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(Draft)

Notification

No SA3-GB-DLG-2017-175 DATED 29-09-2017 The following draft of bye Laws, which the Governor of Punjab proposes to make in exercise of the powers conferred under clause (h) of Section 182 & 240 of the Punjab Municipal Act, 1911 (Act No. 3 of 1911) and under Section 199 of The Punjab Municipal Corporation, Act 1976 (Punjab Act No.42 of 1976) hereby published for the information of persons likely to be affected thereby.

Notice is hereby given that the draft of bye Laws shall be taken into consideration by the government on or after the expiry of a period of thirty days from the date of publication of this notification in the Official Gazette, together with objections or suggestions, if any, which may be received by the Principal Secretary to Government of Punjab, Department of Local Government, Chandigarh, from any person in respect of the draft of bye Laws before the expiry of the period so specified.

Draft Bye Laws

- 1 Short titled and commencement :-
 - (1) These bye laws may be called the Punjab Municipal Corporation and Municipal (Registration, proper control of Stray Animals and Compensation to the Victim of animal Attack) bye Laws, 2017.
 - (2) They shall apply to all the Urban Local Bodies in State of Punjab.
 - (3) They shall come into force on the date of their final publication in the Official Gazette.
- 2 Definitions :- In these rules, unless the context otherwise requires,-
 - (a) "Act" means The Punjab Municipal Corporation, Act 1976 (Punjab Act No.42 of 1976) and The Punjab Municipal Act 1911 (Act No. 3 of 1911).
 - (b) "animal" means any he/she buffalo, horse, camel, cow, caif, bull, pony, goat, sheep, Pig, Elephant, neel-gayon, deer, Dog or any living creature other than human being.
 - (c) "Animal Welfare Organization " means and includes the society for prevention of cruelty to animals an dany other welfare organization for animals which is registered under the Societies Registration Act,1860 (21 of 1860), or any other corresponding law for the time being in force and which is recognized by the Animal Welfare Board of India constituted under the Prevention of Cruelty to Animals Act, 1960 (59 of 1960):
 - (d) "Branding Code" means an identification mark/number given to each animal on the cold branding or microchip installed in the animal.
 - (d) "Cattle pound" means an enclosure where all type of stray animals are impounded.
 - (f) "court" means the civil court having jurisdiction over the area:
 - (g) "Form" means a form appended to those bye-Law
 - (h) "licensing authority" means the Commissioner/Executive Officer of a Urban Local Body as the case may be.
 - (i) "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;
 - (j) "stray animal" means an ownerless animal (male/female) found straying around within Urban Local Body limit.
 - (k) "Veterinary doctor" means a person who holds a degree of a recognized veterinary college and is registered with the Indian Veterinary Council.
 - (l) "Licensing Fee" means fee settled by the every urban local body on commencement of these bye laws and re-settled time to time.

Registration & Renewal of animals

- (a) The owner of every animal kept or brought within the Urban Local Bodies, shall, on or before the 1st April in each year or within seven days of its arrival in the area get the animal registered at the office of Urban Local Bodies in Form A falling which a penalty of ten times the registration fee for such animals shall be imposed on the owner.
- (b) The form of registration or renewal shall be provided at the office of the Urban Local Body on an application, the owner shall, along with the application for registration or renewal, produce before the licensing authority a certificate from a veterinary doctor that the animal is free from any infectious diseases and is fit to be kept within residential/commercial premises meant for the purpose.
- (c) On registration, the owner shall get the animal tagged with a token given by the licensing authority or by any other suitable method of permanent identification as may be specified according to the type of animal, under the supervision of a veterinary doctor at the owner's cost, and the Branding Code shall be recorded in the registration record of the committee.
- (d) The fee for registration and for subsequent annual renewal of registration as per animal shall be as such as may be notified by the concerned Committee. The registration renewal fee shall be deposited with the committee.
- (e) The registration shall hold for a period of twelve months reckoned from 1st of April or from the date of registration of the animal up to 31st March of the following year.
- (f) After the expiry of the registration period, the owner shall apply for its renewal in Form A within a period of thirty days, failing which a penalty of amount so fixed by the concerned Urban Local body shall be compounded upon the owner for renewal.
- (g) A register of animal licenses shall be kept by the license clerk of the committee, which shall include the name and place of abode of every license holder and the number and type of animal(s) registered against his name, shall at all reasonable times be available to be available for inspection by anyone, on payment of fee notified by the concerned committee.

4. Construction of cattle Pound its maintenance

- (a) The committee shall construct a cattle pound of sufficient capacity for impounding stray cattle. Any animal with or without Branding Code of registration to accordance with Clause 3 (c) if found straying on the streets or beyond the enclosure of the house of the owner may be detained in cattle Pound at the direction of person authorized by the committee and shall be disposed off in the manner as may be decided by the committee, if not claimed within a week. A fee will be leviable and recoverable from the owner for such period of detention of the animal in the cattle pound or at a place specified by the committee as per the rates notified by the committee from time to time. In addition to the fee, feed charges for impounded animal during the period of impounding shall also be charged by the committee as per rates fixed by the committee.
- (b) It shall be the duty of the owner of any animal suffering from any infectious disease to report the matter without delay to the licensing authority.
- (c) The Licensing authority may after reasonable notice require the owner or person in charge of the animal suspected/suffering from any infectious disease or believed to be suffering from any infectious disease to deliver the same to any specified official of the committee. The licensing authority may either dispose of the animal in a manner as may be decided by the committee forthwith or send it to a veterinary hospital, for observation for a period of not more than fourteen days. The owner shall pay the expenses for such observation and detention. No compensation shall be paid for animals thus disposed of.

- In case the animal cannot be cured, it shall be destroyed on the certification in this regard by the veterinary doctor. No damages shall be payable in respect the animal so destroyed.
- (e) The animals bearing Branded Code if found straying repeatedly more than two times, the registration of such animal shall be cancelled with prior notice to the owner and extra penalty shall be charged at rates notified by the committee from time to time. The animal shall be rounded up by the corporation/committee and dealt with as deemed fit. The owner shall have no claim of any kind on the animal.
- (f) These bye-laws shall also apply to the animals which are brought within the municipal limits even for *bona fide* show purposes and the owner of such animals shall be charged a fee to be notified by the corporation/committee from time to time.

5. Caution for the owners of the animal : No one, being the owner or person in-charge of any animal shall allow it to be a large in any public street or public place without being muzzled and without being secured by the chain lead in any case in which the animal is likely to annoy or intimidate any person.

6. Disqualification from keeping animal:

- (a) In case of conviction of the owner of an animal, under the prevention of cruelty of Animals Act, 1960 (59 of 1960) the court may order him to be disqualified for keeping such animal and for holding or obtaining an animal license for such period as it thinks fit and the license issued to such owner shall be deemed to have been suspended and of no effect so long as the disqualification continues.
- (b) The owner may apply to the court within six months from the date of the order and from time to time, for removal of the disqualification but three months must have elapsed after a refusal before a further application in this regard can be made. On the hearing of the application the court may having regard to the applicant's character, his conduct subsequent to the order, the nature of the offence and any other circumstances, either remove such disqualification or refuse the application.
- (c) On suspension of the license of such owner for an offence of cruelty to animal, the animal concerned, shall be kept in the enclosure fixed by the committee at the expense of the owner. The owner shall be charged the expenses at the rates notified by the Committee for this purpose.

7. Dangerous animal : (a) On a complaint being made to the licensing authority regarding an animal which appears to be dangerous and is not being kept under proper control the licensing authority may order the owner of such animal to keep the animal under proper control. The penalty for falling to comply with such order shall be charged by the committee as may be notified from time to time. Notice of penalty shall be given to the owner the period of non-compliance. If the owner fails to comply with the order of authority an fails to keep such dangerous animal in proper control then the court having the necessary jurisdiction order for its suitable disposal.

- (b) An appeal can be filed against the order of the lower court within a period of fifteen days before the appellate court.
- (c) The owner or person in-charge of the ferocious animal shall not allow such animal to be at large without being muzzled or to be set on or urge such animal to attack, worry or intimidate any person or knowing or having reason to believe that any animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies. In case he fails or neglect to give immediate information of the fact to the Executive Officer in-charge of committee or conceals this fact or given false information he shall be liable to pay a penalty at rates notified by the committee or shall be prosecuted as per law. The ferocious animal shall be impounded by the committee as per Clause 4.

8. Injury to livestock : Any person who keeps an animal, which causes any damage by killing or injuring the livestock is liable for such damage.

9. Seizure, detention and sterilization of stray animal (1) An official duly authorized by licensing authority, may seize any animal found on the highway or in public place, which he has reason to believe to be stray animal and detained it for a week or until the owner of such animal has called for it and paid all expenses incurred by the committee for its detention in addition to the fee Clause 4 (a). If the animal bears a Branding Code, the committee may serve a written notice to the owner stating that the animal has been seized and is liable to be sold by way of auction or disposed off as may be decided by the committee, if not claimed within seven days after the service of the notice.

(2) The stray animals found moving in streets/roads/any public place within the municipal limits by the private Individual, animal Welfare Organization(s) shall be caught and handed over to the official incharge of the committee for impounding in the cattle pound or enclosure fixed for this purpose by the committee. The above said cattle pound or enclosure shall have a boundary wall of such height as the animal inside the enclosure is not able to cross jump.

10. Feed for compensation and insurance: All the revenue collected by way of registration/renewal fee and penalty charges shall be used for following purposes namely:-

- (a) for maintenance of cattle pound ;
- (b) for payment of compensation to the victims of stray cattle ;
- (c) for payment of premium for third party insurance of registered animals ; and
- (d) cost of identification and veterinary health care of stray animals.

11. Support of NGO's and other social religious organizations: The corporation/ committee shall extend all possible assistance and support to Not. Government Organisation's and other socio-religious organizations interested in setting up of non-profit cattle pounds for old and infirm animals as per availability of funds. Transportation of unwanted animals especially old and infirm animals to areas within the municipal limits shall be prohibited. The owner transporting such animals shall be charged with penalty at the rates notified by the committee.

12 Application for grant of compensation: (a) The victim of the attack of animal may file application to the Joint Commissioner of the Corporation or to the Executive Officer of the Committee as the case may be for grant of compensation under the provisions of these rules.

(b) Any person not satisfied by the decision taken by the above said authorities may file appeal to the Commissioner of the concerned Corporation in case of Corporation and to Deputy Director Local Government in case of Committee within thirty days of passing of order.

13. Determination of Compensation

(a) The compensation under Rule 10 Sub Rule b means compensation settled by the Joint Commissioner of the concerned corporation or Executive Officer of the concerned Committee on application under Rule 12.

(b) The amount of compensation in case of disability or death to the victim or legal heirs of the Victim of the animal attack may be as following:-

In case of Death,	Rs. 1 Lakh.
In case of disability	In proportionate to the percentage of disability caused as certified by Civil Surgeon of the concerned District in proportionate of amount of Rs. 1 Lakh.

Provided the victim of the animal attack shall not be entitled for any compensation if incident occurred due to the negligence of the victim himself.

