

GOVERNMENT OF KERALA

Transport (B) Department

NOTIFICATION

G.O.(P)No.71/2011/Tran.

Dated, Thiruvananthapuram, 13<sup>th</sup> December, 2011.

S.R.O. No...../2011.- In exercise of the powers conferred by sub-section (2) of section 96 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the Government of Kerala hereby make the following rules further to amend the Kerala Motor Vehicles Rules, 1989, the same having been previously published as Notification No.7504/B2/2010/Tran dated, the 23<sup>rd</sup> July 2011, in the Kerala Gazette Extraordinary No.1499 dated the 6<sup>th</sup> August 2011, as required by sub-section (1) of section 212 of the said Act, namely:-

Rules

1. *Short title and commencement.*- (1) These Rules may be called the Kerala Motor Vehicles (Amendment) Rules, 2011.

(2) They shall come into force at once.

2. *Amendment of the Rules.*- In the Kerala Motor Vehicles Rules, 1989 for rule 197, the following rule shall be substituted, namely:-

“197 Carriage of animals in goods carriages.- (1) No animals shall be carried in Goods Vehicle unless, -

- (a) in the case of horned or unhorned animals having body weight upto fifty kilogram minimum floor area of 0.28 square meter per head of such animal, and half of such floor space for young one of such animal is provided in the vehicle;
- (b) in the case of horned or unhorned animals having body weight more than fifty kilogram but upto hundred kilogram, minimum floor area of 0.56 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle;
- (c) in the case of unhorned animals having body weight more than hundred kilograms but upto two hundred kilograms, a minimum floor area of 0.62 square meter per head of such animal and half of such floor space for young one of such animals is provided in the vehicle;
- (d) in the case of horned animals having body weight more than hundred kilograms but upto two hundred kilograms, a minimum floor area of 0.75



- square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle;
- (e) in the case of unhorned animals having body weight more than two hundred kilograms but upto three hundred kilograms, a minimum floor area of 0.86 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle;
  - (f) in the case of horned animals having body weight more than two hundred kilograms but upto three hundred kilograms, a minimum floor area of 0.96 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle;
  - (g) in the case of unhorned animals having body weight more than three hundred kilograms but upto four hundred kilograms, a minimum floor area of 1.06 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle;
  - (h) in the case of horned animals having body weight more than three hundred kilograms but upto four hundred kilograms, a minimum floor area of 1.20 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle.

Explanation:- For the purposes of this rule "animal" includes goat, sheep, buffalo, bull, ox, cow, deer, horse, pony, mule, ass, pig or the young ones thereof

(2) No wild or ferocious animals belonging to or intended for a circus menagerie or Zoo shall be carried in a goods carriage unless,-

- (a) a suitable cage, either separate from or integral, the load body of the vehicles used, of sufficient strength to contain the animal securely at all times is provided; and
- (b) reasonable floor space for each such animal is provided in the vehicle.

(3) No goods carriage while carrying any animal shall be driven at a speed in excess of forty kilometers per hour".

By order of the Governor,

Dr.K.ELLANGO VAN,  
*Secretary to Government.*

## Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Rule 197 of the Kerala Motor Vehicles Rules, 1989 provides guidelines to be followed while transporting animals in Goods Vehicles. Against illegal transportation of animals in Goods vehicles, 'DAYA', an Animal Welfare Organisation has filed WP(C)No.28436/2009 before the Hon'ble High Court of Kerala. The Hon'ble High Court, in its judgment, dated 02.03.2010 has directed the Transport Commissioner and the Director of Animal Husbandary to furnish the guidelines in a practical and realistic manner to prevent cruelty to animals while under transport and also directed the Government to take steps to make or amend any rules if the guidelines prescribed require incorporation in the Rules. Hence Government have considered the matter and decided to make necessary amendments in the Kerala Motor Vehicles Rules 1989 after having been preliminarily published the draft of the amendment Rules as required under sub-section (1) of Section 212 of the Motor Vehicles Act, 1988.

This notification is intended to achieve the above object.