

# DOG BREEDING, MARKETING AND SALE RULES

## PREAMBLE

Breeding, marketing and sale of dogs has come to stay as a high-level commercial venture in India, involving thousands of breeders and pet shops in a multi-crore industry. An enormous need has also emerged for lakhs of pups of specific breeds from prospective pet owners, most of whom are ignorant regarding the basics of healthcare and management of dogs. This has resulted in the mushrooming of unscrupulous breeders indulging in backyard breeding activity in the most unhygienic conditions, cruelly exploiting the animals for easy money; and in pet shops sourcing and selling pups from such breeders, which, though seemingly of pure breed, are actually of poor quality, and often diseased, resulting in heavy mortality, or weak and unhealthy animals that are ill-treated, and in many cases simply abandoned on the street. Not only is this compounding the street animal problem, this unethical trade also has high zoonotic potential which is a public health concern.

There is hence an immediate need to discipline and regulate the process of dog breeding, marketing and sale of pups. Uniform practices and procedures have to be prescribed, and adhered to by those partaking in the profits derived from this brand of commercial activity. Consequently, the Dog Breeding, Marketing and Sale Rules have been formulated by virtue of the power conferred by Section 38 of the Prevention of Cruelty to Animals Act, 1960.

### **1. SHORT TITLE AND COMMENCEMENT:**

- (1) These rules may be called the Dog Breeding, Marketing and Sale Rules, 2010.
- (2) They shall come into force on the date they are published 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) “Board” means the Animal Welfare Board of India, established under section 4 of the Act and reconstituted from time to time under section 5A;
- (c) “Breeder” shall include an individual or group of persons owning dogs of specific breeds, registered with the Kennel Club of India or any other Kennel Club, or unregistered animals whether of specific breeds or not, for breeding and sale of dogs and pups;
- (d) “Traders” shall include any individual or individuals or group of individuals or other association of persons selling dogs and pups either from their own breeding efforts, or acquired from other breeders through pet shops, or acquired from other premises/establishment of any other description, or imported for sale ;
- (e) “Boarding Kennel Operators” shall include any individual or individuals or group of individuals or other association of persons who keep pet dogs and pups for temporary boarding in their kennels / shelters ;
- (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) “Intermediate handler” means any person engaged in any business in which he receives custody of animals through boarding, ownership or brokering in connection with their sale or purchase ;
- (h) “Local Authority” means a panchayat, nagar palika, municipal corporation, district board, cantonment board or any other authority for the time being invested by law with the control and administration of any matter within a specified local area ;
- (i) “License” means a license granted under these Rules ;
- (j) “Inspector” means a person appointed by the Local Authority or the Board, and duly authorized in writing to inspect and supervise implementation of these Rules, and ensure compliance with the same ;

Provided however that any person who is or has been a pet shop owner or

breeder, as defined in these or any other Rules or enactment for the time being in force, or is related to a pet shop owner or breeder, shall not be appointed as an Inspector under these Rules ;

(k) “Pet Shop” means and includes every shop, place or premises, including shops, places, and/or premises in weekly markets, where animals for use as pets 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 is carried out;

(l) “Registration certificate” means a registration certificate issued under these Rules ;

(2) All other terms and expressions used in these Rules, shall have the meanings assigned to them in the Act.

### **3. OBJECTIVES :**

For the avoidance of doubt it is hereby made clear that these Rules have been enacted with a view to :

- a. Regulate the welfare of dogs kept in breeding premises/establishments, whether described as breeding premises/establishments, or otherwise ;
- b. Confer powers for inspection of such premises/establishments ;
- c. Ensure the maintenance of records by such premises/establishments ; and
- d. Regulate the sale of dogs and pups ; and for purposes connected therewith or ancillary thereto.

[Note 1: In common practice, adult dogs are rarely sold. For the purpose of these Rules, sale of pups is considered as important and relevant, and requires as much regulation as does the sale of dogs.

Note 2: The requirements set out in these Rules shall be adhered to by boarding kennel operators as well, unless repugnant to the context.]

### **4. GENERAL RULES FOR COMMERCIAL BREEDING AND SALE OF DOGS AND PUPS :**

(1) The general rules to be observed for commercial breeding and sale of dogs and pups shall be as follows :

(i) Dog owners keeping any female adult dog that has not been spayed, or any male adult dog that has not been neutered, for breeding, shall obtain the necessary license from the Local Authority for their trade/commercial activity at the premises/establishment in question in accordance with the relevant local/municipal law, and after payment of the fee prescribed for the purpose.

(ii) All persons wishing to breed dogs for commercial gain shall also register themselves with the Animal Welfare Board of India in the manner prescribed, after payment of the fee prescribed by the Board. The application form for registration and the charges payable for the same are available on the web-site of the Board. The Board shall issue a registration certificate to the breeders who register with it in the manner prescribed.

(iii) All licensees shall prominently display their licenses and registration certificates, thereby affirming that the premises/establishment in question has been licensed for the breeding/sale of dogs, and that they are duly registered with the Board.

(iv) All licensed pet shops shall source/procure pups from licensed and registered breeders only, with proof of the same being available in the shape of adequate records. The Kennel Club of India, and other kennel clubs, shall issue puppy registration certificates only to breeders that are licensed by the local authority, and registered with the Board.

(v) The premises/establishments belonging to breeders, and traders, or any other premises / establishment by whatever name called where breeding activity is being carried out, shall be open to inspection by Inspectors authorized by the Board or the Local Authority.

(2) In these Rules, unless outright repugnant to the context, the word 'dog' shall mean and include pups.

## **5. LICENSING BY THE LOCAL AUTHORITY, AND REGISTRATION WITH THE BOARD :**

(1) An applicant under these Rules shall be at least eighteen (18) years of age to be issued a valid license by the Local Authority, and to register himself with the Board.

(2) **License from Local Authority, and registration with the Board :-** A license from the Local Authority shall be a pre-requisite to the registration of the applicant with the Board, for commencing/continuing breeding activity at his premises / establishment, by whatever name called ; and the latter shall not be granted unless the Local Authority has licensed the premises / establishment for the purpose.

(3) **Inspection by Local Authority prior to issuing License :-** The Local Authority shall issue a license to a premises/establishment intended to be used for breeding activity under these Rules only after it arranges for the team inspection of the premises/establishment by a veterinary surgeon recognized by the Veterinary Council of India or the State Veterinary Council, an officer of the Local Authority, and a representative of the Board.

(4) **Report of Inspector :-** A report shall be written of an inspection conducted at a premises/establishment under the preceding sub-rule, and signed by all members of the inspection team referred to in the preceding sub-rule. The Local Authority shall consider the report before determining whether or not to grant a license to the applicant.

(5) The Local Authority shall inform the Board of their decision to grant a license or otherwise. A copy of the report shall also be shared by the Local Authority with the Board.

(6) **Application for registration with the Board :-** The applicant shall provide all information requested on the application form, including a valid mailing (postal) address through which the applicant can always be reached, and a valid address for the premises/establishment where animals, facilities, equipment and records can be inspected for compliance. Locations of all premises/establishments, facilities or sites where the applicant operates from, has an interest in, or keeps animals, shall be provided on the application form or on a separate sheet attached to it. The applicant shall file the completed application form with the Secretary of the Board. Applications must be accompanied with the prescribed fee as required.

(7) **Duration :-** The license for breeding issued by the Local Authority shall be for a one-year duration only, subject to renewal after inspection.

Likewise, the registration certificate issued by the Board shall also have to be renewed yearly, and shall not be renewed if the license issued to the breeder is not renewed by local authority.

**(8) Conditions for Grant and Renewal of License :-** The grant and renewal of license shall be subject to and dependent upon:

- a. Prescribed procedure for registration with the Board being followed,
- b. Adequate record keeping and satisfactory records being maintained,
- c. Identification of breeding animals by micro-chipping,
- d. State of the establishment/premises including facilities /infrastructure,
- e. Adequate record of staff being maintained,
- f. Details of breeding operations/activity being provided,
- g. General care and upkeep of the animals,
- h. Health of the animals,
- i. Affiliation to a Veterinary Surgeon recognized by the Veterinary Council of India or the State Veterinary Council.

**(9) Inspection :-** A Local Authority or the Board may authorize in writing, any of its officers or any veterinary surgeon to inspect any premises in its area in respect of which a license has been granted under these Rules, and any person so authorized may, on producing his authority if so required, enter any such premises/establishment and inspect them and any animals found thereon or any other thing therein, for the purpose of ascertaining whether an offence has been or is being committed against these Rules. The inspector shall be allowed to make copies of the records, photograph the facilities, and the property and animals, and anything else that he considers relevant, or capture the same on video. All premises/establishments licensed by the Local Authority shall be inspected at least once each year, or mandatorily upon receipt of a complaint by the Local Authority or the Board about the misuse of any particular facility.

**(10) Obstructing Inspection :-** Any person who willfully obstructs or delays any inspector in the exercise of his powers of entry or inspection

under these Rules shall be guilty of an offence under the Rules. Every licensee shall also, upon request being made, allow one or more police personnel or officers of other law enforcement agencies with general law enforcement authority, to enter his/her place of business and inspect animals and records for the purpose of tracing missing animals, provided a written description of the missing animal and the name and address of its owner is furnished to the licensee before the search commences. Any person obstructing such an inspection shall also be guilty of an offence under the Rules.

**(11) Report :-** All applicants for new license, or licensees seeking renewal of license shall also make their premises/establishments, areas, facilities, animals, equipment, vehicles and records available for inspection to the animal welfare official designated by the Board. They shall also provide the inspector with suitable workspace and facilities such as a room, a table and a chair to use in examining records and for writing his report. It shall not however be mandatory for the inspector to write the report on site.

**(12) Operating without license, and without a registration certificate :-** Operation of a breeding premises/establishment, or commercial kennel or pet shop, by a commercial breeder, or trader, or other dealer, or intermediate handler or exhibitor, without a valid license or a valid registration certificate shall be a violation of the Rules.

**(13) Non-transferability of license, and of registration certificate :-** A license shall be issued to specific persons for specific premises/establishment, facilities and operations, and is not transferable upon change of ownership or any other significant change in business or operations, nor shall it remain valid for a different location. A registration certificate shall not be transferable either.

**(14) Expiry of license :-** All licenses will expire on the 31<sup>st</sup> of January every year, and will automatically terminate at midnight on that date unless an application for renewal, properly filled in and duly completed, along with the prescribed fee has been received by the Local Authority. It is a requirement of these Rules that thirty (30) days prior to the expiry date of a license, the licensee shall file an application for renewal with the Local Authority. A person whose license has expired shall not conduct any activity for which a license is required, until a valid license is issued to him again. The requirement set out in this sub-rule shall apply equally to a registration certificate issued by the Board.

(15) Any person who seeks the reinstatement of a license that has expired, or registration certificate that has lapsed shall follow the procedure applicable for grant of a new license, or for issuance of a new registration certificate.

## **6. REFUSAL TO ISSUE OR RENEW LICENSE, AND REVOCATION OR SUSPENSION THEREOF :**

(1) The Local Authority may refuse to issue a license, or renew a license already granted, and may revoke or suspend a license on any one or more of the following grounds :

(i) Material and deliberate misstatement in the application for grant of original license or for renewal of license.

(ii) Conviction for violation of any state or central law on the disposition or treatment of animals.

(iii) Failure by the applicant to comply with any requirement mandated by, or any of standards prescribed by the Local Authority or the Board, including standards set out in these Rules.

(iv) Refusal to allow any inspector free and unrestricted access to the required records, or any breeding premises/establishment, or other facility for animals, or other area, equipment or vehicle.

(v) **Payment of Fee :-** Non-payment of fees will result in denial of license. Payment of fees must be made by bank draft, cashier's cheque or money order. An applicant shall not receive a license until payment has cleared normal banking procedures. A delay of up to thirty (30) days or more may be expected if a personal out-station cheque is used for payment of fees.

### **(2) Rejection of Initial Application for License :-**

(i) A license shall not be issued to any applicant who is not in complete compliance with the requirements of these Rules, and the standards set out herein, including the payment of fees.

(ii) **Rejection and Appeal :-** An initial applicant for license shall be allowed a maximum of three (3) inspections and a maximum period of ninety (90) days from the date of the first inspection within which to attain total compliance with these Rules and the standards set out herein. If he is unable



to attain the same, grant of license to the applicant shall be denied, with the reasons for the same set out in writing. The applicant shall however have the right to appeal within 30 days of receipt of the letter of rejection, to the Commissioner of the Local Authority. If he wishes to be heard, he may also seek personal hearing from the appellate authority, i.e. the Commissioner of the Local Authority, not later than when he first submits his appeal. After due notice to the relevant department of the Local Authority, and after considering the appeal and the reasons urged by both parties during the course of the hearing, the appellate authority may either reject the appeal, or allow the same, with the reasons for his decision set out in writing. Provided however that if the application for license had been rejected because the inspector/s was / were of the view that some or all of the facilities of the applicant are such as shall be detrimental in any manner to the welfare of the animals, it shall be incumbent upon the appellate authority, i.e. the Commissioner of the Local Authority, to seek and consider the opinion of the Chairperson of the Animal Welfare Board of India regarding the issue involved, before deciding the appeal. Provided further that if the appellate authority differs with the opinion rendered by the Chairperson of the Animal Welfare Board of India, he shall set out the reasons for the same in writing when deciding the appeal.

(iii) An initial applicant shall not conduct any activity for which a license is required, until and unless the license is issued.

(iv) No partnership, firm, corporation or other legal entity in which a person, whose application for license had been denied, or whose license is or has been revoked, has a substantial interest, financial or otherwise, shall be licensed under these Rules.

## **7. OTHER RELEVANT PROVISIONS PERTAINING TO LICENSES**

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(1) **Report by Licensee seeking renewal of license :-** Every licensee seeking renewal of license shall submit an annual report along with the application for renewal.

(2) Every licensee shall submit to both, the Local Authority and the Board, information as to the total number of animals sold, traded, bartered, brokered, given away, boarded or exhibited during the previous year (January through December), and provide to the Local Authority, all other information required on the form.

(3) In the case of a licensee owning/operating a breeding premises/establishment expiring during the term of license, the license shall be deemed to have been granted to his representatives in respect of those premises, and shall remain in force until the end of a period of three months only, beginning with the death of the original licensee,

**(4) Facilities (including housing) to be provided by the Licensee, and considered prior to grant or renewal of license :-**

In determining whether to grant a license for breeding premises/ establishments for dogs to an applicant for the same, the Local Authority shall in particular (but without prejudice to their discretion to withhold a license on these grounds) have regard to the need for securing the following :

a. **Suitable kennels/accommodation :-** That the dogs will at all times be kept in kennels/ accommodation suitable in all respects, and conforming to the requirements of these Rules, in terms of construction, size, number of dogs, exercising facilities, proper temperature, lighting, ventilation and cleanliness.

b. **Adequate housing :-** That adequate housing is available / will be provided. Adequate housing means continuous provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation and appropriate space. All housing shall be made of impervious materials that can be sanitized. (Wood is not acceptable for this purpose.)

c. **Indoor housing facility :-** That the indoor housing facility at the premises/establishment is as prescribed. Indoor housing facility means any structure or building with environmental controls, housing or intended to house animals, and meeting the following requirements:-

i) It may consist of runs or pens totally enclosed in a barn or building, or of connecting inside/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.

v) It shall have at least one (1) door for entry and exit that can be opened and closed. Any windows or openings which provide natural light shall be covered with a transparent material such as glass or hard plastic.

**d. Care and upkeep of dogs :** - That the dogs are being / shall be supplied with adequate quantity of suitable food, adequate water and bedding material, adequately exercised, and visited at suitable intervals. For the removal of doubts it is clarified that :

i) Adequate quantity (of suitable food) means the provision, at suitable intervals of not more than eight (8) hours, of a quantity of wholesome food suitable for that species and age, and enough to maintain a reasonable level of nutrition in each animal. All food shall be served in a safe receptacle, dish or container.

ii) Adequate water means the provision of a supply of fresh, clean drinking water in a safe receptacle, dish or container. Water shall be available at all times.

iii) A fenced area for adequate exercise is available, or provision for exercising the animal on a leash exists.

## **8. GENERAL REQUIREMENTS TO BE ADHERED TO BY BREEDERS :**

(1) The following requirements shall be adhered to and met by every breeder of dogs :-

a. The breeder shall be knowledgeable about reproduction, nutrition, wellness and care, early behavioral development, and breeding ethics.

b. Only normal, healthy, mature female dogs that have reached their 18<sup>th</sup> month shall be bred. They shall be certified as healthy by a licensed veterinarian at least ten (10) days prior to their being bred.

c. No female dog shall be exploited to produce litters in two (2) consecutive breeding seasons. 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. Only one litter shall be produced in one year.

d. No female dog shall be exploited to give birth to more than five (5) litters of puppies during her lifespan.

e. No male dog shall be used for breeding unless he is a healthy, mature dog, and only after he has reached his 18th month. He shall be certified as healthy by a licensed veterinarian at least ten (10) days prior to his being mated.

## **(2) Common Breeding Techniques :-**

a. Breeders are known to utilize four common breeding techniques, i.e. Out breeding; ii) Line breeding; iii) In breeding; and iv) Incest breeding.

b. Out of these, the following two are **ALLOWED**, and accepted under these Rules :

i) Out breeding: The mating of dogs, which are not at all related to one another.

ii) Line breeding: Mating between dogs that are marginally related to each other. In this case dogs are chosen for their special attributes to obtain certain types.

c. The following two techniques are **NOT ALLOWED**, and not accepted 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. Inbreeding 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. This is strictly forbidden.

ii) Incest breeding: Mating between parents and children or between brother and sister, i.e. 1st grade relatives. This is strictly forbidden.

Incest breeding as well as continued inbreeding and line breeding is risky, since it increases the danger of hereditary diseases.

(3) Female dogs shall not be mated after the age of 8 years.

(4) All breeders shall furnish the proof of age of their breeding female dogs (by a licensed veterinarian).

(5) All breeders 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.

(6) Breeding female dogs shall be up-to-date with their vaccination boosters and de-worming prior to mating.

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

## **9. 'HEALTH' RELATED REQUIREMENTS TO BE ADHERED TO BY BREEDERS :**

(1) Dogs shall be kept in a clean, healthy and safe environment. They shall be provided with all socialization opportunities, vaccinations, and de-worming necessary to provide maximum mental and physical well-being.

### **(2) Attending Veterinarian and Adequate Veterinary Care :-**

a. Proper veterinary care shall be available. Every breeder shall have the services of a consultant veterinarian available to attend to emergency medical requirements if the premises/establishment has more than six (6) breeding dogs. Records shall be kept of his/their visits.

b. The consultant veterinarian shall visit the premises/establishment of the licensee periodically, at regular intervals.

c. Individual health records shall be maintained of all animals above the age of eight (8) weeks, or that have been weaned, or that have been treated with a medical procedure, whichever occurs first. Litter health records may be kept on litters when litter-mates are treated with the same medication or procedure. Health records (or a copy) should accompany all animals upon transfer of ownership.

d. Daily observation of all animals to assess their health and well-being is required. However, daily observation of animals may be accomplished by a para vet, provided that 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/attending veterinarian.

e. Adequate training and guidance to personnel involved in the care of animals, including daily observation of animals, is required. The employer shall employ only those persons that can perform at the level required by these rules.

f. If the veterinarian finds, either during the course of a visit to the premises/establishment, or upon his attention being invited to the same by the Local Authority or the Board, that an animal or group of animals from a breeding kennel is/are suffering from contagious, communicable or infectious disease/s or exposure to any disease/s, a quarantine to that premises/establishment may be issued by the veterinarian until the animals are

i) recovered and no longer capable of transmitting the disease; or

ii) isolated; or

iii) humanely euthanized and properly disposed off; or

iv) tested, vaccinated or otherwise treated.

g. A quarantine issued by the veterinarian shall remain in effect until released in writing by the veterinarian. Information regarding such a quarantine having been issued shall mandatorily be provided by the veterinarian to the Animal Husbandry department of the state government, the Local Authority and the Board, in writing.

h. All puppies shall be vaccinated. Puppy vaccinations can start at 7-8 weeks of age, and are usually completed at 18 weeks.

i. The dogs shall have been tested for genetic defects such as (but not limited to) 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.

#### **(5) Euthanasia :-**

All euthanasia of mortally wounded or injured animals or incurably sick or terminally ill animals shall be accomplished by a veterinarian registered with the Veterinary Council of India, in a manner and through a method approved

by the Veterinary Council of India / the Board. Records shall be maintained of all animals euthanized.

## **10. HOUSING FACILITIES, AND MANNER OF HOUSING DOGS :**

(1) **Structure and Construction :-** Housing facilities for dogs shall be structurally sound, and shall adhere to the requirements set out at Rule 7(4) of these Rules. They shall be kept in good repair, contain the animals securely and restrict other animals from entering.

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

(3) All surfaces in housing facilities, and all other construction shall be such as allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. There shall be no jagged edges or sharp points that may injure the animals. The ceilings of indoor housing facilities shall be impervious to moisture.

(4) **Storage Facilities :-** Supplies of food and bedding shall be stored outside the animal area and in a manner that protects the supplies from spoilage. The supplies shall be stored off the floor and away from the walls, to allow cleaning underneath and around any supplies. Foods requiring refrigeration must be stored accordingly, and all food must be stored in a manner that prevents contamination and deterioration of its nutritive value. All open supplies of food and bedding must be kept in leak-proof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas.

(5) **Cleaning :-** Hard surfaces with which the dogs come in contact shall be spot-cleaned daily and sanitized, 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.

(6) **Drainage and Waste Disposal :-** Regular waste disposal, removal and disposal of animal and food waste, discarded bedding, debris, garbage, water, other fluids and wastes, shall be provided for. Housing facilities shall

be equipped with disposal facilities and drainage systems that ensure rapid elimination of animal waste and water. If closed drainage systems are used they shall be equipped with traps that prevent the backflow of gases sewage onto the floor. Standing puddles of water in animal enclosures and adjacent areas shall be drained or mopped up so that the animals stay dry. Trash containers in housing facilities, food storage and food preparation areas shall be leak-proof and possessed of tightly fitted lids at all times.

(7) **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.

(8) **Ambient and comfortable temperature :-** The temperature within indoor housing facilities for animals shall be ambient and comfortable, depending on the breeds of dogs that are housed insides. The temperature shall be such as provides for their health and well-being.

(9) **Ventilation :-** Adequate ventilation at indoor housing facilities containing dogs shall be ensured by means of windows, doors, vents or air conditioning. The air shall be circulated by fans, blowers or air conditioning so as to minimize drafts, odors and moisture condensation.

(10) **Lighting :-** Indoor housing facilities for animals shall be well-lit enough to permit routine inspection, cleaning of the facility and observation of the animals. Primary enclosures shall be placed so as to protect the animals from excessive light.

(11) **Chemicals :-** 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. All chemicals shall be clearly labeled.

(12) **Medicine :-** All medication must be stored in clean, dust restricting cabinets with well-fitting doors or other suitable containers with well-fitting lids. All medication must be clearly marked, or labeled. Manufactures' labels, including expiration date, shall not be removed or defaced. 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.



(13) **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.

(14) **Outdoor Housing Facilities :-**

a. **Restrictions :-** The following categories of dogs/pups shall not be kept in outdoor facilities, unless that practice is specifically approved by the attending veterinarian 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.

b. 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. In addition to the same, 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. 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.

The requirements provided for in sub-rules (1) to (13) shall apply equally to outdoor housing facilities.

(15) **Primary Enclosures :-** 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 ;

Provide all the animals with easy and convenient access to clean food and water ;

- h. Enable all surfaces that come in contact with the animals to be readily cleaned and sanitized, or replaced when worn or soiled ;
- i. Have floors that are constructed in a manner that protects the animal's feet and legs from injury ;
- j. 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;
- k. Each dog housed in a primary enclosure (including weaned puppies) shall be provided a minimum amount of floor space, calculated as follows: The mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail), plus six (6) inches, divided by one hundred and forty-four (144).
- l. 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.
- m. The interior height of a primary enclosure shall be at least six (6) inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

(16) 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. Dogs shall not be caged except at night when the caregiver retires, or when necessary for medical reasons.

**(17) Dogs on Tethers :-**

a. 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. 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 (3) times the length of the dog, as measured from the tip of its nose to the base of its tail. The tether shall allow the dog convenient access to the shelter structure, and to food and water containers. 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. Collars made of materials such as wire, flat chains, or chains with sharp edges, or chains with rusty or non-uniform links, are prohibited. 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.

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

**(18) Compatibility :-**

a. All dogs housed in the same primary enclosure shall be compatible, as determined by observation. Not more than twelve (12) adult dogs shall be housed in the same primary enclosure. Female dogs in heat shall not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, female dogs with litters shall not be housed in the same primary enclosure with other adult dogs, and puppies less than four (4) months of age shall not be housed in the same primary enclosure with adult dogs other than their dam or foster dam. Dogs with a vicious or aggressive disposition shall be housed separately from other dogs.

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

**(19) Exercise for Dogs and Socializing :-** 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. The plan shall be approved and signed by the licensee and the attending veterinarian, and include written standard procedures to be followed in providing the opportunity for exercise. The plan shall also be made available to the state veterinarian or his/her designated representative upon request. It shall, at a minimum, comply with each of the following:

a. **Dogs housed individually:-** Dogs over twelve (12) 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.

b. The frequency, method and duration of the opportunity for exercise shall be determined by the consultant/attending veterinarian.

c. Licensees, in developing their plan, shall consider providing positive physical contact with humans that encourages exercise through play or other similar activities. 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.

d. The opportunity for exercise may be provided in a number of ways, such as,

(i) Group housing in cages, pens or runs that provide at least one hundred percent (100%) of the required space for each dog if maintained separately under the minimum floor space requirements of this rule;

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

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

(iv) Exercising for at least 30 minutes twice per day;

(v) Socializing with people at suitable intervals equaling at least three (3) hours per day for adult and five (5) hours per day for puppies less than four months of age;

(vi) Other similar activities.

e. Establishments shall keep checklists documenting the name of the caretakers who complete these tasks, and the time at which each does so. Checklists shall be made available to the Local Authority and the Board during inspections, or when demanded.

f. Forced exercise methods or devices such as swimming, treadmills or carousel-type devices shall not be resorted to or used.

g. **Exemption :-** If, in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition or well-being, the licensee may be exempted from meeting the requirements of this section for those specific dogs only. This exemption shall be documented by the attending veterinarian, and unless the basis for exemption is a permanent condition, shall be reviewed and signed at least every thirty (30) days by the attending veterinarian.

**(20) Feeding :-**

a. Animals shall be fed as per prescribed standards. The food shall be uncontaminated, wholesome, palatable and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet shall be appropriate for the individual animal's age and condition.

b. Food receptacles used for animals shall be readily accessible to all animals and shall be located so as to minimize 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. They shall be kept clean.

**(21) Water :-** Potable water shall be continually available to the animals to ensure their health and well-being. Water receptacles shall be kept clean and sanitized before being used to water a different animal or social grouping of animals.

**(22) Cleaning, Sanitization, and Housekeeping :-**

a. **Cleaning of Primary Enclosures :-** 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. 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. Standing water shall be removed from the primary enclosure and adjacent areas. Animals in other primary enclosures shall be protected from being contaminated with water and other wastes during the cleaning.

b. Hard surfaces of primary enclosures and food and water receptacles shall be cleaned and sanitized, by washing them with appropriate detergent solutions and application of disinfectants.

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

**(23) Housekeeping for Premises :-** Premises/establishments 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. Weeds, grasses and bushes shall be controlled so as to facilitate cleaning of the facility, control/prevent fleas and ticks, and protect the health and well-being of the animals. Regular de-ticking shall be practiced at the time of grooming.

**(24) Annual Vaccination of Dogs :-** The dogs at every breeding premises/establishment shall be annually vaccinated against rabies (and preferably against canine distemper, parvo-virus, leptospirosis and viral hepatitis).

**(25) Employees :-** Every breeder/pet shop/boarding kennel shall have enough employees to carry out the level of husbandry practices and care required by this rule. 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.

## **11. TRANSPORTATION OF ANIMALS, DOS AND DONTS :**

This rule applies to the movement of a dog to or from a primary conveyance or terminal facility, and within a primary conveyance or terminal facility. The primary responsibility of ensuring adherence to these requirements shall be that of the licensee/breeder.

(1) One copy of the health record shall accompany each shipment of any dog sold or otherwise disposed off by a commercial breeder, or shipped interstate. The health record shall contain observations, and list out medication and treatments given.

(2) The name and complete mailing address of the person to whom the animal was sold or handed over for transportation shall be retained by the licensee/breeder.

(3) The vehicle license number and state, and the driving license number of the person delivering the animal shall be retained.

(4) A complete description of the animal, including breed or type, age, sex, color, approximate weight and distinctive markings shall be recorded.

(5) No commercial breeder, trader, other dealer, exhibitor, or pet shop shall deliver to any intermediate handler or carrier for transportation in interstate commerce, or shall transport in commerce any dog, unless the dog is accompanied by a certificate of fitness executed and issued by a licensed veterinarian.

(6) In connection with all live dogs delivered for transportation in commerce to any carrier or intermediate handler, by any commercial breeder, trader, other dealer, exhibitor, or pet shop, the accepting carrier or intermediate handler shall ask for and maintain a copy of the certificate of fitness tendered with each live animal.

(7) The health certificate shall state that :

a. The licensed veterinarian inspected the dog on a specified date, which shall not be more than 72 hours prior to the delivery of the dog for transportation; and

b. When so inspected, the dog appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the dog itself, or other animal(s) travelling with it, or otherwise endanger public health.

(8) The shipper's statement shall specify the date of shipment, name, address, phone number and license numbers of the consignor and consignee of the shipment, specify species and list each animal in the shipment by its individual number, breed or type, age, sex, color, approximate weight and distinctive markings, and vaccination history.

(9) The licensee/breeder shall ensure that the carrier or intermediate handler holds feeds and takes care of the animal/s accepted for transportation in commerce until the consignee accepts shipment at destination; or until the shipment is returned to the consignor if the consignee fails to accept delivery of the animal/s.

(10) **Minimum Age Requirements :-** No dog shall be delivered by any breeder or any other person to any carrier or intermediate handler for transportation in commerce, or shall be transported in commerce by any person unless that dog is at least eight (8) weeks of age, and has been weaned.

(11) **Food and Water :-**

a. The consignor shall certify that each dog was offered food and potable water within the two (2) hours preceding the delivery of the dog to a carrier or intermediate handler for transportation in commerce, and certify the date on and time at which the food and potable water was offered.

b. He shall also securely attach to the outside of the primary enclosure/ cage/ portable kennel used for transporting the dog, written instructions for in-transit food and water requirements for a twenty-four (24) hour period for the dog/s contained in the enclosure/cage/kennel. The instructions shall be attached in a manner that makes them easily noticed and read.

c. Food and water receptacles shall be securely attached inside the primary enclosure and placed so that the receptacles can be filled from outside the



enclosure without opening the door. Food and water containers shall be designed, constructed and installed such that a dog cannot leave the primary enclosure through the food or water opening.

**(12) Care in Transit :-**

a. Any person transporting dogs in commerce shall ensure that the operator of the conveyance or a person accompanying the operator observes the dogs as often as circumstances allow, but not less than once every four (4) hours, to make sure they have sufficient air for normal breathing, that the temperature is ambient and comfortable, and that all applicable transportation standards are being complied with. It shall be the responsibility of the person transporting the dogs in commerce to determine whether any of the dogs are in physical distress, and obtain the veterinary care that may be needed at the closest available veterinary facility.

b. **Air transportation :-** During air transportation of dogs it shall be the responsibility of the carrier to observe the dogs as frequently as circumstances allow, but not less than once every four(4) hours, if the animal cargo area is accessible during flight. If the animal cargo area is not accessible during flight, the carrier shall observe the dogs whenever they are loaded and unloaded, and whenever the animal cargo space is otherwise accessible, to make sure they have sufficient air for normal breathing, that the temperature is ambient and comfortable, and that all applicable transportation standards are being complied with. It shall also be the responsibility of the carrier to determine whether any of the dogs are in physical distress, and obtain the veterinary care that may be needed at the closest available veterinary facility. The consignor shall demand that the carrier strictly observes these requirements. It is also a mandatory requirement of these Rules that an animal shall not be delivered to a carrier for transportation by air unless accompanied by a certificate of fitness from a licensed veterinarian affirming that it is fit to travel by air.

c. If a dog is obviously ill, injured or in physical distress, it shall not be transported, except to receive veterinary care for the condition. A certificate issued by the consultant/attending veterinarian stating that the dog is being transported for receiving veterinary care shall accompany the animal.

d. Except during the cleaning of primary enclosures during transportation in commerce, a dog shall not be removed from its primary enclosure, unless it is placed in another primary enclosure or facility that meets the requirements of these Rules.

e. The consignor shall insist and ensure that the transportation standards set out in these Rules shall be complied with until a consignee takes physical delivery of the dog if the animal is consigned for transportation, or until the animal is returned to the consignor.

**f. Terminal Facilities :-**

(i) It shall be the responsibility of the consignor to ensure that shipments of dogs are not mixed with inanimate cargo in animal holding areas of terminal facilities.

(ii) The consignor shall demand, and ensure that all animal holding areas of terminal facilities are cleaned and sanitized in a manner that precludes accumulation of debris or excreta.

(iii) **Ventilation :-** The consignor shall demand, and ensure adequate ventilation in any animal holding area in a terminal facility containing dogs, by means of windows, doors, vents or air conditioning. The air shall be circulated by fans, blowers or air conditioning so as to minimize drafts, odors and moisture condensation.

(iv) **Temperature :-** The consignor shall demand, and ensure ambient and comfortable temperature within the animal holding area.

(v) **Shelter :-** Live animals held in any animal holding area of a terminal facility shall be provided shelter from sunlight and extreme heat, rain or snow.

(vi) Any person who moves (including loading and unloading) dogs within, to or from the animal holding area of a terminal facility or a primary conveyance shall do so as quickly and efficiently as possible.

g. Any person handling a primary enclosure containing a dog shall use care and shall avoid causing physical harm or distress to the dog. A primary enclosure containing a dog shall not be tossed, dropped or needlessly tilted, and shall not be stacked in a manner that may reasonably be expected to result in its falling.

**12. IDENTIFICATION OF ANIMALS :**

(1) All licensees shall identify all dogs held on the premises, bought/purchased, raised, otherwise received/acquired, boarded, sheltered, sold, released, donated or otherwise disposed off or removed from the premises for any reason to or through any person, by one (1) or more of the following methods:

a. By an official tag affixed to the animal's neck by means of a collar made of a material generally considered acceptable to pet owners. The use of materials such as wire, elastic or any other material which may cause discomfort to the animal shall not be made. Identification of all breeding stock, and of pups over 3 months, shall be carried out through micro-chipping by a licensed veterinarian only.

b. Tags shall be sequentially numbered, used in a sequential order, and shall be referenced to record(s) which completely and accurately identify the source of the animal, all medical treatment or procedures that it may have been subjected to, and the disposition of the animal. Likewise, micro-chips shall also be allotted sequential numbers for the same purpose. A record of the number, and micro-chip number, used to identify the animal shall accompany the animal on sale/disposal.

(2) Commercial kennels shall use distinctive cards. Cards shall be placed in an area that will prevent animals, water or cleaning solutions from coming into contact with or damaging the cards. Cards shall also provide a brief description of the animal including name, breed or type, age, sex, colour and any distinctive markings. Cage cards must also specify any medication with directions for administering, any special needs or instructions and emergency instructions, stating the veterinarian of choice and the telephone number. All of the information listed in this paragraph shall be accessible by, and immediately available to the animal caretaker and inspector if required.

### **13. CONDITIONS FOR SALE :**

(1) The Registration Certificate issued by the Kennel Club of India / other kennel club, with details such as breed of the animal, its standard, and other relevant information mentioned thereupon, shall be issued during sales under these Rules.

(2) 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 licensed veterinarian who has examined the puppy.

(3) All breeders shall screen prospective buyers to ascertain their potential to properly take care for the breed, especially if it is a large one; and to ascertain whether they shall be able to provide the requisite training, and attend to grooming, socializing, veterinary expenses, equipments needs, spatial needs, and exercise requirements.

(4) The breeder shall either singly or in litter lots, consign, donate or sell dogs to commercial dog wholesalers, franchised commercial facilities, or pet shops licensed by the Board.

(5) All pups sold shall be in good health and condition, have had the required medical inoculations, shall be free from communicable diseases, and of minimum eight (8) weeks of age. No adult dog or puppy shall be sold without adequate disease protection irrespective of its age.

(6) The breeder shall keep track of all puppies produced and sold, whether pet or for show, to track how the breeding program is working. The buyer of the pup / dog shall be liable to furnish information with regard to health problems, physical abnormalities or death of the animal on yearly basis. (It shall be the responsibility of the breeder to obtain the said information, and for the purpose he shall incorporate these terms into the document of sale.)

(7) Puppies shall not be displayed in public places for the purpose of immediate sale.

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

(9) Dogs over 6 (six) months of age shall not be sold without first being sterilized, unless they are being sold to another licensed breeding premises/ establishment.

(10). Dogs and pups cannot and shall not be sold for use in experiments.

#### **14. RECORDS :**

(1) Accurate records pertaining to resident animals, animals for breeding, animals for sale, and all other records mentioned in these Rules shall be maintained by breeders at the premises/establishments for breeding, and made available for inspection to any officer of the Local Authority or Board, or any veterinary practitioner or any person authorized by the Local Authority or the Board to inspect the premises.

(2) Accurate records shall be retained of individual dogs and female dogs, stud service contracts, pedigrees, all litters of puppies for sale, and all dogs/puppies sold.

(3) The following information regarding each dog/female dog shall be kept:

- a. Breed,
- b. Registered name and number (or litter number if not registered),
- c. Micro-chip number,
- d. Sex, colour and markings,
- e. Date of birth,
- f. Name or numbers of sire and dam,
- g. Name of breeder,
- h. Name and address of person from whom directly acquired,
- i. Date of acquisition,
- j. Date and duration of lease, if any.

(4) The owner of a dog/female dog, which is bred/mated, shall record:

- a. Date and place of mating,
- b. Names of persons handling the mating,
- c. Registered name and number of the dog, including micro-chip number, to which mated,
- d. Name and address of its owner.

(5) The owner of a litter shall record:

- a. Date of whelping,
- b. Number of puppies whelped, by sex, colour and markings,
- c. Litter registration number if any,
- d. Date of sale, gift or death of each puppy so described,
- e. Name and address of person acquiring each puppy so described,
- f. Kinds of papers and date on which supplied,

- g. Registered name and number of each puppy registered by the Kennel Club of India, or any other Kennel Club,
- h. Cause of death as determined by a veterinary doctor of all animals who die in the premises/establishment.

(6) All breeders shall use clear and concise contracts to document sales, lease arrangements, spaying/neutering contracts, and all other contracts pertaining to the animals at their premises/establishments.

## **15. OTHER RECORDS TO BE MAINTAINED BY COMMERCIAL BREEDERS :**

(1) Every commercial breeder, trader, other dealer, intermediate handler, and exhibitor shall create, keep and maintain records or forms which fully and correctly disclose the following information pertaining to each dog purchased or otherwise received/acquired, owned, held or otherwise in his possession or under his control, which is sold or otherwise disposed off, transported, euthanized, or dealt with in any other manner by the licensee. The records shall include:

- i. Details regarding any offspring born of any animal while in his possession or under his control.
- ii. The name and complete mailing address of the person from whom a dog was purchased or otherwise received/acquired.
- iii. The name and complete mailing address of the person to whom a dog was sold, given or delivered.
- iv. The date a dog was received/acquired or disposed off, or both, and the method of disposal, including by death or euthanasia.
- v. The official tag number assigned to a dog, and the micro-chip number allotted to it.
- vi. Individual medical records shall be maintained of all animals purchased/bought, raised, or otherwise received/acquired, held, kept, maintained, sold, donated or otherwise disposed off, including by death or euthanasia. These records shall also specify all treatments and medication given and all procedures performed on the animals, and include reasons for or the condition requiring the treatment, medication or procedure. The

results of the treatment, medication or procedure shall be included in this record. Litter health records may be kept on litters when all litter mates are treated with same medication or procedure. Medical records (or a copy) shall accompany the animal when sold.

(2) All records shall be maintained for a period of one (1) year, unless the Board requests in writing that they be maintained for a longer period, for the purpose of investigation.

## **16. PERSONS/ORGANIZATIONS WHOSE LICENSES HAVE BEEN SUSPENDED OR REVOKED :**

(1) Any person who has been an officer, agent, family member or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the breach or violation consequent to which the license was suspended or revoked shall not be granted a license to operate a breeding premises/establishment within the same period during which the suspension or revocation is in effect.

(2) Any premises/establishment that is/was owned or operated by a licensee, the license granted to whom has been suspended or revoked shall not be used for licensed activity.

(3) Any person whose license has been suspended or revoked for any reason shall not be licensed under his/her name, or in any other manner within the period during which the suspension or revocation is in effect. No partnership, firm, corporation or other legal entity in which any such person has substantial interest, financial or otherwise, shall be licensed during that period.

(4) Any person whose license has been suspended or revoked shall not buy, sell, trade, barter, broker, transport, board, exhibit or deliver for transportation, any animal during the period of license suspension or revocation.

## **17. PENALTIES :**

(1) **Penalty and Appeal :-** The penalty for an established breach or violation of license conditions, or the requirements set out in Rules 8, 9 and 10, mandatorily to be adhered to by breeders/licensees, shall be the revocation

of license, and permanent disqualification from owning/operating such a premises/ establishment. Closure of the existing premises/establishment, if any, shall also follow, as shall fine and/or imprisonment, if warranted under any law dealing with cruelty to, or mistreatment of animals. Moreover, an established breach or violation of license conditions shall also disqualify the offender from having or keeping in his custody, any dog of the description specified in the order.

Provided that a breach or violation of license conditions, or the requirements set out in Rules 8, 9 and 10 shall be established on the basis of an inspection, conducted by an inspector appointed either by the Board or the Local Authority, either upon receipt of a complaint or otherwise.

Provided further that prior to effecting any revocation of license, or any disqualification or closure referred to hereinabove, a notice shall be issued to the licensee/breeder by the authority that conducted the inspection, with a copy marked to the other (i.e. a copy marked by the Local Authority to the Board, and vice-versa), to show cause within 15 days after receipt of the same, as to why penal consequences ought not to follow. If the response received from the licensee/breeder is found to be dissatisfactory, or if no response is received, the license issued to him/her shall be revoked, and the disqualification and closure referred to hereinabove shall take effect, after communication of reasons for the same in writing.

Provided however that if the licensee/breeder removes or rectifies the violation/s within 30 days after receipt of notice, after communicating to the authority that issued the notice that he shall be doing so, and demonstrates the same to its satisfaction, the license shall not be revoked. If the license is revoked in terms of this sub-rule, the licensee/breeder shall have the right to appeal within 30 days of receipt of the letter of revocation, to the Commissioner of the Local Authority. If he wishes to be heard, he may also seek personal hearing from the appellate authority, i.e. the Commissioner of the Local Authority, not later than when he first submits his appeal. After due notice to the Local Authority, and/or the representative of the Board as the case may be, and after considering the appeal and the reasons urged by both parties during the course of the hearing, the appellate authority may either reject the appeal, or allow the same, with the reasons for his decision set out in writing. Provided however that if the license had been revoked because the Local Authority and/or the representative of the Board who inspected the premises was / were of the view that violations of the requirements of these Rules, tantamount to or resulting in cruel treatment of the animals, or likely to, or interfering with, or detrimental in any manner to their welfare, were



being committed, it shall be incumbent upon the appellate authority, i.e. the Commissioner of the Local Authority, to seek and consider the opinion of the Chairperson of the Animal Welfare Board of India regarding the issue involved, before deciding the appeal. Provided further that if the appellate authority differs with the opinion rendered by the Chairperson of the Animal Welfare Board of India, he shall set out the reasons for the same in writing when deciding the appeal.

(2) The Board may require that any dog which was in the offender's custody at the time when the offence was committed, or has been in his/her custody at any time since that time, shall be delivered to a specified person or organization ; and may also require the offender to pay specified amounts to specified person / organization for the care of the dog from the time when it is delivered into his/its custody in pursuance of this rule, until permanent arrangements are made for its care or disposal.

(3) **Penalty for failure to maintain records :-** The penalty for failure to maintain any record/s prescribed or provided for in these Rules shall in the first instance be a fine of Rs. 1,000/- (Rupees One thousand only) for every record not maintained in respect of every dog/pup at the premises/establishment in question. Provided however that after three instances of violation, i.e. the failure to maintain any record/s prescribed or provided for in these Rules, detected during the course of three separate inspections, the Local Authority or the Board may revoke the license issued to the licensee/breeder, or suspend the same for the duration of a year, after following the procedure set out in sub-rule (1) of this Rule. Provided further that a failure to maintain any record/s even after the suspension of license referred to in this sub-rule, followed by its restoration, shall result in revocation of license by the Local Authority or the Board, after following the procedure set out in sub-rule (1) of this Rule.

(4) **Local Authority to assist Board :** - The Local Authority shall render every possible assistance to the Board to enable it to give effect to this Rule in particular, and these Rules in general, including but not limited to the provision of man-power and all other assistance sought by the Board in writing.

## **17. Applicability of other laws and statutory provisions :**

Violations of these Rules shall render breeders/licensees liable to suffer the consequences / repercussions provided for in other laws and statutory

provisions as well, such as but not limited to the Prevention of Cruelty to Animals Act, 1960, and the Rules enacted thereunder, the Indian Penal Code, and municipal laws, bye-laws, rules and regulations, in addition to the consequences / repercussions provided for in these Rules. Nothing contained in these Rules shall be construed or interpreted as relaxing or altering or modifying the requirements specified for adherence in other laws and statutory provisions.

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