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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT ANIMAL PRESERVATION (AMENDMENT)

BILL, 2011.

GUJARAT BILL NO. 40 OF 2011.

A BILL

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.

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.

Bom. LXXII
of 1954.

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:-

Insertion of new sections 6A and 6B in Bom. LXXII of 1954.

Prohibition
against
transportation
of specified
animals for
slaughter.

"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:

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.

Prohibition
against selling
or buying beef
or beef
products.

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."

Substitution of section 8 of Bom. LXXII of 1954. 3. In the principal Act, for section 8, the following section shall be substituted, namely:-

Penalties. "8. (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."

Amendment of section 15 of Bom. LXXII of 1954. 4. In the principal Act, in section 15, -

(i) in sub-section (2), after clause (c), 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."

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of sub-section (1A) of section 5 of the Gujarat Animal Preservation Act, 1954, there is prohibition against slaughter of a cow, the calf of a cow, a bull and a bullock. However, at present there is no provision in the Act to prevent the transportation of said animals for the purpose of slaughter.

Therefore, it seems necessary to have check on the transportation of said animals from any place within the State to any another place within the State for the purpose of slaughter. It is, therefore, considered necessary to provide that a person shall be deemed to be transporting the specified animals for slaughter unless contrary is proved to the satisfaction of the concerned officer or authority by such person or he has obtained a permit for transportation of the specified animals for *bona fide* agricultural or animal husbandry purpose, from the officer or authority as may be appointed by the State Government and on contravention of the provisions the power is taken to seize the vehicles and animals. New section 6A proposed to be inserted by *Clause 2* of the Bill provides for the same. It is also considered necessary to provide for non-release of the vehicle so seized before the expiry of six months from the date of such seizure or before the final judgment of the court whichever is earlier.

It is also felt necessary to prohibit the sale, storage, transportation, offering or exposing for selling or buying the beef or beef products in any form by any person and to provide for seizure of such vehicle or any conveyance used in transporting such beef or beef products alongwith such beef or beef products by such authority or officer as the State Government may appoint. New section 6B proposed to be inserted by *Clause 2* of the Bill provides for the same.

To strengthen the enforcement and implementation of the said Act, it is considered necessary to provide for stringent punishment for violation of the provisions relating to prohibition on slaughtering as also for transportation of such animals for slaughter and also for sale, storage, transportation of beef or beef products. *Clause 3* of the Bill proposes to substitute the existing section 8 for the said purpose.

Clause 4 of the Bill provides for amendment of section 15 so as to empower the State Government to make rules in view of the amended provisions.

This Bill seeks to achieve the aforesaid objects.

DILEEP SANGHANI,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects, namely: -

Clause 1.—Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2.- (i) Proviso to sub-section (1) of new section 6A proposed to be inserted by this clause empowers the State Government to appoint such authority or officer to grant a permit for transporting animals for *bona fide* agricultural or animal husbandry purpose from any place within the State to any another place within the State;

(ii) clause (a) of sub-section (2) of new section 6A empowers the State Government to prescribe the form of application to be made to the authority or officer for grant of permit for transporting animals for *bona fide* agricultural or animal husbandry purpose from any place within the State to any another place within the State;

(iii) sub-section (3) of new section 6A empowers the State Government to appoint such authority or officer to seize any vehicle or conveyance used in transporting any animal along with such animal, without any lawful authority;

(iv) sub-section (2) of new section 6B proposed to be inserted by this clause empowers the State Government to appoint such authority or officer to seize any vehicle or conveyance used in transporting beef or beef products alongwith such beef or beef products.

Clause 4.- (i) New clause (cc) proposed to be inserted in section 15 by this clause empowers the State Government to prescribe the form of application, the form of permit, the fees to be paid and conditions for granting permit under section 6A;

(ii) proviso to sub-section (3) of section 15 proposed to be added by this clause empowers the State Government to dispense with the previous publication of any rule to be made under section 15.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Gandhinagar,
Dated the 19th September, 2011.

DILEEP SANGHANI.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 19th September, 2011.

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