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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 CATTLE CONTROL (KEEPING AND MOVING) IN URBAN AREAS BILL, 2022.

GUJARAT BILL NO. 7 OF 2022.

A BILL

*to provide, in the public interest, for licensing, regulating,
prohibiting, keeping and moving of cattle in urban areas in
the State of Gujarat.*

WHEREAS it is necessary to ensure maintenance of public health and sanitation, which is endangered due to keeping and moving of a large number of cattle in urban areas;

AND WHEREAS it is expedient, in the public interest, to provide for licensing, regulating, prohibiting, keeping and moving of cattle in urban areas in the State of Gujarat and for matters connected therewith;

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

Short title, extent, application and commencement.

1. (1) This Act may be called the Gujarat Cattle Control (Keeping and Moving) in Urban Areas Act, 2022.
- (2) It extends to the whole of the State of Gujarat.
- (3) The provisions of this Act shall apply in the first instance, to Municipal Corporations and Municipalities on such date as the State Government may, by notification in the *Official Gazette*, specify.
- (4) It shall come into force in such other urban area or areas or parts thereof with effect from such date or dates as the State Government may, by notification in the *Official Gazette*, appoint:

Definitions.

2. In this Act, unless the context otherwise requires, -
- (a) “Appellate Authority” means an officer or authority designated by the State Government as the Appellate Authority for any urban area or part thereof in which this Act has come into force;
- (b) “cattle” means the animals specified in the Schedule;
- (c) “cattle-shed” means any building used or intended to be used for the keeping of cattle;
- (d) “Inspector” means one or more officers appointed by the Local Authority as Inspector or Inspectors for any urban area or part thereof in which this Act has come into force;
- (e) “Licensing Officer” means one or more officers appointed by the concerned Local Authority as the Licensing Officer or Officers for any urban area or part thereof in which this Act has come into force;
- (f) “licence” means a licence granted under this Act;
- (g) “licensee” means a person or a group of persons or an association or an organization who has been granted a license in respect of a place under this Act who,-
- (i) maintains cattle-shed on his premises primarily for consumption of products such as milk by himself or members of his family;
- (ii) maintains cattle-shed for the purpose of carrying out commercial activities like selling milk, selling of wool and other activities as permissible by law;
- (h) “licensed premises” means premises which have been licensed under this Act including the land appurtenant to the cattle-shed;
- (i) “Local Authority” means,-
- (i) a Municipal Corporation constituted under the Gujarat Provincial Municipal Corporations Act, 1949;
- (ii) a Municipality constituted under the Gujarat Municipalities Act, 1963;
- (j) “permit” means a permit granted under this Act;
- (k) “prescribed” means prescribed by rules made under this Act;
- (l) “rules” means rules made under this Act;
- (m) “Schedule” means Schedule appended to this Act;
- (n) “urban area” means,-
- (i) any area within the limits of any Municipal Corporation or Municipality constituted under any law for the time being in force and such area contiguous thereto as may be declared by the State Government, by notification in the *Official Gazette*, to be a part of the same area for the purposes of this Act;
- (ii) any other area in the State, which the State Government may, in view of its development and growing population, declare, by notification in the *Official Gazette*, to be an urban area for the purposes of this Act.

Bom. LIX of 1949.

Guj. 34 of 1964.

CHAPTER II
APPLICATION FOR LICENCE

3. After the expiry of a period of three months from the date on which this Act comes into force in any urban area or part thereof, no person shall keep or cause to be kept or permit keeping of any cattle in that area or part thereof, except under and in accordance with the conditions of a license granted to him under this Act. **Cattle not to be kept in urban areas without licence.**
4. (1) Within a period of ninety days from the date of commencement of this Act or the date on which any person acquires cattle, the person shall submit an application to obtain licence to the Licensing Officer, in such form, accompanied with such fees and along with such self-declaration and self-certified documents as may be prescribed **Application for issue or renewal of licence.**
- (2) The application for renewal of licence shall be submitted within a period of sixty days before expiry of the licence.
- (3) Every person making an application for a licence to use any place as a cattle-shed shall state the number of cattle heads to be kept therein and shall be accompanied by an indicative sketch showing the site and extent of the land adjunct to the cattle-shed, if any.
- (4) On receipt of the application along with the documents and the fees, the Licensing Officer may grant or renew the licence in such manner as may be prescribed and shall issue, in a prescribed form, a licence to the licensee within the prescribed time limit. The Licensing Officer may refuse to grant or renew the licence, for reasons to be recorded in writing.
- (5) In granting or renewing or refusing to grant or renew a licence, the Licensing Officer shall have regard to the following criteria, namely:-
- (i) number of cattle heads in the premises (cattle-shed);
 - (ii) suitability of the cattle-shed and arrangements for water supply for drinking, washing and cleaning;
 - (iii) arrangements for proper nurturing of younger animals;
 - (iv) arrangements for maintenance of cattle during the dry period;
 - (v) any other matters as may be prescribed.
- (6) The Licensing Officer may issue a licence for specific number of cattle heads based on the adequacy and availability of the premises in consideration.
- (7) The licensee shall, on receipt of the license, tag his cattle within a period of fifteen days.
- (8) Every licence issued under this Act shall be in such form and valid for such period as may be prescribed.
- (9) Only one licence shall be applied for a specific premises. In case multiple licences are to be applied for a large area with the same address, then each application should clearly mention the distinct premises under consideration.
- (10) A licensee shall keep cattle- heads in such number as approved in the licence. Any additional cattle-head shall be sold or proffered within a period of sixty days from the date of issuance of the licence. Any failure to do so shall result in cancellation of the licence or prescribed penalty or both.
- (11) In case the licensee transfers the licensed premises to another person, the new owner shall apply for change in the name in the existing licence for such premises along with the registered sale deed or rental agreement, etc. within thirty days. In case, the new owner does not intend to use the licensed premises, he shall intimate the Licensing Officer for cancellation of licence within thirty days.

- (12) In case of change in number of cattle heads, the licensee shall inform the Inspector within thirty days of this change. The Inspector shall evaluate the adequacy and availability of the licensed premises, namely, the additional cattle heads. In case the Inspector finds the adequacy and availability in the cattle-shed, he shall change the number of cattle heads in the existing licence and the licensee shall get the additional cattle tagged within fifteen days from the date of approval by the Inspector.
- (13) In case the Inspector finds there is no sufficient adequacy and availability in the cattle-shed, the licensee shall be required to sell or proffer the cattle to a permanent cattle-shed within sixty days from the date of such notice from the Inspector.
- Cancellation of licenses.** 5. (1) If at any time, it is found or brought to the notice of the Inspector that the licence has been obtained by misrepresentation or suppression of material facts or by submitting false or forged documents or false declaration or fraud, the Inspector shall, after giving an opportunity of being heard to the Licensee, cancel the licence in such manner as may be prescribed.
- (2) The Inspector may, in any case where there is a breach of the provisions of this Act or the rules made thereunder or breach of the conditions of a licence by the licensee, by the reasons to be recorded in writing, suspend the licence for such period as he deems fit.
- (3) The licence shall be cancelled in case of offences for a specific time period as mentioned in this Act.
- (4) In case of cancellation of licence, the licensee shall be required to sell or proffer the cattle within three months from the date of such cancellation.
- (5) In case of cancellation of the licence, the owner shall not be eligible to apply for a new licence for the same premises for the next one year from the date of cancellation.

CHAPTER III

REGULATION ON MOVEMENT

- Prohibition on import of cattle into urban areas.** 6. (1) No person shall bring into any urban area declared so under this Act, any cattle from outside, except for slaughterhouses without prior permission of the Local Authority and in accordance with the conditions of the permit. All cattle in any case shall be moved in vehicles only.
- (2) The permission or permit shall not be necessary in the case of any cattle passing through the area in the course of their journey to another outside area. All cattle in any case shall be moved in vehicles only.
- (3) No cattle shall be moved or crossed over from the prohibited area and any such act shall be an offence under this Act.
- (4) The Local Authority may accord relaxation to newly merged regions in urban area as notified under this Act with respect to timelines, offences, etc. Such relaxation shall be given for a period of twelve months after which this Act shall be applicable in such urban area.
- Prohibited areas for keeping cattle.** 7. (1) Notwithstanding anything contained in this Act, the Local Authority may, at any time after the date on which this Act comes into force in any urban area or part thereof, by notification in the *Official Gazette*, declare the whole area or part of that area, to be the prohibited area, if it thinks fit so to do in the public interest.
- (2) On and after the date of such declaration, no licence shall be granted in respect of any premises in the prohibited area and any such licence already granted and in force in respect of any such premises in the prohibited area shall stand cancelled on the expiry of three months from the said date or on the expiry of the remaining period of the licence, whichever is earlier. The person concerned shall remove all his cattle from the prohibited area within a period of three months from the date of the said notification issued under sub-section (1).
- (3) The Local Authority shall publicly disclose and notify such prohibited areas.

- (4) Notwithstanding anything contained in sub-sections (1) and (2), The Local Authority may, at any time, in the public interest, by notification in the *Official Gazette*, rescind any notification issued by it under sub-section (1), in respect of the whole or any part of that area specified in that notification and may, at any time, by like notification issued under sub-section (1), re-declare that area or part thereof as a prohibited area from the date specified in such subsequent notification.
- (5) Notwithstanding anything contained in this section, the State Government may, at any time, by notification in the *Official Gazette*, declare any area as the prohibited area or withdraw any area as the prohibited area. The notification of the State Government shall supersede the notification of the Local Authority.
8. The Local Authority may allow restricted movement of cattle in certain areas on such terms and conditions as may be prescribed. **Movement of cattle.**
9. Notwithstanding anything contained in this Act, the Local Authority may, capture or seize cattle if,- **Seizure of free cattle.**
- (a) found in the prohibited areas;
- (b) found in the urban areas not designated as licensed premises.
10. (1) A seller shall sell fodder only in and around the grazing areas located in the urban areas during the time determined by the Local Authority. **Sale of fodder.**
- (2) A seller shall not sell fodder in the prohibited areas declared under sub-sections (1) and (5) of section 7.

CHAPTER IV

OTHER DUTIES OF THE LICENSEE

11. (1) Subject to the provisions of this Act, the Licensee shall inform the Inspector by making an application in such form, accompanied by such fee and along with such self-declaration and self-certified documents and within such period as may be prescribed, regarding any change in any of the particulars contained in the licence. **Notice of change in particulars.**
- (2) The Inspector shall, on receiving such application, make the necessary change in the licence.
12. (1) A licensee may proffer his cattle to the Local Authority in the designated permanent cattle sheds. The cattle such as aged cow, etc. shall be tendered against a sum of money as may be prescribed. **Proffering of cattle to the Local Authority.**
- (2) The list of permanent cattle sheds shall be issued by the Local Authority where cattle shall be proffered.
13. On the death of a cattle, the licensee shall dispose the carcass in a way which shall not be harmful either to the environment or to the public health. The licensee shall follow the following guidelines for safe disposal of carcass, namely:- **Disposal of carcass.**
- (a) Incineration: The Local Authority shall identify areas for setting up of incinerators of cattle carcass. A licensee may tender the carcass in an incinerator against a sum of money as may be prescribed;
- (b) Carcass utilization plant: The Local Authority in consultation with the Urban Local Body shall identify areas for setting up of carcass utilization plants. A licensee may tender the carcass in these plants against a sum of money as may be prescribed;
- (c) Deep burial: The carcass shall be buried underground. The Licensee shall ensure that the burial site is away from any underground water sources or from areas that may reduce the chance of water adulteration. After deep burial, the carcass shall be covered with slaked lime, bleaching powder and crystal salt:

Provided that the cattle which has died due to infectious disease shall not be buried but it shall only be incinerated.

CHAPTER V**OTHER RESPONSIBILITIES OF DIFFERENT AUTHORITIES UNDER THE ACT**

- Inspection and display of licences.**
- 14.** (1) The Inspector shall, at all reasonable times, have free access to every part of the licensed premises.
- (2) Any Inspector or the Appellate Authority or any officer authorized either by the Inspector or by the Appellate Authority, may, at any reasonable time, enter and inspect any cattle shed or premises in order to ascertain whether any cattle are being kept or brought there without a licence or permit or in contravention of any other provisions of this Act or the rules made thereunder or of the conditions of the licence, if he has a reason to believe that cattle are being so kept or brought, as the case may be.
- (3) The Licensing Officer may visit the premises in order to ascertain that any cattle or the arrangements made for keeping such cattle, in respect of which an application for grant or renewal of a licence is under process.
- (4) Every licensee shall keep his licence exhibited at all times in some prominent place within the licensed premises and shall produce the licence to the Inspector for inspection whenever he shall require to do so.
- (5) The Inspector may at any time direct that —
- (i) all articles in the licensed premises be removed from the premises in case of spread of epidemic disease;
- (ii) the walls, floors and ceilings of the licensed premises be cleaned and washed; and
- (iii) all the rubbish in the licensed premises be collected and disposed of in such manner as may be directed.
- Erection of temporary cattle-sheds.**
- 15.** (1) The Local Authority shall earmark areas which shall be developed as temporary cattle-sheds.
- (2) The Local Authority shall construct temporary cattle-sheds with the help of Government, community, private players, trusts, associations, etc. and shall be responsible for its maintenance.

CHAPTER VI**APPEAL AND OFFENCES**

- Appeal.**
- 16.** (1) Any person aggrieved by an order of the Licensing Officer or Inspector, may, in the prescribed manner, prefer an appeal to the Appellate Authority within thirty days from the date of receipt of the order:
- Provided that the Appellate Authority may entertain any appeal after the expiry of the period of thirty days aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (2) On receipt of any such appeal, the Appellate Authority may, after making such inquiry as may be necessary and giving reasonable opportunity to the appellant to be heard, pass such orders as it thinks fit.
- (3) Where an appeal is preferred under sub-section (1), the Appellate Authority may stay the enforcement of the order of the Licensing Officer for such period and on such terms and conditions as it thinks fit.
- Offences and penalties.**
- 17.** (1) Any person who-
- (i) contravenes the provisions of this Act, unless otherwise specified, or
- (ii) keeps the cattle in any area or part thereof declared as a prohibited area, fails to remove such cattle as required within a stipulated time as referred to in sub-section (2) of section 7, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which shall not be less than five thousand rupees but which may extend to twenty thousand rupees, or with both.

- (2) Any person or a group of persons who commits assault or attempts to commit assault on the staff of the Local Authority performing their official duty, or drives away or attempts to drive away cattle, or creates or attempts to create hurdles during cattle catching or such official duty, shall on conviction, be punished with imprisonment for a term which may extend to one year or with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees, or with both:

Provided that the repeat offender shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees, or with both.

- (3) Any person or a group of persons, following or monitoring the cattle catching team and committing or attempts to commit any activities to communicate others about arrival of teams, shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees, or with both:

Provided that the repeat offender shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which shall not be less than twenty thousand rupees but which may extend to one lakh rupees, or with both.

- (4) Every offence under this Act shall be cognizable and bailable.

Explanation.- For the purpose of this section, the term “repeat offender” shall mean a person who has been previously punished for contravention of the provisions of this Act.

18. Upon seizure of the cattle, the Local Authority shall move the cattle to the temporary cattle-sheds and take following actions, namely:-

Penalty for release of seized cattle.

- (a) Cattle with tagging:

- (i) The Local Authority shall identify and give notice to the licensee after verifying the tag affixed on the cattle. The licensee shall claim the cattle within seven days of such notice. The cattle shall be released after following prescribed process which shall involve submission of proof for claim and penalty.

First time offender –penalty of five thousand rupees;

Second time offender –penalty of ten thousand rupees;

Third time offender –penalty of fifteen thousand rupees;

criminal case shall be registered

- (ii) If the licensee fails to claim the cattle within seven days, the cattle shall be shifted to a permanent cattle-shed and shall be owned by the Local Authority and in such case the Licensee shall not eligible to claim the cattle. In such a case, criminal proceedings shall also be initiated against the licensee and his licence shall stand cancelled.

- (b) Cattle without tagging:

In case, the cattle head is not tagged as provided under this Act, such cattle shall be seized by the Local Authority and shall be shifted to the permanent cattle-shed.

- (c) The Local Authority shall keep a separate record of cattle kept in the permanent cattle-shed with tagging. Any such cattle, if found in the urban area shall lead to a penalty of fifty thousand rupees per cattle head on the owner or manager of the permanent cattle-shed.

19. If an owner is found without valid licence or cattle is found non-tagged, then a penalty of rupees two thousand per cattle head shall be levied. The owner shall pay the fine and apply for licence within seven days. Upon receiving the licence, the licensee shall get the cattle tagged within fifteen days. Failing this, the cattle shall be seized and the owner shall be punished with imprisonment which may extend to one year or a penalty which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees per cattle head, or both.

Penalty during inspection.

- Penalty for sale of fodder.** 20. Non-compliance with the provision of sale of fodder as provided in this Act, shall lead to penalty as mentioned below:
- First time offender – penalty which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees;
 - Second time offender – on conviction, be punished with imprisonment for a term of one month or with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees.

Special provision regarding sentence of fine. 21. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Magistrate of the First Class to pass a sentence of fine exceeding the pecuniary limit specified in that section, on any person convicted of an offence under this Act. **2 of 1974.**

Power to try offences summarily. 22. Any Magistrate empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1973 may, on an application made by the prosecution, try in accordance with the provisions contained in sections 262 and 265 of the said Code for any offence punishable under this Act within six months. **2 of 1974.**

Filing of charge-sheet. 23. The Police Officer in-charge shall be required to file the charge-sheet within ninety days from the date of filing of First Information Report.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Protection of action taken in good faith. 24. No suit, prosecution or other legal proceedings shall lie against the State Government or local authority or any officer of the State Government or any authority appointed under this Act, for anything which is in good faith done or intended to be done under this Act.

Power to give Directions. 25. The State Government may issue such directions to the Local Authority, from time to time as may be required for compliance of the provisions of this Act, the rules made under this Act and under any other law for the time being in force and the Local Authority shall be bound to comply with such direction in the time line if, fixed by the Government.

Power to make rules. 26. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

Exemption. 27. Nothing in this Act shall apply to the cattle belonging to the Government or to the Local Authority of the urban area or part thereof in which this Act has come into force and to any cattle kept for educational or research purposes.

Conjunction with laws of Local Authority. 28. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any law relating to any Local Authority or Urban Local Body or part thereof in which this Act has come into force.

Power to remove difficulties. 29. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an Order published in the *Official Gazette*, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as possible, after it is made, before the State Legislature.

**Guj. 15 of
2005.**

30. On the date on which this Act is brought into force in any urban area, the Gujarat Essential Commodities and Cattle (Control) Act, 2005 and any order made thereunder shall cease to apply to the cattle specified in the Schedule, for or in relation to such urban area, except as respects anything done or omitted to be done under that Act or those orders before the date aforesaid.

**Repeal and
saving.**

SCHEDULE

(See section 2(m))

1. Buffaloes;
2. Cows;
3. Heifers;
4. Calves;
5. Bulls;
6. Cow calf;
7. Buffalo calf;
8. Bullock;
9. Goat;
10. Sheep;
11. Donkey.

STATEMENT OF OBJECTS AND REASONS

The residents of the urban areas in the State are grappling with the problem of stray cattle. Stray cattle roaming around freely in the cities have become a serious menace. Several lives have already been lost and many have been injured due to accidents involving stray cattle. The menace is more serious than one imagines. Free-roaming cattle is a threat to two-wheeler riders as animals run on the middle of the road and all of a sudden move sideways causing road accidents. To mitigate the problem, it is considered necessary to restrict the activities of keeping and movement of cattle in the urban areas by enacting a law to provide for licensing and regulating or prohibiting, keeping and movement of such cattle in the urban areas of the State of Gujarat.

The Bill seeks to achieve the aforesaid objects.

The following notes on *clauses* explain, in brief, the important provisions of the Bill:-

- Clause 1.-** This clause provides for short title, extent, application and commencement of the Act.
- Clause 2.-** This clause defines certain terms used in the Bill.
- Clause 3.-** This clause provides for restriction on a person to keep cattle in urban areas without licence.
- Clause 4.-** This clause provides for making an application for licence.
- Clause 5.-** This clause provides for the cancellation of licence in the circumstances as mentioned therein.
- Clause 6.-** This clause provides for the prohibition on import of cattle in urban areas.
- Clause 7.-** This clause provides for the declaration of any urban area or part thereof to be the prohibited area for keeping cattle.
- Clause 8.-** This clause allows the local authority to restrict the movement of cattle in certain areas for purposes under the certain conditions.
- Clause 9.-** This clause provides for seizure or capture of free cattle by the Local Authority in the circumstances as mentioned therein.
- Clause 10.-** This clause provides that the seller can sell fodder only in and around the grazing areas located in the urban area during the time determined by the Local Authority. It also restrict the seller to sell fodder in the prohibited area.
- Clause 11.-** This clause provides for application of change in particulars contained in the licence.
- Clause 12.-** This clause provides for the proffering of cattle to the Local Authority in designated permanent cattle-sheds.
- Clause 13.-** This clause provides for the disposal of carcass in a way which shall not be harmful either to the environment or to the public health. It also provides for safe disposal of the carcass under the guidelines as mentioned therein.
- Clause 14.-** This clause provides that the Inspector shall, at all reasonable times, have free access to every part of the licensed premises. It also cast duty on the licensee to keep his licence exhibited at all times in some prominent place within the licensed premises and shall produce the licence to the Inspector for inspection whenever he shall required to do so.
- Clause 15.-** This clause provides for erection of temporary cattle-sheds to be constructed by the Local Authority with the help of Government, community, private players, trusts, associations, etc.
- Clause 16.-** This clause provides for preferring an appeal, by any person aggrieved by an order of the Licensing Officer or the Inspector, within thirty days from the date of receipt of order against which the appeal is preferred.

- Clause 17.-** This clause provides for offences committed under the Act and penalties thereof.
- Clause 18.-** This clause provides for penalty for release of seized cattle.
- Clause 19.-** This clause provides for the penalty to be imposed during the inspection.
- Clause 20.-** This clause provides for the penalty for non-compliance with the provision of sale of fodder.
- Clause 21.-** This clause empowers the Magistrate of First Class to pass the sentence of fine exceeding the pecuniary limit specified in section 29 of the Code of Criminal Procedure, 1973, for the offences committed under the Act.
- Clause 22.-** This clause provides for the power of the Magistrate to try certain offences summarily.
- Clause 23.-** This clause provides that the Police Officer in-charge shall be required to file the charge-sheet within ninety days from the date of filing of First Information Report.
- Clause 24. -** This clause provides for usual indemnity for acts done in good faith.
- Clause 25.-** This clause empowers the State Government to give directions for compliance of the provisions of this Act, the rules made under this Act and under any other law for the time being in force.
- Clause 26.-** This clause empowers the State Government to make rules, by notification in the *Official Gazette*, for carrying out the purposes of the Act.
- Clause 27. -** This clause provides for the exemption with respect to the cattle belonging to the Government or the Local Authority of the urban area or part thereof in which the Act has come into force and to any cattle kept for educational or research purposes.
- Clause 28.-** This clause provides that the provisions of this Act shall be in addition to and not in derogation of, any provision of any existing law relating to any local authority or Urban Local Body or part thereof.
- Clause 29.-** This clause empowers the State Government to remove difficulties arising within a period of three years from the commencement of the Act.

VINODBHAI MORADIYA,

FINANCIAL MEMORANDUM

The Gujarat Cattle Control (Keeping and Moving) in Urban Areas Bill, 2022 seeks to provide for licensing and regulating or prohibiting, keeping and movement of cattle in urban areas in the State of Gujarat. The administrative set up already exists for carrying into effect the provisions of the relevant Municipal Acts and as such, the Bill if enacted and brought into force, would not involve any additional expenditure from the Consolidated Fund of the State.

VINODBHAI MORADIYA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

- Clause 1.-** (i) Sub-clause (3) of this clause empowers the State Government to specify by notification in the *Official Gazette*, the date on which and the Urban area, Municipal Corporation or Municipality/ Urban Local Body to which the Act shall apply in the first instance;
- (ii) sub-clause (4) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date or dates with effect from which the Act shall come into force in such other Urban area or areas or parts thereof. It also empowers to appoint different dates for different urban areas or part thereof.
- Clause 2.-** (i) Para (i) of sub-clause (n) of this clause empowers the State Government to declare by notification in the *Official Gazette*, the area contiguous to any area within the limits of any Municipal Corporation or Municipality, constituted under any law for the time being in force, to be a part of the same area for the purposes of the Act;
- (i) Para (ii) of sub-clause (n) of this clause empowers the State Government to declare by notification in the *Official Gazette*, any other area in the State, which the State Government may, in view of its development and growing population, to be an urban area for the purposes of the Act.
- Clause 4.-** (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form in which, the fees accompanied with which and the self-declaration and self-certified documents alongwith which any person who acquires cattle shall submit an application to obtain licence, within a period of ninety days from the date of commencement of the Act or the date on which any person acquires cattle.
- (ii) sub-clause (4) of this clause empowers the State Government to prescribe by rules, the manner in which the licensing officer may grant or renew the licence; it also empowers to prescribe by rules, the form in which and the time limit within which, the licence shall be issued to the licensee;
- (iii) para (v) of sub-clause (5) of this clause empowers the State Government to prescribe by rules, the matters other than the matters as specified therein, for granting or renewing or refusing to grant or renew a license;
- (iv) sub-clause (8) of this clause empowers the State Government to prescribe by rules, the form in which and the period of validity for which, the licence shall be issued.
- Clause 5.-** Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner in which the Inspector shall, after giving an opportunity of being heard to the Licensee, cancel the licence if it is found or brought to the notice of the Inspector that the licence has been obtained by misrepresentation or suppression of material facts or by submitting false or forged documents or false declaration or by fraud.
- Clause 7.-** (i) Sub-clause (1) of this clause empowers the Local Authority to declare, by notification in the *Official Gazette*, the whole urban area or part of that area, to be the prohibited area, if it thinks fit so to do in the public interest;
- (ii) sub-clause (4) of this clause empowers the Local Authority to rescind, by notification in the *Official Gazette*, any notification issued by it under sub-section (1);
- (iii) sub-clause (5) of this clause empowers the State Government to declare or withdraw, by notification in the *Official Gazette*, any area to be the prohibited area; it also empowers the State Government to supersede the notification of the Local Authority.
- Clause 8.-** This clause empowers the State Government to prescribe by rules, the terms and conditions subject to which the Local Authority may allow restricted movement of cattle in certain areas.

- Clause 11.-** Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form in which, the fee to be accompanied with the application of change and the period within which, the licensee shall inform to the Inspector regarding the change in any of the particulars contained in the licence, it also empowers to prescribe the self-declaration of the applicant and self-certified documents.
- Clause 12.-** Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the sum of money against which the cattle such as aged cow, etc. shall be tendered.
- Clause 13.-** This clause empowers the State Government to prescribe by rules, the sum of money against which the carcass in an incinerator shall be tendered. It also empowers to prescribe by rules, the sum of money against which the carcass in the carcass utilization plant shall be tendered.
- Clause 16.-** Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner in which any person aggrieved by an order of the Licensing Officer or Inspector, may prefer an appeal to the Appellate Authority.
- Clause 18.-** Para (i) of sub-clause (a) of this clause empowers the State Government to prescribe by rules, the process, involving submission of proof for claim and penalty as mentioned therein, followed which the cattle shall be released.
- Clause 26.-** This clause empowers the State Government to make rules, by notification in the *Official Gazette*, for carrying out the purposes of the Act.
- Clause 29.-** This clause empowers the State Government to remove, by notification in the *Official Gazette*, difficulties arising within a period of three years from the commencement of the Act.

Dated the 22nd March, 2022.

VINODBHAI MORADIYA.

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

K. M. LALA,

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

Gandhinagar,
Dated the 22nd March, 2022.

