



भारतीय जीव जन्तु कल्याण बोर्ड

ANIMAL WELFARE BOARD OF INDIA

(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)

Ministry of Environment, Forest & Climate Change, Govt. of India

एस.पी. गुप्ता, आईएएस (सेवानिवृत्त)

S.P. Gupta, IAS (Retd.)

अध्यक्ष / Chairman

No-9-3/2018-19/PCA

Dated : 01st October, 2018

1. The Chief Secretary,
of the State Governments / UTs
2. Additional Chief Secretary / Principal Secretary
Animal Husbandry
of the State Governments / UTs

Sir / Madam,

Sub.: Advisory to Establish and / or Activate District Society for Prevention of Cruelty to Animals (SPCAs) in every district – Reg.

Ref. : Hon'ble Minister of State (Independent Charge), Environment, Forest and Climate Change letter D. O. No. 27/1/2016/AWD dated 16th May 2017 addressed to Hon'ble Chief Minister of the concerned States / UTs

2) This office letter of even number dated 16th September 2015, 18th December 2015, 19th December 2017 and 05th March 2018

The Animal Welfare Board of India is a statutory body established under Section 4 of the Prevention of Cruelty to Animals Act, 1960. The functions of the Board include the promotion of animal welfare generally for the purpose of prevention of cruelty and for protecting animals from being subjected to unnecessary pain or suffering, in particular.

In the above referred letters of Hon'ble Minister and of the Board, it was stated *inter alia* that as per the provisions of the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals (Rules), 2001, every State Government / UT has to establish a SPCA in every district in the State to be the SPCA in that district. Rule 3 (2) of the said rules provides as under :

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

.2.

- (i) at least two members shall be representatives of the Animal Welfare Organizations which are actively involved in the work of prevention of cruelty to animals and welfare of animals preferably from within the district; and
- (ii) at least two members shall be the persons elected by the general body of members of the Society."

The purpose of such District SPCA is to ensure the rights, freedoms and welfare of the animals and to protect and address animal cruelty matters as per the directions of Hon'ble Supreme Court of India in W.P. (C) No. 440 of 2000, Geetha Seshmani v. Union of India & Ors. dated 06.08.2008.

In this connection, you are requested to inform the Board regarding the action taken by the State Governments / UTs to establish / activate District SPCA in all the districts of your State / UT by providing them required budget and infrastructure to implement the provision of the Prevention of Cruelty to Animals Act, 1960 and the rules made there-under. It is requested to kindly furnish the details of the District SPCAs established and functioning in your State / UTs with complete details of the communication address, contact details, nodal officer along with e-mail ID.

It is further suggested that if the District SPCAs are not formed till date, the same be done on war footing. A copy of the notification issued by the States / UTs in this regard may also be forwarded to the Board for information and records. A copy of the draft memorandum / bye-laws for the establishment of District SPCA is attached herewith for your ready reference which may be adopted as per your requirements.

In view of the above and as well as to avoid Contempt of Court, you are requested to take all necessary and appropriate steps for establishing the District SPCAs in your State and to extend all possible help to the speechless fellow beings in letter and spirit. It is further noticed that some illegal and unauthorized SPCAs are functioning in some of the districts in violation of the Prevention of Cruelty to Animals Act, 1960 and the rules made there under. You are required to take strict action against the said SPCAs. An action taken report along with supporting documents may be forwarded to the Board within one month for record and further necessary action.

Yours sincerely,

(S. P. Gupta)

Encl. : as above

**SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS
(SPCA), _____, (THE NAME OF THE DISTRICT)**

MEMORANDUM OF THE SOCIETY

This Society for Prevention of Cruelty to Animals Act (SPCA) is established in terms of the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals (Rules), 2001 for the welfare and protection of animals and to implement the provision of the Prevention of Cruelty to Animals Act, 1960 and the rules made thereunder.

1. **NAME OF THE SOCIETY :** The name of the Society shall be 'SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS (SPCA), (in short 'Society') _____ (Name of the District).
2. **ADDRESS OF THE SOCIETY :** The address of the society shall be _____.
3. **JURISDICTION :** The jurisdiction of the society shall cover the entire area of the district _____.
4. **OBJECTIVES OF THE SOCIETY** shall be as under :
 - (a) promotion of animal welfare generally for the purpose of preventing of cruelty and for protecting animals from being subjected to unnecessary pain or suffering, in particular to maximum possible extent;
 - (b) establishing or encouraging the establishment of animal shelters, water trough, pinjrapoles and the like for providing shelters and amenities to animals incapacitated for work etc. by reason of old age, sickness or injury;
 - (c) rendering of veterinary assistance to sick and injured animals by establishing veterinary dispensaries, veterinary hospitals, animal clinics and animal ambulance and such other means;
 - (d) imparting education in relation to the humane treatment of animals, build empathy towards animals, encouraging the formation of public opinion against the infliction of pain and suffering to animals, and for the promotion of animal welfare by means of lectures, books, posters, film shows, exhibitions and the like;
 - (e) coordinating its work with the State and District Departments concerned with animal welfare and with the Animal Welfare Board of India (AWBI) and with the registered Animal Welfare Organisations (AWO's) of the District;
 - (f) Animal Birth Control (ABC) for Dogs, Cats and any other animals as may be required;
 - (g) employing of paid staff to watch, warn or prosecute, as required, all persons guilty of cruelty to animals;
 - (h) to take all measures and steps as may be required for the above objects

5. Constitution of Management Committee :

- (a) The Management Committee of the society shall consists of the following persons :
- (i) Deputy Commissioner / District Magistrate / Chairperson
District Collector
 - (ii) Commissioner of Police / Vice-Chairperson (1)
Superintendent of Police
 - (iii) Non-Official Member to be Nominated Vice-Chairperson (2)
by the Management Committee among its members
 - (iv) Additional Deputy Commissioner /
Additional District Magistrate /
Additional Collector
 - (v) One representative of Animal Husbandry Department;
 - (vi) Chief Executive Officer / Commissioner of Municipal Committee / Municipal Corporation or his / her representative
 - (vii) One person from concerned Gauseva Ayog, if any;
 - (viii) District Veterinary Officer;
 - (ix) District Panchayat Officer;
 - (x) District Education Officer;
 - (xi) District Transport Officer;
 - (xii) District Public Relation Officer;
 - (xiii) District Educational Officer;
 - (xiv) Two persons of the district from recognized Gaushalas / Pinjarapoles / Animal Welfare Organizations from Gauseva Aayog nominated by the Management Committee;
 - (xv) One representative of the State Animal Welfare Board from the district to be nominated by State Animal Welfare Board;
 - (xvi) Two prominent persons concerned with animal welfare from the District to be nominated by the Management Committee;
 - (xvii) Two persons from the district representing the Animal Welfare Board of India, to be nominated by the Board; and
 - (xviii) Two persons among its members each from its ordinary and life members to be nominated by the General Body in the Annual General Meeting of the Society each year;
- (b) The Management Committee may nominate among its members Secretary, Joint Secretary, Treasurer etc. as per its requirement.

- (c) District Animal Husbandry Officer and District Veterinary Officer may be given the responsibilities of the Secretary and Joint Secretary respectively.

BYE-LAWS OF THE SOCIETY

1. NAME OF THE SOCIETY : The name of the Society shall be 'SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS (SPCA), (in short 'Society')

(Name of the District).
 2. ADDRESS OF THE SOCIETY : The address of the society shall be
_____.
 3. The Society will not interfere / participate in the activities of any political party. The function of the Society will be independent and self-autonomous;
 4. The society will not enter into any communal activities and will develop the unity among all the members.
 5. The society will create awareness among the public to protect the nature and to improve it by planting trees etc. and surrounding to be made comfortable for nourishment for animals in vicinity.
 6. ADMISSION OF MEMBER :
 - A. THEIR QUALIFICATIONS AND OTHER CONDITIONS THERETO:
 - (a) Men and Women, who are animal lover and above the age of 18 would be eligible to be enrolled as member of the Society in the [name of District].
 - (b) All the members shall abide by the BYE-LAWS of the Society for achieving its objectives as specified in the Memorandum. Members shall be admitted on written application in the prescribed form.
 - (c) Members of the Society shall not be involved in any political party or in its activities.
 - (d) Members of the Society shall not be involved in any criminal activities.
 - (e) During Society meetings, the members shall not participate in drunken state or under the influence of any other narcotic or psychedelic substance.
 - B. DETAILS OF ENTRANCE FEES / SUBSCRIPTIONS
- CLASSES OF MEMBERS:
- The Society shall consist of two classes of members:
- (a) Ordinary Members :All persons who pay an admission fees of Rs.100/- and an Annual Membership fees of Rupees 200/- (Rupees Two Hundred Only) to the Society shall be ordinary member thereof and shall have a right to vote at the meetings of the Society provided they have been its member for not less than one year on the date of such meeting. Annual Membership fees shall become due on 01st April of each year.

- (b) Life Members : A person may become Life Member of the Society by paying a sum of Rs.10,000/- Distinguished persons who have done extensive notable work and shown compassion towards animals may be chosen as Life Members without donating any amount as decided in the Management Committee of the Society.
- C. PROCEDURE FOR REMOVAL AND CIRCUMSTANCES UNDER WHICH A MEMBER SHALL BE REMOVED:

The Management Committee of the Society reserves full powers for removing any member who are working against the objectives and bye-laws of the Society. Members shall be removed who are not paying their annual membership fees on or before 30th June of every year.

D. RE-ADMISSION OF REMOVED MEMBERS:

Members who have not paid their annual subscription before 30th June when removed shall be re-admitted on their written application and payment of admission fees and all previous dues of annual membership fees as decided by the Management Committee.

E. RIGHTS AND BENEFITS OF THE MEMBERS:

Every member has the right to participate in the Annual General Meeting and other Extra-Ordinary Meeting of the Society.

7. Management Committee :

- (a) The members of the Management Committee shall be nominated on a purely honorary basis and will not draw any salary from the fund of the Society and the office of the members of the management committee of the society shall not be an office of profit.
- (b) The term of office for the Management Committee Members shall be 3 years or till the period of New Management Committee is elected / constituted / established.
- (c) The nominated member of the Management Committee may continue maximum for a period of six years (2 times) in the post. He cannot contest for the third time unless a gap of a period of one term of the Management Committee lapses.
- (d) The Management Committee shall review the activities of the society in its meeting.
- (e) The Management Committee shall meet at least once in six months. Notice of the meeting specifying date, time and place shall be sent to the members along with agenda before seven days of the Meeting by the Secretary. The meeting shall be held normally at its registered office unless otherwise directed by the Chairperson but within the district.
- (f) Special Meetings of the Management Committee may be convened by the Secretary when so directed by the Chairperson or on the requisition

- of at least five members of the Management Committee specifying the objectives of the meeting at least 14 days prior to the meeting.
- (g) The quorum of the meeting shall be one-third of the members of the Management Committee.
- (h) A member of the Management Committee of the Society shall be removed from the Management Committee in the following situations if he / she :
- (i) absent from the three consecutive meetings of the Board without the leave of the Board; or
 - (ii) has been adjudged an insolvent or;
 - (iii) has been convicted of an offense involving moral turpitude;
 - (iv) has become physically or mentally incapable of acting as such Member.

Provided no person shall be removed from office as a Member except after being given an opportunity of showing cause against such removal.

- (i) If the Chairperson absent from a meeting of the Management Committee of the Society, the Vice-Chairperson (official) shall be the Chairperson and in his absence, the Vice-Chairperson (non-official) shall be the Chairperson of that meeting. In the absence of the Chairperson and Vice-Chairpersons, the members themselves may nominate a Chairperson among themselves for that meeting.

8. Annual General Meeting :

- (a) The Society shall in each year hold in addition to any other meeting, a general meeting as its Annual General Meeting and not more than fifteen months shall elapse between the date of one Annual General Meeting of the Society and that of the next.

Provided that in case of the Annual General Meeting, it shall be held within a period of six months, from the date of closing of the financial year.

- (b) In the Annual General Meeting, the Secretary shall submit the annual report and the yearly accounts of the Society of the preceding financial year and the budget for the next financial year for the approval of the General Body of the Society.
- (c) All the members of the Society shall have the right to speak and vote on any items of the Agenda in the Annual General Meeting.
- (d) The society shall have a General Body which shall consist of members of the Management Committee, Annual Members and Life Members. Each member shall have one vote

- (e) Notice of the Annual General Meeting and Extra-ordinary meeting specifying date, time and place shall be sent to the members along with agenda before fourteen days of the Meeting by the Secretary. The meeting shall be held normally at its registered office unless otherwise directed by the Chairperson but within the district.
- (f) The quorum of the meeting shall be minimum one-third of the members of the General Body or minimum 10 members whichever is less.

9. Extra-Ordinary General Meeting

The society may call its Extra-ordinary General Meeting of its general body as and when ordered by the Chairperson or on the requisition of minimum ten members of the General Body in writing. The rule of the Annual General Meeting shall apply to this meeting mutatis mutandis.

10. Allowances and remuneration:-

- (a) No remuneration shall be paid to any member of the Management Committee of the Society on account of his / her services as such.
- (b) A member of the Management Committee society who is not an official shall be entitled to draw reimbursement in respect of any journey performed for the purpose of attending a meeting of the society or of a committee or sub-committee thereof to which he is nominated as a representative of the society or any other journey in connection with the work of the society undertaken under the direction of the Chairperson.
- (c) A member of the Management Committee of the society who is an official shall be entitled to draw, in the circumstances mentioned under sub-rule (b), travelling and daily allowance in accordance with the rules applicable.
- (d) where a person who is not official or a member is asked by the Chairperson of the society to perform any journey for the purpose of attending a meeting of the society or of a committee or sub-committee thereof or any other journey in connection with the work of the Board he shall in respect of such journey be entitled to the payment of travelling, conveyance, boarding, lodging allowance or daily allowance at the rates specified.

11. In all the meetings of the Society, the Chairperson shall have a casting vote in case of equality of numbers.

12. Powers and duties of the Chairperson :

- (a) The Chairperson shall preside over all the Management Committee, Annual General Meeting, Extra-Ordinary General Meeting, Special Meeting, Executive Committee Meetings.

- (b) The Chairperson shall be unbiased and let the process of decision making take its own course and final ruling shall be given by him / her in accordance with votes casted.
 - (c) The Chairperson shall approve the minutes of the minutes after the meeting is over.
 - (d) The Chairperson shall ascertain the sense of the meeting by giving equal opportunity to all concerned who wish to express their views.
13. Powers and duties of the Vice-Chairperson :
- The Vice-Chairpersons shall act as the Chairperson, in the absence of the Chairperson whenever such contingency arises. On such occasions, he / she can exercise all the powers of the Chairperson.
14. Powers and duties of the Secretary : The Secretary shall work under the general control and supervision of the Chairperson and shall be responsible for :
- (a) convene the meetings as per the directions of the Chairperson;
 - (b) drafting the notice, agenda, resolution etc.
 - (c) preparing the minutes of the meeting;
 - (d) preparing and filing all statutory returns, documents;
 - (e) conducting all correspondence of the society and to ensure safe custody of all the books, documents and other records;
 - (f) maintain all records as required under the bye-laws;
 - (g) sign and authenticate the annual and audited accounts of the society;
 - (h) make payments as is authorised by the Executive Committee;
 - (i) may represent the society in any court proceedings;
 - (j) follow all the directions of the Management Committee given from time to time;
15. Funds of the Society :The funds of the Society shall consist of grants made to it by the State Government which shall commensurate with the functions that it is required to perform. Any other grants, contributions, bequests, donations, gifts and the like made to the Society, shall also constitute its funds. The Society shall have discretion to utilize its funds for the performance of its functions as decided by the Management Committee.
16. Committees of the Societies :The Management Committee of the society may establish such committees including Executive Committee for taking emergency decisions on urgent basis as it may deem necessary from time to time for the achievement its objectives. The members of such committees shall be from the General Body of the Society.
17. The Society shall submit its yearly and other periodical activity report to the concerned State Animal Welfare Board and AWRI incorporating therein the

activities undertaken by it for the welfare of animals and the steps or measures taken by it to implement various provisions of the Prevention of Cruelty to Animals Act and the Rules made thereunder within thirty days from the date of its Annual General Meeting.

18. The accounts of the receipt and expenditure of the society with respect to each financial year along with auditor's report shall be laid at the Annual General Meeting of the Society.
19. The Management Committee of the society may appoint such staff e.g. administrative, secretarial and legal as may be deemed necessary for the efficient and smooth functioning of the society.
20. Advisories of the AWBI shall be followed by the Society in the best interest of animal welfare.
