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LAW COMMISSION OF INDIA

Report No.269

**Transportation and House-keeping of Egg-laying
hens (layers) and Broiler Chickens.**

July, 2017

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Shri Ravi Shankar Prasad Ji,

The Law Commission of India received a reference dated 2nd March 2017, from the Ministry of Law and Justice asking the Commission to look into the existing laws and international practices on the transport and housekeeping of poultry birds. On 12 April 2017, the Commission put up an Appeal on its website, requesting all stakeholders to present their views before the Commission, on rearing, maintenance, sale or any other relevant issues in this regard. The Commission received several responses, which have been summarised and annexed to the report. Further, the international practices were also gone into in detail. After detailed discussions, the Commission has finalized its **Report No.269** titled “**Transportation and House-keeping of Egg-laying hens (layers) and Broiler Chickens**”, and is sent herewith for consideration by the Government.

The Commission would like to place on record its gratitude to Dr. Saumya Saxena, Ms. Anumeha Mishra and Ms. Sakshi Vijay, Consultants for their commendable assistance rendered in preparing the Report.

With warmest regards,

Yours sincerely,

BS Chauhan

[Dr. Justice B S Chauhan]

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Report No.269

Transportation and House-keeping of Egg-laying hens (layers) and Broiler Chickens.

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CHAPTER-I

Introduction

1.1 The modern legal system differentiates between humans and animals on the basis of cognition, social capacities such as culture and moral capacities.¹ Animal welfare jurisprudence urges for re-examination of this imaginary boundary. Jeremy Bentham, argued that ability to suffer rather than the ability to reason should inform the way law treats animal. He remarked:

“The day may come when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny. ... The question is not, can they reason? Nor can they talk? But, can they suffer?”²

Animal welfare debate emphasises on taking into account the suffering of animals and for framing laws that are more sensitive towards this end. In recent years animal welfare jurisprudence has been insisting for adopting more compassionate methods of meat production and improving animal conditions in factory farms. It has persistently been suggested that improved animal welfare result in better and safer food through ‘reduced incidence of infectious disease on farms, reduced shedding of human pathogens by farm animals and reduced antibiotic use and antibiotic resistance’.³ It has been found that experienced and sensitive handling of livestock, prevents quality deficiencies in meat and by-products.⁴

1.2 On March 2, 2017, the Law Commission of India received a reference from the Ministry of Law and Justice asking the Commission to

¹ Anne Peters, “Liberté, Égalité, Animalité: Human-Animal Comparisons in Law” available at: http://www.mpil.de/files/pdf4/Peters_Human-Animal_Comparisons2.pdf (last accessed on June 24, 2017).

² See P. Singer, *Animal liberation* (Thorsons Publishers Ltd, 1975).

³ See A.M. de Passillé & J. Rushen, “Food Safety and Environmental Issues in Animal Welfare” 24(2) Rev. sci. tech. Off. int. Epiz. 757 (2005).

⁴ Philip G. Chambers and Temple Grandin “Guidelines for Humane Handling, Transport and Slaughter of Livestock” (RAP Publication 2001/4, Food and Agriculture Organization of the United Nations).

conduct a detailed study on the existing laws and international practices on the transport and housekeeping of poultry birds.

1.3 Animals find mention in religion, folk tales and mythology, in direct and indirect ways. They define ways of existence and life events. It is believed that animals can communicate and have sentiments as well⁵. It is also significant that humans always had a symbiotic relation with the animals.

Indian ethos has always considered animals quintessential aspect of human living. Kautilya's Arthshastra talks extensively of animal welfare. For example, it prohibited killing or injuring protected species and animals in reserved parks and sanctuaries. Village headman was responsible for preventing cruelty to animals and a person found treating an animal cruelly could be restrained in any manner.⁶

1.4 Worldwide, the chickens have been commercially trait selected for two reasons, that of egg production (layers) and meat production (broilers). The Law Commission in this report has examined the issues pertaining to both, the layers and broilers. Specifically in layer birds, the issues relate to disposal of male chicks and housing of egg laying hens. In case of broilers, the issue of trait selection, housing, transport and slaughter of the birds, have been examined.

1.5 The recommendations are for both, the egg-laying hens (layers) and the meat producing hens (broilers). It is noted that the Animal Welfare Board of India ('AWBI') had prepared the draft 'Prevention of Cruelty to Animals (Egg Laying Hens) Rules' in 2012 recommending to the Ministry of Environment and Forests to notify the draft Rules as on 27th December, 2012. However the draft Rules have not been notified yet.

1.6 The present Report concludes with two sets of draft rules, the 'Prevention of Cruelty to Animals (Egg Laying Hens) Rules' which is a

⁵ Krishna, Nanditha, "Sacred Animals of India" (2010), Penguin Books India; and Allen, Barbara, "Animals in Religion: Devotion, Symbol and Ritual" (2016), Reaktion Books.

⁶ Kautilya, "The Arthshashtra", edited and translated by L.N.Rangrajan 61 (Penguin Books India, 1992).

modified version of 2012 draft rules of the AWBI. The modifications made are in lines with the objects of the Prevention of Cruelty to Animals Act, 1960 ('PCA'), the constitutional provisions and the best practices in other countries. The second draft rules propose to deal with the 'Prevention of Cruelty to Animals (Broiler Chickens) Rules' with respect to meat producing chickens.

CHAPTER-II

Constitutional and Legal Framework governing housekeeping and Transport of poultry in India

A. Constitution:

2.1 Under article 21 of the Constitution no person shall be deprived of his life or personal liberty except according to procedure established by law. The Supreme Court has in *Animal Welfare Board of India v. A. Nagaraja & Ors*⁷ (*Jallikattu Case*), extended the rights guaranteed under article 21 of the Constitution to all living beings.

2.2 The Supreme Court, in the said *Jalikkattu* case, emphasized on each animal's right to live with intrinsic worth, honour and dignity under article 21 of the Constitution. The extended protection of right to life, was to allow all species a set of rights according to international standards. It was observed in the case that "*animal has also honour and dignity which cannot be arbitrarily deprived of and its rights and privacy have to be respected and protected from unlawful attacks.*"

2.3 The State under the Directive Principles of State Policy is mandated to organise agriculture and animal husbandry on modern and scientific lines.⁸ Additionally, the Constitution mandates the State to endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country.⁹

2.4 It is the Fundamental Duty of each citizen, under article 51A(g) of the Constitution, to "protect and improve the natural environment including

⁷ (2014) 7 SCC 547

⁸ Article 48, Constitution of India, 1950.

⁹ Article 48A, Constitution of India, 1950.

forests, lakes, rivers and wildlife and to have compassion for living creatures”.

B. Statutes:

2.5 Parliament has sought to harmonise the statutory framework to include the prevention of animal cruelty as well as the maintenance of food standards and safety through the following statutes:

2.6 The Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the 'PCA Act') has been enacted with the objective of prevention of unnecessary pain or suffering on animals and lays down responsibilities of the persons in charge of the animals to take all reasonable measures to ensure their well-being.¹⁰It provides for setting up of the AWBI to make rules under the PCA Act to ensure that the welfare standards are met and that the animals are not exploited.¹¹

2.7 Section 11(1) of the PCA Act defines what ‘treating animals cruelly’ entails and clause (e) thereof states that if a person “...*keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement*”; or under “(h) being the owner of (any animal) fails to provide such animal with sufficient food, drink or shelter; or ...(k) offers for sale or without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment...”, it would amount to cruelty and would be punishable under this section.

2.8 **State Laws:** Since the protection, improvement of stock and prevention of animal diseases is a State subject under the Seventh Schedule

¹⁰ Section 3, PCA Act.

¹¹ Section 4, PCA Act.

to the Constitution¹², there are several State specific statutes and rules with respect to housekeeping and transport of chickens. Following are the examples of State Laws -

2.9 The **Bombay Diseases of Animals Act, 1948** provides for prevention and control of disease affecting animals including poultry.

2.10 The **Gujarat State Poultry Farm Registration and Regulatory Authority Act, 2007** makes provision for registration and regulation of activities connected with poultry farming. The State Government is empowered to issue guidelines to ensure that poultry related activity does not cause any detrimental effect to environment and human health. The Act also provides for bio-security measures to curb the spread of various diseases in poultry.

2.11 The **Orissa Animal Contagious Diseases Act 1949** was enacted with a view to provide for the prevention and control of contagious diseases among animals. The word 'animal' has been given a broad definition under the Act to include birds. Various penalties and offences are laid down under the provisions of this Act for depriving animals of fodder or spreading infectious diseases among animals or causing to spread infections. It also provides *inter alia* for the power to the executive to investigate in such matters and arrest any person without warrant if found indulging in certain offences.

2.12 The **Punjab Livestock and Bird Diseases Act, 1948** was enacted with a view to provide for the prevention and control of diseases affecting live stock and birds and enables the State to take measures for prevention of outbreak or spread of any scheduled disease in poultry along with penalties for the offenders. The **Punjab Livestock Development Board Rules, 2001** provide for the constitution of a Board for promoting all round

¹² Entry 15, List II, Schedule VII, Constitution of India, 1950.

development of the poultry sector in Punjab on modern scientific and commercial lines.

2.13 The **Punjab Poultry Production Act, 2016** deals with registration of poultry premises, improvement of quality of poultry products, ensuring bio-security measures in poultry operation.

2.14 The **Rajasthan Animal Diseases Act, 1959** was enacted with a view to provide for prevention and control of disease affecting animals including poultry.

C. Legal provisions regulating the transport of animals:

2.15 The Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 (hereinafter referred to as “the FSSR”) [Notification – F.No. 2-15015/30/2010 dated 01.02.2011] has been framed under section 92(2)(o) read with section 31 of the Food Safety and Standards Act, 2006 (hereinafter referred to as “the FSSA”). The FSSR lays down certain guidelines for the Pre-Slaughter Handling of Animals especially with respect to the transport of animals. The guidelines contained in Part IV Rule 6.4 (a)(1) provide, *inter alia*, -

Only healthy animals in good condition after verification and certification by a qualified veterinary inspector would be transported; transportation of Animals from endemic areas of a disease to non-endemic areas with a provision for protective vaccination and quarantine for 30 days, before further transportation, would be necessary; female animals in advanced stages of pregnancy would not be transported; all animals must be treated humanely and sufficient space to stand or lie must be provided while being transported; light feeding, watering facilities must be provided at regular intervals along with an attendant handling first aid and loading during extreme temperatures must be avoided; Inspection for safety, such as, checking for undamaged floors, walls, ensuring suitability such as covering to avoid weather conditions etc, before loading the animals is mandatory.

2.16 Transport of Animal Rules, 1978 ('Rules of 1978'): Chapter VII of the Rules of 1978 (included through the amendment of 2001) specifically deals with transport of poultry. The Rules of 1978 provide the following-

(i) Rule 79(a) lays down only birds in healthy and good conditions, examined and certified for fitness by a veterinary doctor, shall be transported.

(ii) Rule 79(c) and (d) lays down that the birds being transported shall be fed and watered before being placed in containers for transportation, and arrangements shall be made to feed and water them during transportation, with watering ensured every 6 hours.

(iii) Rule 80 lays down that in case of road travel, containers shall not be placed one a-top another and shall be covered properly in order to provide light, ventilation and to protect from rain, heat and cold air.

(iv) Rule 81 lays down that in case of rail travel, consignment on journey for over 12 hours to be accompanied by an attendant. Adequate facilities for ventilation and protection for exposure to weather shall be made, and no other merchandise (which may result in mortality of the birds) shall be transported in the same wagon.

(v) Rule 82 lays down in case of air travel, the containers carrying poultry shall be kept near the doors and unloaded immediately upon arrival.

(vi) Rule 83 lays down specifications for containers—dimensions of containers for month old chicks, 3 month old chicks and adult stock, Geese and Turkeys, Chicks and Poultry and birds per container. It also lays down special requirement for containers for chicks and poults, such as prohibition on use of wire mesh or net as bottom for container, properly secured to vehicle, properly labelled, continually transported for no more than 6 hours, transportation cannot be stationary for longer than 30 minutes and provision of fire extinguishers in transport vehicles.

2.17 The Ministry of Road Transport and Highways *vide* Notification No. G.S.R. 546 (E) Dated 8th July, 2015 amended the Central Motor Vehicles Rules, 1989, by Central Motor Vehicles (Eleventh Amendment) Rules, 2015 and added Rule 125E, which provides that the motor vehicles for carrying animals shall have permanent partitions in the body of the vehicle so that the animals are carried individually in each partition where the size of the partition in case of poultry shall not be less than 40

cm sq. The space provided however does not conform to the international standards for the same.

D. International Obligations and globally recognized poultry rights:

2.18 World Organization for Animal Health (OIE) defines Animal welfare as:

“Animal welfare means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour and is not suffering from unpleasant states such as pain, fear, and distress. Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter or killing. Animal welfare refers to the state of the animal; the treatment that an animal received is covered by other terms such as animal care, animal husbandry, and humane treatment.”

2.19 India is a member of World Organization for Animal Health (OIE). The OIE guiding principles on animal welfare which include the universally recognised “Five Freedoms”¹³, published in 1965 to promote the right to welfare of animals under human control. According to this concept, an animal’s primary welfare needs can be met by providing:

- Freedom from hunger, malnutrition and thirst;
- Freedom from fear and distress;
- Freedom from physical and thermal discomfort;
- Freedom from pain, injury and disease; and
- Freedom to express normal patterns of behaviour.

2.20 These five fundamental rights have been affirmed by the Supreme Court of India in *A. Nagaraj case*¹⁴. They describe animal welfare as a

¹³ World Organization for Animal Health, Animal Welfare. <http://www.oie.int/en/animal-welfare/animal-welfare-at-a-glance/> Accessed on April 13, 2017

¹⁴ *Supra* note 7

condition where the animal is in good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour and if it is not suffering from unpleasant health conditions such as pain, fear and distress.

2.21 The Supreme Court cognizance of the above mentioned principles and reiterated them in *T. N. Godavarman Thirumulpad v. Union of India*¹⁵; *T. N. Godavarman Thirumulpad v. Union of India*¹⁶ and *Centre for Environmental Law World Wide Fund India v. Union of India*.¹⁷

2.22 The Welfare Quality Project, funded by the European Commission has suggested twelve criteria to assess the welfare of poultry. The criteria suggested by them are absence of prolonged hunger, absence of prolonged thirst, comfort around resting, thermal comfort, ease of movement, absence of injuries, absence of diseases, absence of pain induced by management procedures, expression of social behavior, expression of other behavior, good human-animal relationship and positive emotional state.¹⁸ These criteria incorporate physical and mental well being of the poultry by linking animal welfare with food quality concept.

E. Supreme Court judgments dealing with Animal Welfare:

2.23 The Supreme Court in *Animal Welfare Board of India v. A. Nagaraja*¹⁹ held that animals have a right to live with dignity, intrinsic worth and without unnecessary pain and suffering. The Court while dealing with the matter directed the AWBI and Governments "to take steps to **prevent the infliction of unnecessary pain or suffering on the animals**, since their rights have been statutorily protected under sections 3 and 11 of PCA Act."

¹⁵(2012) 3 SCC 277.

¹⁶(2012) 4 SCC 362.

¹⁷(2013) 8 SCC 234.

¹⁸ Welfare Quality assessment Protocol for Poultry, available at : <http://www.welfarequalitynetwork.net/downloadattachment/45627/21652/Poultry%20Protocol.pdf> (last visited on June 26, 2017).

¹⁹ *Supra* note 7.

2.24 The Court in this case has elaborately dealt with the issues with reference to the Constitution and the PCA Act and observed as under:

“34.Section 3 of the Act deals with duties of persons having charge of the animals, which is mandatory in nature and hence confer corresponding rights on animals. Rights so conferred on animals are thus the antithesis of a duty and if those rights are violated, law will enforce those rights with legal sanction...

...Primary duty on the persons in charge or care of the animal is to ensure the well-being of the animal. “Well-being” means a state of being comfortable, healthy or happy...

42. Sections 3 and 11, as already indicated, therefore confer no right on the organisers of jallikattu or bullock cart race, but only duties, responsibilities and obligations, but confer corresponding rights on animals. Sections 3, 11(1)(a) and (o) and other related provisions have to be understood and read along with Article 51A(g) of the Constitution which cast fundamental duties on every citizen to have ‘compassion for living creatures’. Parliament, by incorporating Article 51A(g), has again reiterated and re-emphasised the fundamental duties on human beings towards every living creature, which evidently takes in bulls as well. All living creatures have inherent dignity and a right to live peacefully and a right to protect their well-being which encompasses protection from beating, kicking, overdriving, overloading, tortures, pain and suffering, etc. Human life, we often say, is not like animal existence, a view having anthropocentric bias, forgetting the fact that animals have also got intrinsic worth and value. Section 3 of the PCA Act has acknowledged those rights and the said section along with Section 11 cast a duty on persons having charge or care of animals to take reasonable measures to ensure well-being of the animals and to prevent infliction of unnecessary pain and suffering.”

2.25 The Supreme Court in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat & Ors*²⁰, held that by enacting article 51A(g) and giving it the status of a fundamental duty, one of the objects sought to be achieved by

²⁰ (2005) 8 SCC 534

Parliament is to ensure that the spirit and message of articles 48 and 48 A are honoured as a fundamental duty by every citizen. Article 51A(g), therefore, enjoins that it is a fundamental duty of every citizen “to have compassion for living creatures”, which means concern for suffering, sympathy, kindness etc., which has to be read along with sections 3 (Duties of persons having charge of animals), section 11(1)(a) and (m) (Treating animals cruelly), and section 22 (Restriction on exhibition and training of performing animals) etc. of the PCA Act²¹.

2.26 The Supreme Court, while hearing a Transfer Petition filed by the Animal Welfare Board of India praying for transfer of four writ petitions from different High Courts, seeking the phasing out of battery cages for egg laying hens and switching to a cage free humane option, to one Court, held that “we expect the Government of India to convene the proposed meeting and expedite the process of framing of the rules and report further developments on the subject to the High Court of Delhi upon transfer of the cases to it.”²² The writ petitions are currently pending before the Delhi High Court. ²³

2.27 The Supreme Court disposed of WP No. 330 of 2001, Common Cause, A Registered Society v. Union of India vide order dated 17.02.2017, wherein while dealing with the issue of illegal treatment of animals during transport and slaughter, directed the State governments and Union territories to comply with the compendium of Indian standards prepared by the Government of India.

F. High Court judgments dealing with Animal Welfare

2.28 The Madras High Court in *S. Kannan v. Commissioner of Police*²⁴, held that protection shall be granted to all kind of birds including poultry against cruelty in any manner, observing “the birds and animals are entitled to co-exist along with human beings”. The Court also issued

²¹ Compassion Unlimited Plus Action v. Union of India (2016)3SCC 85 (paragraph 67)

²² Transfer Petition (Civil) No(s).1095-1098 OF 2016

²³ WP 9056/2016, WP 9622/2016, WP 9630/2016&WP 10990/2016

²⁴ WP (MD) No. 8040 of 2014

orders prohibiting Cock fight and any other bird or animal fight for the sake of enjoyment of spectators.

2.29 The Gujarat High Court in *Muhammadbhai Jalalbai Serasiya v. State of Gujarat*²⁵, held that to keep birds in cages would tantamount to illegal confinement of the birds which is in violation of right of the birds to live in free air / sky. Thereby the High Court directed to release such illegally confined birds in the open sky/air. A similar view is taken by the Gujarat High Court in *Abdulkadar Mohamad Azam Sheikh v. State of Gujarat*²⁶, observing that “it is the duty of every citizen to see that there is no unnecessary pain or suffering to any animal or bird.”

2.30 In *Tetragon Chemie v. CCE & Ors.*,²⁷ the Customs Excise & Gold Tribunal held that poultry feed must not only include that food which is necessary for their survival but also that food which is necessary for their growth and development.

2.31 The High Court of Himachal Pradesh has prohibited animal sacrifice on 26.09.2007 in CWP No. 9257 of 2011 along with CWP No.4499/2012 and CWP No.5076/2012 and quoted the words of Mahatma Gandhi:

“The moral progress and strength of a nation can be judged by the care and compassion it shows towards its animals.”

2.32 The Delhi High Court in the case of *People for Animals v. M D Mohazzim & Anr*²⁸, held that:

“...birds have fundamental rights including the right to live with dignity and they cannot be subjected to cruelty by anyone (...) human beings have no right to keep them in small cages for the purposes of their business or otherwise.”

²⁵ 2015 JX (Guj)378:2014

²⁶ (CR.A/1635/2010)

²⁷ 1999 (63) ECC 709

²⁸Decided on 15th May 2015, Delhi High Court, CRL.M.C. 2051/2015 (MANU/DE/2074/2015)

CHAPTER-III

House-keeping of Layers and Broilers

A. Layers:

3.1 According to the Food and Agriculture Organization of the United Nations, India is the third largest producer of eggs in the world producing more than 65 billion eggs.²⁹ The industry in India has evolved from Backyard Poultry farming in 1950-60's, high platform cages in 1995 to high capacity farms with low compartmentalization, automated feeding techniques and environmentally controlled housing by 2011.³⁰

3.2 This evolution in layer farming techniques has led to varied layers of farming across the country. The poultry industry has turned lucrative and highly competitive. The economic factors of the industry demand higher production at lower costs without compromising the consumer quality standards. The scale and intensity of production is substantially higher in the commercial and industrial sectors than in backyard farming. Advantages are derived by the poultry industry from economies of large scale production which provides for specialisation and division of labour at different stages in the production process, leading to automation of operations and labour-cost savings.³¹

3.3 In contrast, backyard poultry farming in rural areas still follow the traditional way of farming methods. This makes the production ineffective as it exposes the birds to predators and renders them prone to diseases.³²

²⁹ Government of India; State/UT-wise estimates of Egg Production by Fowls during the years 2008-09 to 2012-13 <https://data.gov.in/resources/details-estimates-egg-production-fowls-during-2008-09-2012-13/download>

³⁰ Indian J. Anim. Hlth. (2015), 54(2) : 89-108 Review Article An Overview Of Poultry Production In India R.N. Chatterjee* And U. Rajkumar

³¹ <http://www.thepoultrysite.com/poultrynews/31498/animal-rights-campaigners-highlight-welfare-issues-in-indian-egg-industry/>

³² Problems related to farm operations in poultry farming as perceived by farm women, <http://www.veterinaryworld.org/Vol.2/May/Problems%20related%20to%20farm%20operations%20in%20poultry%20farming%20as%20pe.pdf>

Further, lack of constant optimal environment leads to low hatchability among the birds. Thus, the housing conditions in poultry farming have a significant impact over the production. In order to achieve the maximum production, low cost caging techniques even at the cost of consumer quality standards are rampantly in use. The present trend in the market indicates that small houses are being discarded for larger and more mechanised houses for egg production.³³ The birds are maintained in hen houses without any contact with other flocks and other wildlife. Consequently, it reduces the immunity of the birds making bio-security a critical factor in egg production.

3.4 The hens used for the production of eggs in the egg industry are reared in small, barren wire cages called “battery cages”, a name given due to the arrangement of cages placed side by side. The battery cages are so small that the animals are unable to stand up straight or spread their wings without touching the sides of the cage or other hens or turning in a complete circle without any impediment. The floor space available to each hen is approximately 623.7 cm² which is almost the area of a sheet of A4 size paper. The most common cages hold 5-10 birds. A typical egg farm in our country contains thousands of cages with tens of thousands of birds, stacked multiple tiers high, lined in multiple rows.

3.5 This method of stocking the hens, leads to sore feet, minor and major abrasions, broken bones and other bodily injuries to the birds. It also increases the risk of diseases in the flock.³⁴ The People for Ethical Treatment of Animals (PETA) has forwarded information on the conditions of poultry in India and has addressed various issues relating thereto. The Commission has taken into consideration the same while formulating the ‘Draft Rules’. In addition, climatic conditions such as temperature and

³³<https://www.forbes.com/sites/jamesmcwilliams/2013/10/23/small-free-range-egg-producers-cant-escape-problems-of-factory-farms/#504cbea021f2>

³⁴<http://www.hindustantimes.com/mumbai-news/wired-cages-in-poultry-farms-killing-hens-in-india-shows-survey/story-KM7Nd0UZDnxsBc8TDpKvpM.html>

humidity play an important role in attaining maximum production. Higher temperatures would lead to low productivity therefore the birds are usually kept at constant temperatures in poultry farms in India. The downside to this is that the birds would be more susceptible to diseases even with small changes in climatic conditions, affecting the chances of their survival. Consequently, they are fed antibiotics to boost immunity.

3.6 With a view to curtail the cruel practices of confining birds in battery cages, it is necessary to have a distinction between the produce obtained from healthy farming of hens in cage free environment and the produce obtained from battery cage farming. Towards this end, certification by the Animal Husbandry Departments of the States, recognising that the poultry farms follow the practice of cage free egg farming, is desirable. This would enable the consumer to select the produce obtained from healthy farming and will result in discouraging battery cage farming.

3.7 It is also important that the feed used must be nutrient rich and devoid of antibiotics as it affects the consumer food quality standard which is required to be maintained across countries. There are no statutory regulations, at present to prescribe the standard, quality and quantity of food for poultry in India which leads to rampant use of antibiotics in the poultry feed.

3.8 In response to the notice inviting suggestions on the issue, the Law Commission has received a large number of responses. As per the response received from the **Tata Memorial Centre**, Bombay, many Indians suffer from antibiotic resistance. The Centre claims that it is proven that non-therapeutic antibiotics given to poultry cause such resistance and that such antibiotics are given to poultry because their living conditions are cramped and unhygienic. It further says that with more open, cleaner and ventilated living space the animals are less likely to need these constant antibiotics making their eggs and meat safer for human consumption. The views

expressed hereinabove stand fully supported by various writings by experts such as Tollefson, Altekruise and Potter.³⁵

3.9 In this regard, the Central Government in the Department of Animal Husbandry, Dairying and Fisheries has also issued advisory/instructions to the Department of Animal Husbandry of all the States and Union Territories on 3rd June, 2014 observing that:

“2. ...antibiotics are also used as feed premix for regular feeding in poultry and animals used for meat, milk and egg production. This kind of regular feeding of antibiotics has serious consequences on human being since residues of antibiotics may accumulate in meat, milk and eggs. Consumption of antibiotic contaminated meat, milk and eggs may develop antibiotic resistance in both human being and animals. This type of use of antibiotics should be discouraged and in this regard, the farmers/ industries and feed manufacturers should be advised/educated on not to use antibiotics for animal feeding.

3. Further, the use of hormones as growth promoters used in food producing animals should also be stopped since it has also adverse effect on human and animal life”.

The Central Government has asked all the State Governments and Union Territories to advise all the State Veterinarians, feed manufacturers and also the persons involved in treatment of animal for judicious use of antibiotics and hormones for the treatment of ailing food producing animals.

³⁵ L. Tollefson, S.F. Altekruise and M.E. Potter, “Therapeutic Antibiotics in Animal Feeds and Antibiotic Resistance”, Res. Sci. Tech. Off. Int. Epiz. 1997 16 (2), 7090715

3.10 The Animal Welfare Board of India, vide letter dated 16.02.2012, explained/clarified that confining hens in battery cages violates provisions of section 11(1)(e) of PCA Act. The relevant part of the letter reads:

“Considering the issue of well-being of egg laying birds as well as food safety, you may be aware that the EU has decided to phase out battery cages for egg laying hens with effect from 1 January, 2012. These directives apply to all 27 EU member states; however, some European countries have preferred to adopt even stricter guidelines for farm animal protection. For instance in Switzerland, battery cages have been prohibited since 1992.

The AWBI advises the Government of India and the State Governments to issue suitable directions to poultry farmers to prohibit the use of battery cages in egg production, so that poultry farms keeping egg laying hens adhere to the provisions of the Prevention of Cruelty to Animals (PCA) Act, 1960 and not confine birds in cages. The existing cage facilities be phased out within the next 5 years i.e.2017.

Central and State Governments must encourage animal welfare and environment sustainability within the Indian food sector by promoting production systems that adhere to modern standards for animal welfare (as enshrined by the Five Freedoms) and the Prevention of Cruelty to Animals (PCA) Act 1960”

a. Practices in European Union and other countries:

- i. Europe: All member countries of the European Union (EU) have phased out the use of battery cages.
- ii. United States of America: States of California, Michigan, Ohio, Oregon and Washington have adopted the policy of prohibiting or phasing out battery cages for egg laying hens.
- iii. Bhutan: In 2013, Bhutan declared itself a cage – free country.

b. Regulations on Layer Hens:

- i. While perusing the draft Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2012, the Law Commission found that the same can be improved upon by few modifications. Such modifications are to be carried out by detailing environmental

provisions that meet the basic needs of these animals. The revised draft rules delineate space requirements for feeders, drinking spaces and floor area and other key resources to ensure good management of the system. Other important animal welfare provisions including when and how to carry out euthanasia of sick or injured animals are incorporated in the revised draft rules.

- ii. The modified rules are recommended keeping in view the constitutional provisions and the object of PCA Act. The revised draft rules are annexed as Annexure- I.

B. Broilers:

3.11 Since the last four decades the poultry business has been a backyard affair, but today, it has expanded into a massive industry. Broiler chickens are bred and raised to gain maximum body weight in the shortest period of time. Birds are bred through trait selection in order to achieve maximum weight with maximum feed conversion ratio³⁶, with little regard for the welfare of the bird. Rapid growth of muscle on an infantile skeletal structure makes the broilers prone to joint, bone and ligament disorders. As a result, these birds suffer from leg deformities and lameness. The welfare implications for caging broilers raise several welfare concerns as observed in battery cages for layers. Therefore, the usage of broiler battery cages should be discontinued and the system of cage-free rearing ought to be preferred with improvements in stocking density, feed, and hygiene. The entire process from housekeeping to transport to slaughter must be made humane.

a. Legal Framework Governing Broiler Chickens

3.12 Rule 3 of the PCA (Slaughter House) Rules, 2001, prohibits the slaughter of any animal except in recognised or licensed houses. Whereas

³⁶ Robert Pym. Food and Agriculture Organization of the United Nations. "Poultry Genetics and breeding in developing countries" <http://www.fao.org/3/a-al726e.pdf>

rule 6 provides for several conditions pre and post slaughter, including “rule 6(1) No animal shall be slaughtered in a slaughter house in sight of other animals” and “rule 6(2) No animal shall be administered any chemical, drug or hormone before slaughter except drug for its treatment for any specific disease or ailment.” Further, it prescribes required infrastructure of slaughter houses. All of which have also been included in the FSS Regulations, 2011, which is a comprehensive set of regulations. The regulations prescribe standards for slaughter house infrastructure, location of premises, sanitary practices, equipment and machinery to be utilised, personal hygiene, pre-slaughter handling, transport and space requirement during transport, humane slaughter methods, and sanitary requirements for meat processing units.

b. Recommendations on Broiler Chickens:

3.13 It has been noted that the incidence of diseases is markedly reduced in slower growing broiler chicken strains. France has produced “Label Rouge” chickens. These chickens reach slaughter weight at 12 weeks, and suffer substantially lower incidences of leg disease, low mortality rates despite having a grow-out period that is twice as long as conventional broiler chickens. The trend for using slow-growing chickens may also be seen in United Kingdom as well as the United States of America. Therefore, slower growing chicken strains may be promoted for broiler production. It is desirable that early steps are taken to notify regulations to ensure that trait selection is not only for production of healthy broiler chickens but also welfare centric.

3.14 It is a matter of concern that there is no regulation with respect to stocking density and other housing conditions. The minimum floor space available per bird should be an important factor in calculation of maximum stocking density. It is expected that the AWBI acting pro-actively will look into all the issues of welfare of animals including the broilers, on similar lines as in egg – laying hens rules. The regulations for housing and stocking

density of broiler birds along with relevant provisions of the Prevention of Cruelty to Animals (Broiler Chickens) Rules, 2017 are recommended, annexed as Annexure II.

3.15 On perusal of the 1978 Rules, as well as the FSS Regulations, 2011, it is found that the procedures and standards prescribed in these laws are satisfactory. Once the appropriate authority ensures the strict compliance of these rules and regulations the object will stand achieved. To ensure the same failure on the part of the official concerned shall render him personally responsible, as if it was a dereliction of duty.

3.16 On perusal of the Slaughter House Rules, 2001, as well as the FSS Regulations, 2011, it is found that the procedures and standards prescribed in these rules/regulations are satisfactory. However, these rules/regulations are violated blatantly in roadside meat shops and outlets. The appropriate authorities shall ensure strict compliance of these laws by providing for personal responsibility of the concerned officer for a failure which may be treated as dereliction of duty, if so found. Additionally, a mechanism be developed for imparting training to butchers/slaughter men so that sanitary practices are followed during slaughter.

CHAPTER-IV

Review of Punishments in PCA Act

4.1 Animal welfare and food safety are intricately linked. The consumers across the globe are gradually becoming aware of the fact that how poultry and livestock are treated. Animal welfare can be assessed by examining two criteria, namely, design criteria and animal-based criteria. The design criteria describes the quality of the environment or the way in which animals kept. This includes battery cages, floor space, housing and stocking density etc. Animal-based criteria evaluate the behaviour and physiology of the animals, including health levels.³⁷

4.2 These standards have been globally recognised and India too needs to adhere to these standards in the interest of animal welfare. Absence of regulations on housing and stocking density of poultry, ineffective implementation of the existing rules, and ignorance on the part of those involved in this profession towards recognised standards of housekeeping indicate that appropriate changes need to be made in the law as well as implementation system.

4.3 Penalties for animal cruelty offences vary in each jurisdiction, but in most of the countries provisions provide for imprisonment and fines. Further, the penalties apply to both deliberate and negligent acts of animal cruelty.

4.4 In the United Kingdom, cruelty to animals is a criminal offence for which one may be imprisoned for up to 6 months. In France, cruelty to animals is punishable by imprisonment of two years and a financial penalty (30,000 €). In Bangladesh, the Animal Welfare Law, 2016 provides that anyone involved in the offences like killing an animal or injuring it

³⁷ Supra note 28.

intentionally will serve a sentence of imprisonment up to a period of two years or will be fined Taka 50,000 or both.

4.5 In Japan, Welfare and Management of Animals Act 1973 (amended in 1999 and 2005) stipulates that "no person shall kill, injure, or inflict cruelty to animals ...", and in particular, criminalises cruelty to all mammals, birds, and reptiles possessed by persons; as well as cattle, horses, goats, sheep, pigs, dogs, cats, pigeons, domestic rabbits, *chickens, and domestic ducks* regardless of whether they are in captivity.

- Killing or injuring without due reason: up to one year's imprisonment with labour or a fine of up to one million yen;
- Cruelty such as causing debilitation by discontinuing feeding or watering without due reason: a fine of up to five hundred thousand yen;
- Abandonment: a fine of up to five hundred thousand yen;

4.6 The rules under the PCA Act 1960, largely suffers from weak penal provisions. While the penal provisions pertaining to fine in the Act may have been a sufficient deterrent in 1960, those provisions have lost their significance due to inflation. As monetary penalties under legislations of various jurisdictions change regularly, it is averred that the penal provisions in the said Act are required to be revised suitably. While keeping in view both the health and welfare of the people and the avoidance of pain and suffering of animals, punishment for all offences under the Act need to be appropriately revised.

CHAPTER-V

Summary of Recommendations

5.1 The Commission made an Appeal on its website requesting all stakeholders to forward their views to the Commission, on rearing, transport, maintenance and sale of poultry or any other relevant issues in this regard. The Commission received a number of responses, which are summarised at Annexure – III to this Report.

5.2 All the recommendations made in this report are summarised hereunder. The existing legal framework governing the transport of animals is adequate and shall be implemented to ensure that unnecessary pain and suffering is not inflicted on poultry during transit. The responsibility of compliance shall lie on the consignor and consignee, and any person in charge of care of such consignment as provided under section 3 of the PCA Act.

5.3 The very idea of having this report is to put an end to the cruel practices of confining birds in battery cages. With this object in mind, the Commission recommends certification of poultry farms by the Animal Husbandry Departments of the States, where a distinction of produce obtained from cage free egg farming from that obtained from battery cage farming, is drawn.

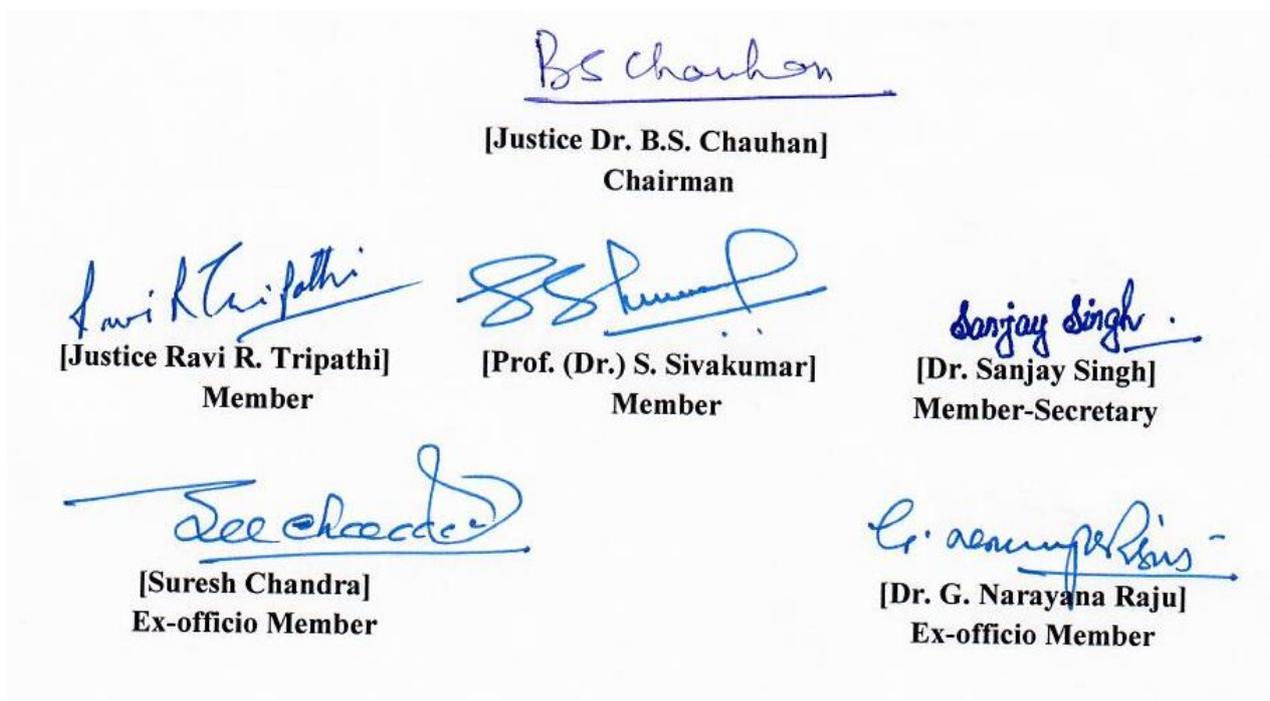
5.4 Given the gravity of the issue of battery cages and the fact that the Prevention of Cruelty to Animals (Egg Laying Hens) Rules Bill has been pending since 2012, the proposed modified rules should be considered for being notified. These rules are modified keeping in view the constitutional provisions and the object of the PCA Act.

5.5 Weight of birds should be an important factor in calculation of maximum stocking density. It is also noticed that there is no regulation with respect to stocking density and other housing conditions, therefore

necessary amendments in regulations for housing and stocking density of broiler birds and other relevant provisions in the Prevention of Cruelty to Animals (Broiler Chicken) Rules, 2017 are expressed.

5.6 On perusal of the Slaughter House Rules, 2001, as well as the FSS Regulations, 2011, the Commission is of the opinion that the procedures and standards prescribed in these rules/regulations are satisfactory. Their compliance in letter and spirit will meet the aims and objects of the regulations.

5.7 In view of the analysis in chapter IV above, it is also recommended that the provisions of the PCA Act prescribing punishment for inflicting cruelty on animals be amended to provide for stringent punishments.



The image shows the signatures and names of the members of the Commission. At the top center is the signature of Justice Dr. B.S. Chauhan, with the text "[Justice Dr. B.S. Chauhan] Chairman" below it. Below this are three columns of signatures and names. The first column has the signature of Justice Ravi R. Tripathi, with the text "[Justice Ravi R. Tripathi] Member" below it. The second column has the signature of Prof. (Dr.) S. Sivakumar, with the text "[Prof. (Dr.) S. Sivakumar] Member" below it. The third column has the signature of Dr. Sanjay Singh, with the text "[Dr. Sanjay Singh] Member-Secretary" below it. Below the first column is the signature of Suresh Chandra, with the text "[Suresh Chandra] Ex-officio Member" below it. Below the third column is the signature of Dr. G. Narayana Raju, with the text "[Dr. G. Narayana Raju] Ex-officio Member" below it.

The Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2017

S.O _____(E) :- Whereas a draft of the Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2017 is hereby published, as required under sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), for inviting objections and suggestions on the said draft rules from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date of publication of this notification in the Official Gazette;

The objections and suggestions, if any, may be sent to the Under Secretary to the Government of India, Ministry of Environment, Forest and Climate Change at Room No..... ;

All objections / suggestions received from the public within the specified period shall be duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, namely:-

DRAFT RULES

1. **Short title and commencement.**- (1) These rules may be called the Prevention of Cruelty to Animals (Egg Laying Hens) Rules, 2017.
(2) They shall come into force on such date as the Central Government
2. **Definitions.**- In these rules, unless the context otherwise requires, -
 - (a) "Act" means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);
 - (b) "Board" means the Board established under section 4, and as reconstituted from time to time under section 5A of the Act;
 - (c) "farm" means the land, building, support facilities, and other equipment that are wholly or partially used in poultry farming for the production of eggs;
 - (d) "farm owner" means a person having right and control over a farm, where hens are reared and kept for production of eggs for commercial purposes;
 - (e) "farm operator" means a person who owns, operates or manages the business of a farm;

- (f) “hen” means any female domesticated chicken kept for the purpose of egg production and includes pullets;
- (g) “local authority” means a municipal committee, district board, cantonment board, panchayat or any other authority entrusted under any law with the administration and control of any matters within the specified local area;
- (h) “prescribed authority” means the Board or any officer authorised by it;
- (i) “State Board” means a State Animal Welfare Board constituted in a State by the State Government;
- (j) “Society for Prevention of Cruelty to Animals” means the Society as defined in clause (e) of rule 2 of the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 (notified vide S.O.271(E) dated 26th March, 2001);
- (k) “veterinary practitioner” means a registered veterinary practitioner as defined in clause (g) of section 2 of the Indian Veterinary Council Act 1984 (52 of 1984).

3. **Application of rules.-** These rules shall apply to the farms where egg laying hens are housed.

4. **Registration.-** (1) No person shall engage in poultry farming without being registered with the animal husbandry department of the concerned State Government under these rules.

(2) The registration certificate shall be displayed in a conspicuous place at the farm.

(3) Every farm operating prior to the commencement of these rules shall, within a period of three months from the date of its commencement, register itself with the animal husbandry department of the concerned State.

(4) The animal husbandry department of the State may, while granting registration, impose such conditions as it may deem fit.

(5) The animal husbandry department of the State may, after satisfying itself with the fulfilment of operating procedure laid down in these rules, certify any farm as a cage-free or free range farm and on certification, such farm shall be permitted to use the term ‘organic produce’.

5. **Powers of Board to issue guidelines.-** (1) The Board or a State Board may, from time to time, issue such guidelines to animal husbandry department of the State and the local authorities, as it may deem necessary to facilitate compliance of these rules.

(2) The farm owner or operator shall make available all records and provide information relating to functioning of the farm to the Board or the State Board, as and when required.

6. **Responsibility of company engaged in poultry farming.-** (1) Where the farm is owned by a company, its Chief Executive Officer, President or highest ranking employee of such company shall be responsible for ensuring the compliance of these rules.
- (2) In case of contract farming between companies and farmers, where inputs for poultry farming are provided to the farm owner by a company, in return for providing eggs at a pre-determined price, both the farm owner and the company shall be responsible for ensuring compliance of these rules.
- (3) Where a farm is owned by a government entity the responsibility of compliance of these rules shall be on the Head of the entity.
7. **Power to authorise inspection.-** For the purposes of ensuring compliance, the animal husbandry department of the State or the Board or a State Board or a local authority, may authorise any of its officers in writing to inspect any farm, and submit a report containing the findings of such inspection, to the department, Board, State Board or as the case may be the local authority, and any officer or person so authorised may –
- (a) enter at any reasonable time and inspect the farm; and
 - (b) require any person to produce any record kept by him in respect of the farm.
 - (c) seize any animal, if there is reason to believe that the provisions of the Act, are not being complied with or that the animals are being treated with cruelty and the seized animal shall be kept in the custody of the local SPCA or an animal welfare organisation.
8. **Requirement of Space Allowance.-** (1) Hens shall not be confined in a manner that prevents them from lying down, standing up, fully spreading both wings without touching the side of an enclosure or other egg-laying hens, or turning in a complete circle without any impediment and without touching the side of an enclosure.
- (2) There shall be sufficient space for all hens to perch and must have a nest box, litter to allow pecking and scratching and access to feed freely.
9. **Stocking Density in Poultry Farm.-**(1) For the purpose of calculation of the floor space, the area of nests, nest boxes and elevated perches shall not be included, but the non-elevated perches that are integrated into slatted floors shall be calculated as a part of the floor space.
- (2) In a single level house, a minimum of 0.14 sq. meters per hen shall be provided to allow normal behaviour.
- (3) In a house with litter and a raised slatted area, with a perching or roosting area over a droppings pit or belt, the minimum space allowance shall be 0.11 sq. meters per hen.

(4) In multi-tier systems with feeders and drinkers on overhead perches or platforms, and in which the overhead perches or platforms provide sufficient space for at least fifty-five per cent of the hens to perch then, a minimum of 0.09 sq. meters (900cm²) space per hen shall be provided.

(5) The pullets shall be housed with a space allowance of not less than the following, namely:-

- (a) 0-6 weeks 72 in² (464 cm²);
- (b) 6-18 weeks (or placement in layer house) 144in² (929 cm²)
; and
- (c) pullets shall have access to perches before six weeks of age so that they are prepared for introduction to the laying environment.

10. **Maintenance records of space allowance** - (1) The farm owner or the operator shall ensure that the maximum housing density is not exceeded and maintain records of the total floor area available to the hens; the space allowances; and maximum number of birds kept within the house.

(2) The farm owner or the operator shall maintain the record of available number of birds, the daily mortality and number culled.

(3) These records shall be made available for inspection by the prescribed authority.

11. **Number of nest boxes** - Individual nest boxes shall be provided at not less than one per 5 hens or community nest systems shall provide an overall minimum nesting area of 0.8 sq. meters per one hundred birds.

12. **Floor substrate in nest boxes** - Nest boxes shall have a floor substrate that encourages nesting behaviour.

13. **Perches** - (1) Perches shall be provided in all houses, and they shall provide for an area of at least 15.24 cm per hen. At least twenty per cent of perches shall be elevated but perches shall not be located too high as hens can fracture bones jumping down from high perches , and for the purpose of calculating perching space, only perches located more than 40.64 cm and less than 1 meter above the adjacent floor shall be taken into account .

(2) The perforated floors may be considered as perching space when they have perches incorporated within the floor structure or attached on top of the floor.

(3) The minimum space between incorporated perches shall be twelve inches to allow birds to easily roost simultaneously.

14. **Design of perches** - (1) Perches shall be designed to have a gap of not less than 1.27 cm in on either side of any perch to allow hens to grip the perches without risk of trapping their claws.

- (2) The perches shall be at least 3.18 cm wide at the top (round perches shall have a diameter of not less than 3.18 cm), have no sharp edges, and be of a non-slip material.
- (3) The perches shall be positioned to minimise dirtying of any hens below and, when possible, shall be over a droppings pit.
15. **Litter** - (1) The area of litter provided shall be sufficient to allow the birds to dust bathe and forage freely.
- (2) For housing systems which include a completely slatted or grid floor, the opportunity to dust bathe shall be provided by suitable substrate (litter) throughout the house of a size that allows multiple hens to dust bathe simultaneously.
- (3) In converted high-rise buildings, a minimum of fifteen percent available floor space shall be a suitable substrate.
- (4) The pullets shall have continuous access to litter.
16. **Euthanasia of Male Chicks** - (1) The hatcheries shall use animal euthanasia to euthanise male chicks using a combinations of inert gases by the method of controlled atmospheric killing.
- (2) The Board shall issue guidelines specifying the manner for euthanasia.
17. **Prohibition with regard to feed** - (1) The feeding of hens with remains of dead chicks shall be prohibited.
- (2) The use of growth promoters shall be prohibited.
- (3) Antibiotics may be administered for therapeutic purposes (disease treatment) and only under supervision of a veterinarian.
- (4) Withdrawal of feed to induce a molt shall be prohibited.
18. **Disposal of Spent Hens** - (1) The farm shall sell spent hens only to a licensed slaughter house.
- (2) The transport and slaughter of spent hens shall be in accordance with the applicable rules.
19. **Veterinary Care.**- (1) Every farm owner shall—
- (a) employ only, persons trained in handling and taking care of animals, and who do not have aggressive or abnormal behaviour, rather have compassionate temperament towards animals also; and
- (b) deploy sufficient number of employees at the farm to take care of, and attend hens properly, and ensure that at least two employees per ten thousand animals are available at all times to take care of the hens.
- (2) Every farm shall make provision for veterinary care, including emergency medical care, and display at a conspicuous place in the farm the emergency contact details of the veterinary practitioner so as

to facilitate the employees and inspectors to approach the veterinary practitioner, as and when required.

(3) The farm operator shall immediately report the outbreak or suspected outbreak of any zoonotic or contagious disease or infection to the local authority, the State Board and the State Government.

(4) Every farm shall have at least one room or enclosure for quarantining sick hens, or hens suspected to be sick.

The Prevention of Cruelty to Animals (Broiler Chicken) Rules, 2017

S.O _____(E) :- Whereas a draft of the Prevention of Cruelty to Animals (Broiler Chicken) Rules, 2017 is hereby published, as required under sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), for inviting objections and suggestions on the said draft rules from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date of publication of this notification in the Official Gazette;

The objections and suggestions, if any, may be sent to the Under Secretary to the Government of India, Ministry of Environment, Forest and Climate Change at Room No..... ;

All objections / suggestions received from the public within the specified period shall be duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, namely:-

DRAFT RULES

1. **Short title and commencement** - (1) These rules may be called the Prevention of Cruelty to Animals (Broiler Chicken) Rules, 2017.
(2) They shall come into force on such date
.....
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 Board established under section 4, and as reconstituted from time to time under section 5A of the Act;
 - (c) "chicken" means any domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of meat production and includes pullets;
 - (d) "farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the production of broiler chickens for meat;
 - (e) "farm owner" means a person having right and control over a farm, where chickens are reared for fattening and production of meat for commercial purposes;
 - (f) "farm operator" means a person who owns, operates or manages the business of a farm;

- (g) “local authority” means a municipal committee, district board, cantonment board, panchayat or any other authority entrusted under any law with the administration and control of any matters within the specified local area;
- (h) “prescribed authority” means the Board or any officer authorized by it;
- (i) “State Board” means a State Animal Welfare Board constituted in a State by the State Government;
- (j) “Society for Prevention of Cruelty to Animals (SPCA)” means a statutory SPCA established under the Act;
- (k) “veterinary practitioner” means a veterinary practitioner registered as per the Indian Veterinary Council Act 1984 and whose name for the time being is included in the Indian Veterinary Practitioners’ Register established under the Indian Veterinary Council Act, 1984 (*52 of 1984*).

3. **Application of the rules** - These rules shall apply to the farms where chickens are housed.

4. **Registration** - (1) No person shall engage in chicken farming without being registered with the animal husbandry department of the concerned State Government under these rules.

(2) The registration certificate shall be displayed in a conspicuous place at the farm.

(3) Every farm operating prior to the commencement of these rules shall within a period of three months from the date of its commencement, register itself with the state animal husbandry department of the concerned State.

(4) The animal husbandry department of the State may, while granting registration, impose such conditions as it may deem fit.

5. **Powers of Board or State Board to issue guidelines** - (1) The Board or State Board may, from time to time, issue such guidelines to animal husbandry department of the State and the local authorities, as it may deem necessary to facilitate compliance of these rules.

(2) The farm owner or operator shall make available all records and provide information relating to functioning of the farm to the Board or the State Board, as and when required.

6. **Responsibility of company engaged in chicken farming** - (1) Where the farm is owned by a company, its Chief Executive Officer, President or highest ranking employee of such company shall be responsible for ensuring the compliance of these rules

(2) In case of contract farming between companies and farmers, where inputs for chicken farming are provided to the farm owner by a company, in return for providing the chicken at a pre-determined price, both the farm owner and the company shall be responsible for ensuring compliance of these rules.

- (3) Where a farm is owned by a government entity the responsibility of compliance of these rules shall be on the Head of the entity.
7. **Power to authorise inspection.-** For the purposes of ensuring compliance, the Animal Husbandry department of the State or the Board or a State Board or a local authority may authorise any of its officers in writing to inspect any farm, and submit a report containing the findings of such inspection to the department, Board, State Board or as the case may be, the local authority, and any officer or person so authorised may –
- (a) enter at any reasonable time and inspect the farm; and
 - (b) require any person to produce any record kept by him in respect of the farm.
 - (c) seize any animal, if there is reason to believe that the provisions of the Act, are not being complied with or that the animals are being treated with cruelty and the seized animal shall be kept in the custody of the local SPCA or an animal welfare organisation.
8. **Requirement of Space Allowance-**
- (1) Chickens shall not be housed in cages, or kept on wire or slatted floors
 - (2) Chickens shall be provided sufficient space for movement without any difficulty, to stand normally, turn around and stretch their wings.
9. **Stocking Density in Chicken Farm –**
- (1) The maximum stocking density shall be calculated on the weight of chickens per available floor space.
 - (2) This density allowance shall not exceed 30 kg/m².
10. **Maintenance Records of space allowance -** (1) The farm owner or the operator shall ensure that the maximum housing density is not exceeded and maintain records of the total floor area available to the chickens; the space allowances; and maximum number of birds kept within the house.
- (2) The farm owner or the operator shall maintain the record of available number of birds, the daily mortality and number culled.
 - (3) These records shall be made available for inspection by the prescribed authority.
11. **Feed -** (1) Chickens shall be provided nutritious feed every day and fed a wholesome diet, in sufficient quantity which is appropriate to their age and species.
- (2) The nutrient content and feeding regimes shall be controlled to prevent leg abnormalities and other problems associated with rapid rate of growth.
 - (3) Chickens shall not be given feed containing remains of dead chicks.

- (4) Chickens shall not be given growth promoters.
- (5) Antibiotics, including coccidiostats, shall not be administered except under the supervision of a veterinarian.
- (6) The farm owner or operator shall provide sufficient feeder which shall be distributed throughout the house or enclosure to allow all chickens to eat without undue competition and the feed distribution shall ensure uniform feed availability throughout the entire feeder system.

12. **Preventing contact with toxic substances in buildings** - The farm owner or operator shall ensure that chickens do not come into contact with fumes, paints, wood preservatives, disinfectants, or any other substances that are toxic to them.

13. **Design of floors** - (1) Chicken house flooring shall allow for effective cleansing and disinfection to prevent building-up of parasites and other pathogens.

(2) The concrete floors shall be preferable to earthen floors because they can be more effectively cleaned and disinfected.

14. **Litter**- (1) The floor of all houses shall be completely covered by litter and the chickens shall have access to the litter area at all times.

(2) The litter shall:

- (a) be of suitable material, particle size and easy to maintain;
- (b) be of good quality (clean, dry, dust-free, and absorbent);
- (c) be of a sufficient depth for dilution of feces;
- (d) birds' feet should be free from excessive fecal contamination;
- (e) allow birds to dust bathe; and
- (f) be skimmed and topped up as necessary with fresh litter.

(3) The litter that is wet, infested with mites, or otherwise contaminated shall not be introduced into chicken housing.

(4) The wet or otherwise contaminated litter, or caked litter shall be replaced from time to time.

(5) The wet litter from accidental flooding shall be replaced.

15. **Period of lighting** - The lighting system in the chicken house shall provide a twenty-four hour cycle:

- (a) A minimum period of eight hours of light, by the provision of either artificial light or access to daylight; and
- (b) A minimum period of six continuous hours of darkness in every twenty-four hour cycle, except when the natural period of darkness is shorter.
- (c) The requirement of clause (b) need not apply during the first few days of rearing and the last three days prior to slaughter.

16. **Stimulating environment** - (1) Provisions shall be made to keep indoor chickens active.

(2) The environmental enrichment such as ramps, low perches,

pecking blocks, straw bales shall be used to stimulate exploratory, foraging and locomotive behaviour and to minimize injurious pecking.

17. **Disposal of Chickens** - (1) The farm shall sell chickens only to a licensed slaughter house.
(2) The transport and slaughter of chickens shall be in accordance with the applicable rules.
18. **Veterinary Care** - (1) Every farm owner shall
 - (a) employ only, persons trained in handling and taking care of animals, and who do not have aggressive or abnormal behaviour, rather have compassionate temperament towards animals also; and
 - (b) deploy sufficient number of employees at the farm to take care of, and attend to chickens properly, and ensure that a minimum of two employees per five thousand animals are available at all times to take care of the chickens.

(2) Every farm shall make provision for veterinary care, including emergency medical care, and display at a conspicuous place in the farm the emergency contact details of the veterinary practitioner so as to facilitate the employees and inspectors to approach the veterinary practitioner as and when required.

(3) The farm operator shall immediately report the outbreak or suspected outbreak of any zoonotic or contagious disease or infection to the local authority, the Board and the State Government Department responsible for Animal Husbandry.

(4) Every farm shall have at least one room or enclosure for quarantining sick or diseased hens, or hens suspected to be sick or diseased.

Summary of the Representations/Responses

The Law Commission of India upon the request of the Government of India, examined the status of the laws and trends relating to the housekeeping and transport of poultry birds. The Commission invited views/comments from the various stakeholders through an appeal dated 12th April 2017.

On 2nd May, 2017, Letters have been written to all Chief Secretaries of the States and UT's asking the various stakeholders by giving wide publicity to take part in the endeavour of the law commission and assist us in getting their opinion. Comments have been received from organisations, restaurants, prominent individuals, retired members of the judiciary, medical practitioners, journalists and a poultry farm.

The representations have stated the following:

- The representation brought to the commission notice is the unhygienic conditions of the poultry industry and the effect of battery- cage confinement on the well-being of the birds. The need for better facilities of housing to ensure more free and natural movement of the birds. The increase of fatal diseases like cancer, etc. due to the unhygienic conditions the birds are kept in. The impact of these unhygienic conditions is on people who consume meat or eggs of such birds.
- The cruel practices of the breaking of beaks and the killing of young male chicks in the industry. The practice of unnecessary feeding non-therapeutic antibiotics given to the birds (which eventually leads to antibiotic resistance) is only to counter the effects of cruel confinement in battery cages. The impact of slaughter and the unhygienic condition in industry is on human. The need for a humane system of rearing and

breeding lacks the necessary facilities in the poultry industry, and the necessity to end the battery cage facilities. Consumers ask for cruelty-free meat/ organically-produced eggs and the lack of such an existing trend in the larger market makes it difficult for seller's and hotel industries to cater to the business; advocacy of more humane treatment of the hens in this regard.

- Requested for more compassionate handling of the birds in the poultry industry and appeals for ending of battery cage facilities. More natural environment of housing that allows the hens to perch and move about freely is a better alternative to the existing practice of battery cages. The practices to be used by the farming industry must be more human. The need for better farming techniques and an immediate change in the manner in which they are kept. The tremendous health impact of increasing antibiotic resistance in poultry-farm birds and the need to notify the Draft Rules. The reasons for ending battery cage confinement of the poultry-farm birds as it lead to the cruelty towards them and need an immediate intervention of Government with respect to Rules regulating the same to curb the inhuman practices.

- the provisions of the Prevention of Cruelty to Animals Act, and the Food Safety and Standards Act that speak of ensuring the dignity and humane treatment of animals; appeal to end battery cage confinement of the birds and notification of draft rules for the purpose. Early notification of Draft Prevention of Cruelty to Animals (Egg- Laying Hens) Rules, 2012, emphasizes the inhumane treatment of male chicks in the poultry industry. Related personal experiences when studying the poultry industry for journalistic purposes and detailed the cruelty and need for this cruelty to be curbed.