

# **Rajasthan Camel (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 2015**

RAJASTHAN

India

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### **Act 2 of 2016**

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Rajasthan Camel (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 2015(Act No. 2 of 2016)Statement of Objects and Reasons. - The Article 51A (g) of Constitution of India enjoins to have compassion towards all living beings.Camel is an integral part of the desert eco-system of the State and has played a very important role in the survival of human population in adverse desert conditions. Presently, Camel is presently endangered and in need for initiation of sincere efforts for its conservation and protection, due to an alarming steep population decline observed in the recent past.Several cases of intentional killings of camel and its progeny have come to light. It has also been observed that a large number of camels are transported or carried out of the State of Rajasthan to other States for the purpose of slaughter. The recurrent famine and scarcity conditions in the State tend to increase this menace all the more. The existing laws are not sufficient to tackle this problem.Agriculture being the main stay of our economy, camel as a working animal is also the backbone of our agricultural and village economic structure. With growing awareness for nonconventional energy sources like biogas, the requirement of dung of these animals has acquired additional importance apart from its utility as manure and as a fuel for the rural population. Looking to the above factors, aged camels, even when they cease to be capable of yielding milk or working as draught animal can no longer be said to be useless or unfit.In order to protect and improve the natural environment by minimising dependence on chemical fertilisers and pesticides, and by using natural and soil friendly manure generated as a biological phenomenon by these camelus animals, as also to have compassion for such useful living creatures as envisaged in Article 51A (g) of the Constitution, the slaughtering of these animals needs to be strictly prohibited to implement the spirit of aforesaid article of the Constitution.Looking to the social, cultural and economic usefulness and contribution of camels, and to ensure their conservation, it is therefore, in general interest to enact a fresh law to prohibit the slaughter of camels as also to prohibit the export of such animals for the purposes of slaughter and to regulate, for other purposes, the temporary

migration or export of such animals in order to safeguard the camel species and also the interests of public deriving benefit from them. The Bill seeks to achieve the aforesaid objectives. Hence the Bill. [Dated 16.3.2015] [Received the assent of the Governor on the 25th day of February, 2016] An Act to provide for prohibition of slaughter of camel and also to regulate temporary migration or export thereof from Rajasthan. Be it enacted by the Rajasthan State Legislature in the Sixty-sixth Year of the Republic of India, as follows: -

## **1. Short title, extent and commencement.**

(1) This Act may be called the Rajasthan Camel (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 2015. (2) It extends to the whole of the State of Rajasthan. (3) It shall come into force at once.

## **2. Definitions.**

- In this Act, unless the context otherwise requires, - (a) "camel meat" means flesh of camel; (b) "camel" means an animal of camelus genus; (c) "Code" means the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974); (d) "Competent Authority" means Collector of a District and includes any other officer who may be authorized in this behalf by the State Government by notification in the Official Gazette to exercise the powers and perform the functions of the Competent Authority under this Act or the rules made thereunder for such area or areas and for such period as may be specified in the notification; (e) "Divisional Commissioner" means a Commissioner appointed by the State Government under Section 17 of Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956); (f) "export" means to take out of the State of Rajasthan to any other place out of the State of Rajasthan; (g) "famine and scarcity affected area" shall mean an area affected by famine or scarcity in respect of which a declaration has been made by the State Government under an appropriate law by a notification in the Official Gazette; (h) "slaughter" means intentional killing by any method and for any purpose whatsoever; (i) "transporter" means and includes, - (a) in the case of a goods carriage as defined in the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988), - (i) the owner, if the booking is undertaken under his instruction or with his knowledge; (ii) the person for the time being in charge of the vehicle; (iii) the person for the time being in charge of booking of goods or livestock; (iv) the Managing Director, Executive Director, General Manager or Chief Executive or any other person in charge of business, as the case may be, (where the owner is a company) when the bookings are undertaken under his instruction or with his knowledge; (v) the partner, in the case of a partnership firm, if the booking is undertaken under his instruction or with his knowledge; (b) in the case of Railway Goods Train, - (i) the person for the time being in charge of booking of goods and livestock at a Railway Station; and/or (ii) the person who prepares Railway Receipts at a Railway Station; (c) the consignee to whom the livestock is to be delivered; and (d) in any other case, the person carrying or accompanying the livestock.

## **3. Prohibition of slaughter of camel.**

- Notwithstanding anything contained in any law for the time being in force or in any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be

offered for slaughter any camel.

#### **4. Prohibition of possession, sale or transport of camel meat and camel meat products.**

- Notwithstanding anything contained in any other law for the time being in force, no person shall possess, sale or transport for sale or cause to be sold or transported camel meat or camel meat products in any form.

#### **5. Prohibition of export of camel for the purpose of slaughter and regulation of temporary migration or export for other purposes.**

(1) No person shall export and cause to be exported any camel himself or through his agent, servant or other person acting in his behalf from any place within the State to any place outside the State for the purposes of slaughter or with the knowledge that it may be or is likely to be slaughtered. (2) Notwithstanding anything contained in sub-section (1) temporary migration of camel from the famine and scarcity affected areas of Rajasthan may be allowed by the Competent Authority to other States in India for grazing purposes under a valid permit in the manner prescribed and hereinafter laid down. (3) Any person residing in any famine and scarcity affected area and desiring migration of any camel shall apply to the Competent Authority having jurisdiction over such area stating the circumstances necessitating the proposed migration together with the number of camel and name of the State or States to which migration is proposed and the period for which the permit is required. (4) The Competent Authority after satisfying itself about the genuineness of the request of the applicant referred in sub-section (3), may grant him a permit in the prescribed form and manner which among other things may provide for affixing of identification mark before such temporary migration of camel is allowed out of the State and in no case the period of said migration shall extend beyond the month of August next following the date of grant of the permit. (5) On return from temporary migration the applicant referred to in sub-section (3), shall inform the Competent Authority in writing about the number of camel brought back by him together with the explanation for variation, if any. (6) If any person does not bring back such camel into the State and also within the period specified in the permit he shall be deemed to have contravened the provisions of sub-section (1). (7) The Competent Authority may issue special permit in the prescribed manner for export of camel from Rajasthan for agricultural or dairy farming purposes or for participation in an animal fair, and before granting such permission the Competent Authority shall also ensure that such export in no way reduces the number of such camel below the level of actual requirement of the local area. (8) Any applicant referred to in sub-section (3) or any person seeking special permit under sub-section (7), aggrieved by an order of the Competent Authority made under sub-section (4), sub-section (6) or sub-section (7) may make an application, within thirty days from the date of the order, to the Divisional Commissioner and the Divisional Commissioner may upon such application or suo motu call for and examine the record of the case for the purpose of satisfying himself as to the correctness, legality or propriety of any order and may pass such order as it may deem just and proper and such order shall be final and conclusive and shall not be called in question in any civil court.

## **6. Transporter to be abettor.**

- Whenever the camels are transported by any means of transport in furtherance of the object of commission of any offence under this Act, the transporter shall be guilty of abetment of the said offence and shall be liable for the same punishment as is provided under Section 8 of the Act for person committing the said offence.

## **7. Custody and disposal of camel seized.**

(1)Whenever as a result of search or seizure or as a result of inspection or otherwise the camels are seized, the custody of the seized camels pending final disposal of the case may be entrusted by an order of the Competent Authority to any recognized voluntary agency working for the welfare of such animals:Provided that where there is no such voluntary agency in any local area, the Competent Authority may entrust the custody of camels to any such agency outside the area or to any other suitable person, who volunteers to maintain such animals.(2)Whenever any case is finally disposed of, further orders regarding custody or permanent entrustment of camel shall be made by the Competent Authority subject to such terms and conditions as may be deemed proper.(3)Any person aggrieved by an order made under sub-section (1) or sub-Section (2) may, within thirty days from the date of the said order, appeal against it to the Divisional Commissioner.(4)On such appeal the Divisional Commissioner may after giving an opportunity to the appellant and the competent Authority or any other officer authorized by him in this behalf to be heard, direct the order to be stayed pending disposal of the appeal or may modify, alter or annul the order and make any further orders that may be just.(5)Whenever any camel is seized under this Act the Competent Authority or the Divisional Commissioner shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any other Court, Tribunal or other Authority shall not have jurisdiction to make orders with regard to possession, delivery, disposal or release of such animal.

## **8. Penalty.**

(1)Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 shall, on conviction, be punished with a rigorous imprisonment for a term which shall not be less than one year but may extend to five years and with fine which may extend to twenty thousand rupees.(2)Whoever contravenes or attempts to contravene or abets the contravention of the provisions of Section 4 or Section 5 shall, on conviction, be punished with the rigorous imprisonment for a term which shall not be less than six months but may extend to three years and with fine which may extend to five thousand rupees.

## **9. Punishment for causing hurt.**

(1)Whoever causes bodily pain, disease or infirmity to any camel is said to cause hurt.(2)Whoever intentionally causes hurt to a camel shall, on conviction, be punished with rigorous imprisonment for a term which may extend to two years and with fine which may extend to three thousand rupees.(3)Whoever abets the commission of an offence under sub-section (2), shall be guilty of

abetment of the said offence and shall be liable for the same punishment as is provided for the said offence.

## **10. Punishment for intentionally injuring any camel.**

(1)Whoever intentionally causes grievous injuries to a camel shall, on conviction, be punished with rigorous imprisonment for a term which shall not be less than one year but may extend to three years and with fine which may extend to seven thousand rupees.Explanation. - For the purpose of this section grievous injury shall include, -(i)emasculatation (in the case of male camel),(ii)permanent privation of sight of either eye,(iii)permanent privation of the hearing of either ear,(iv)privation of any member or joint,(v)fracture or dislocation of a bone or tooth,(vi)any hurt that endangers life or which causes the sufferer severe bodily pain and ultimately renders unfit or unserviceable.(2)Whoever abets the commission of an offence under sub-section (1) shall be guilty of abetment of the said offence and shall be liable for the same punishment as is provided for the said offence.

## **11. Burden of proof.**

- Where any person is prosecuted for an offence under the provisions of this Act, the burden of proof that he had not committed the offence under the provisions of this Act shall be on him.

## **12. Power to enter and inspect places.**

(1)For the purpose of this Act the Competent Authority or any person authorized in writing in that behalf by the Competent Authority (hereinafter in this section referred to as "the authorized person") shall have power to enter and inspect any place where the Competent Authority or the authorized Bn has reason to believe that an offence under this Act has been, or is likely to be committed.(2)Every person in occupation of such place shall allow the Competent Authority or the authorized person such access to that place as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the Competent Authority or the authorized person.(3)For the purpose of enforcing the provisions of this Act, the Competent Authority or the authorized person, in exercising the powers of entry upon, and inspection of, any place under this section, follow, as far as may be, the provisions of Section 100 of Code, relating to the search or inspection of a place by a Police Officer.

## **13. Person exercising powers under this Act deemed to be public servant.**

- All persons exercising powers under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

#### **14. Protection of persons acting in good faith.**

- No suit, prosecution or other legal proceedings shall be instituted against any person for anything which in good faith is done or intended to be done under this Act or rules made thereunder.

#### **15. Power to make rules.**

(1)The State Government may, by notification in the Official Gazette, make rules generally for carrying out the purposes of this Act.(2)All rules made under this section shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.