The Gujarat Animal Preservation (Amendment) Act, 2011

Act 28 of 2011

Keyword(s):
Animal Preservation, Animals, Preservation, Endangered, Extinct

Amendment appended: 18 of 2017
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PART IV
Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 11th October, 2011, is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 28 OF 2011.
(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 12th October, 2011).

AN ACT

Further to amend the Gujarat Animal Preservation Act, 1954.

It is hereby enacted in the Sixty-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Animal Preservation (Amendment) Act, 2011.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. In the Gujarat Animal Preservation Act, 1954 (hereinafter referred to as "the principal Act"), after section 6, the following new sections shall be inserted, namely:-

   "6A. (1) No person shall transport or offer for transport or cause to be transported any animal specified in sub-section (1A) of section 5 from any place within the State to any another place within the State for the purpose of its slaughter in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be so slaughtered:

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Provided that a person shall be deemed to be transporting such animal for the purpose of slaughter unless contrary is proved thereto to the satisfaction of the concerned authority or officer by such person or he has obtained a permit under sub-section (2) for transporting animal for bona fide agricultural or animal husbandry purpose from such authority or officer as the State Government may appoint in this behalf.

(2) (a) A person may make an application in the prescribed form to the authority or officer referred to in sub-section (1) for grant of permit in writing for transportation of any animal specified in sub-section (1A) of section 5 from any place within the State to any another place within the State.

(b) If, on receipt of any such application for grant of permit, such authority is of the opinion that grant of permit shall not be detrimental to the object of the Act, it may grant permit in such form and on payment of such fee as may be prescribed and subject to such conditions as it may think fit to impose in accordance with such rules as may be prescribed.

(3) Whenever any person transports or causes to be transported in contravention of provisions of sub-section (1) any animal as specified in sub-section (1A) of section 5, such vehicle or any conveyance used in transporting such animal alongwith such animal shall be liable to be seized by such authority or officer as the State Government may appoint in this behalf.

(4) The vehicle or conveyance so seized under sub-section (3) shall not be released by the order of the court on bond or surety before the expiry of six months from the date of such seizure or till the final judgment of the court, whichever is earlier.

6B. (1) No person shall directly or indirectly sell, keep, store, transport, offer or expose for sell or buy beef or beef products in any form.

(2) Whenever any person transports or causes to be transported the beef or beef products, such vehicle or any conveyance used in transporting such beef or beef products alongwith such beef or beef products shall be liable to be seized by such authority or officer as the State Government may appoint in this behalf.

(3) The vehicle or conveyance so seized under sub-section (2) shall not be released by the order of the court on bond or surety before the expiry of six months from the date of such seizure or till the final judgment of the court, whichever is earlier.

Explanation.- For the purpose of this section “beef” means flesh of any animal specified in sub-section (1A) of section 5, in any form.”.
3. In the principal Act, for section 8, the following section shall be substituted, namely:

Penalties.

“(1) Whoever in contravention of the provisions of sub-section (1) of section 5, slaughters any animal without a certificate for which such certificate is required, shall, on conviction be punished with imprisonment for a term which may extend to one year and with fine which may extend to ten thousand rupees.

(2) Whoever in contravention of the provisions of sub-section (1) of section 5, slaughters any animal as specified in sub-section (1A) of section 5 shall, on conviction, be punished with imprisonment for a term which may extend to seven years but shall not be less than three years and with fine which may extend to fifty thousand rupees.

(3) Whoever contravenes the provisions of sections 6 shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to ten thousand rupees.

(4) Whoever contravenes the provisions of section 6A or 6B shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to twenty-five thousand rupees.”.

4. In the principal Act, in section 15, -

(i) in sub-section (2), after clause (e), the following clause shall be inserted, namely :-

“(cc) the form of application, the form of permit, the fees to be paid and conditions for granting permit under section 6A;”;

(ii) to sub-section (3), the following proviso shall be added, namely :-

“Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.”.

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AN ACT

further to amend the Gujarat Animal Preservation Act, 1954.

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Animal Preservation (Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
2. In the Gujarat Animal Preservation Act, 1954 (hereinafter referred to as “the principal Act”), in section 6A, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The vehicle or any conveyance so seized under sub-section (3) shall stand forfeited to Government in the manner as may be prescribed.”.

3. In the principal Act, in section 6B, for sub-section (3), the following sub-section shall be substituted, namely:

“(3) The vehicle or any conveyance so seized under sub-section (2) shall stand forfeited to Government in the manner as may be prescribed.”.

4. In the principal Act, in section 8, (1) in sub-section (2), for the words “seven years but shall not be less than three years and with fine which may extend to fifty thousand rupees”, the words “imprisonment for life but shall not be less than ten years and with fine which may extend to five lac rupees but shall not be less than one lac rupees” shall be substituted.

(2) in sub-section (4), for the words “imprisonment for a term which may extend to three years and with fine which may extend to twenty five thousand rupees”, the words “imprisonment for a term which may extend to ten years but shall not be less than seven years and with fine which may extend to five lac rupees but shall not be less than one lakh rupees” shall be substituted.

5. In the principal Act, for section 9, the following section shall be substituted, namely:—

“9. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be cognizable and non-bailable.”.

6. In the principal Act, in section 15, after clause (cc), the following new clauses shall be inserted, namely:

“(cd) the manner of forfeiture of the vehicle or any conveyance to Government under sub-section (3) of section 6A;

(cc) the manner of forfeiture of the vehicle or any conveyance to Government under sub-section (2) of section 6B;”.

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