippo | 1.52 | 1.00 | 0.74 |
| Civet | 0.79 | 40 | 0.38 |
| Mongoose | 0.56 | 25 | 0.13 |
| Duck | 0.38 to 60.63 | 22-0.35 | 78 |
| Dove | 0.46 | 0.20 | 0.21 |

SCHEDULE 8

Minimum prescribed size for feeding/retiring cubicle/enclosures for important mammalian species of captive animals

| (See rule 8 (iv)) | | | |
|-----------------------|--|---------|--------|
| Name of the Species | Size of the cubicle/enclosures in meters | | |
| Family Felidate | Length | Breadth | Height |
| Lepoard | 2.00 | 1,50 | 2.00 |
| Small cats | 1.80 | 1.50 | 1.50 |
| Family Elephantidae | | | |
| Elephant | 8.0 | 6.0 | 5.5 |
| Family Rhinocerotidae | | | |
| One horned Indian | | | |
| Rhinoceros | 5.0 | 3.0 | 2.5 |
| Family Carvidae | | | |
| Brow antlered deer | 3.0 | 2.0 | 2.5 |
| Hangul | 3.0 | 2.0 | 2.5 |
| Swamp deer | 3.0 | 2.0 | 2.5 |

| | | | |
|---------------------|------------|-----|-----|
| Musk deer | 1.5 | 1.0 | 1.5 |
| Family Bovidae | | | |
| Nilgiri tahr | 2.5 | 1.5 | 2.0 |
| Chankara | 2,5 | 1.5 | 2.0 |
| Four horned antelop | 25 | 1.5 | 2.0 |
| Wild Burrialo | 3.0 1.52.0 | | |
| Indian Bision | 3.0 | 2.0 | 2.5 |
| Yak | 4.0 | 2.0 | 2.5 |