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### **STANDARD OPERATING PROCEDURE (SOP) FOR OFFENCES OF ANIMAL CRUELTY**

This set of Standard Operating Procedures (SOP's) is meant for use by functionaries of the Goa State Animal Welfare Board. The SOPs provide the legal, professional & ethical principles as well as step-by-step guidance on providing appropriate response in instances of violation of prevention of animal cruelty laws and animal welfare laws either directly or through referral from other agencies such as the Police, Forest Department or any other authorized law enforcement agent.

#### **Objectives:**

1. To respond promptly and appropriately to calls or information pertaining to offences of animal cruelty.
2. To initiate immediate legal action on all such complaints as and when the same is received.
3. To emphasize the critical importance of the manner in which investigation is carried out in cases of animal cruelty so that all available evidences are collected and the victim does not suffer any miscarriage of justice.
4. To provide immediate assistance as required for implementation of Case Property Animals Rules
5. To ensure that the GSAWB officers and authorized persons are adequately trained and made aware of the legal perspectives, statutes and directions. They must also be closely supervised and all necessary scientific and logistical support should be made available to them.

#### **SOP for Cognizable offences against animals :-**

- A. PCA Act 1960, Section 11(1) clause(l), clause(n), clause(o) and Section 12
- B. Indian Penal Code, 1860,  
Section 428, 429,- Mischief by maiming or killing any animal  
Section 503 & 506 – Criminal Intimidation of any person  
Section 279- Rash & negligent driving (for injuring/killing an animal by rash driving)
- C. The Goa, Daman & Diu Prevention of Cow Slaughter Act, 1978
- D. Arms Act, 1959, Section 3 & 4.

#### **Procedure**

1. A detailed written information to be given by the GSAWB Inspector, to the In-charge of the jurisdictional Police station. The information must contain time, date & place of offence, name or details of accused, description of offence stating the manner of cruelty and sections applicable. An email to also, be sent to the jurisdiction Police Inspector with copy marked to Director General of Police, District Collector and Director AH & VS. *FIR shall be registered by the jurisdictional police. A copy of the FIR may be sought by the complainant.*



2. FIR shall be registered by the police who is empowered to search any premises or seize animals (Section 32 & 34 of PCA Act). The rescued animals may be photographed at the scene of offence and then taken to a recognised animal shelter. Seizure memo to be prepared by police.

3. Custody of animal(s) will be determined by the jurisdictional Judicial Magistrate as per Rule 3(b) of the Prevention of Cruelty to Animals (Care & Maintenance of Case Property Animals) Rules, 2017.

4. In cases of animal cruelty, where an animal has died, at request of the Police, the jurisdictional veterinary officer must conduct a thorough post-mortem. The post-mortem report must be made available to the jurisdictional police.

5. The GSAWB will extend cooperation to the police for compliance of Rule 3(a) of PCA (Care & Maintenance of Case Property Animals) Rules, 2017, and ensure medical reports, identification-tagging/microchipping, first-aid is provided to the rescued animals.

**SOP for Non-Cognizable offences:-**

- A. PCA Act 1960 Section 11(1) clause (a) to (k) and clause (m)  
Section 38 any rules framed there under
- B. The Goa Animal Preservation Act, 1995.
- C. Motor Vehicle Act, 1988, & Motor Vehicle Rules, 1989.


**Procedure**

1. A detailed written information to be given by the GSAWB Inspector, to the In-charge of the jurisdictional Police station. The information must contain time, date & place of offence, name or details of accused, description of offence and manner of cruelty and sections applicable. An email to also be sent to the jurisdiction Police Inspector with copy marked to Director General of Police, District Collector and Director AH & VS. A Non Cognizable Report (NCR) shall be registered by the jurisdictional police and a copy of the NCR with acknowledgement from the police may be sought by the complainant
2. The NCR registered in case of Non Cognizable offences will then be presented to the Magistrate by the Police and accordingly, the Magistrate will then order the Police to initiate an investigation or not. The Police cannot arrest or start an investigation without a warrant or permission of the Court, in case of Non -Cognizable offences.
3. All the complaints need to be followed up beyond the FIR or NCR registered and full co-operation is to be extended to the Investigation Officer (I.O) by the GSAWB Inspector. The GSAWB Inspector may provide a feedback to the complainant as required.

*Note: The Prevention of Cruelty to Animals Act, 1960 is a criminal legislation, and the offences under this Act must be reported, in the form of written information, to the jurisdictional police station. No case shall be individually addressed without the presence of the appropriate law enforcement agency.*

  
Dr. Santosh Desai

Director(AH)/ Member Secretary

O/c  
  
20/07/2020