

The Gujarat Animal Preservation Act, 1954

GUJARAT

India

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Act 72 of 1954

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The Gujarat Animal Preservation Act, 1954[14th December 1954][Bombay Act No. 72 of 1954]PreambleAn Act to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes.WHEREAS it is expedient to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes : It is hereby enacted in the Fifth Year of the Republic of India as follows :-

1. Short Title, Extent and Commencement

(1)This Act may be called the Gujarat Animal Preservation Act, 1954.(2)It extends to the whole of the State of Gujarat.

2. Application of Act

(1)This Act shall in the first instance apply to the animals specified in the Schedule.(2)The State Government may, by notification in the Official Gazette, apply the Provisions of this Act to any other animal, which in its opinion, it is desirable to preserve.

3. Definitions

In this Act, unless there is anything repugnant in the subject or context,-(1)"Animal" means an animal to which this Act applies ;(2)"Competent Authority" means a person or body of persons appointed under section 4 to perform the functions of a Competent Authority under this Act:(3)"Prescribed" means prescribed by rules made under this Act;(4)"Schedule" means a Schedule appended to this Act.

4. Appointment of Competent Authority

The State Government may, by notification in the Official Gazette, appoint a person or a body of persons to perform the functions of a Competent Authority under this Act For such local area as may be specified in the notification.

5. Prohibition against slaughter without certificate from Competent Authority

(1)Notwithstanding any law for the time being in force or any usage to the contrary, no person shall slaughter or cause to be slaughtered any animal unless, he has obtained in respect of such animal a certificate in writing from the Competent Authority appointed for the area that the animal is fit for slaughter.(1A)No certificate under sub-section (7) shall be granted in respect of—(a)a cow ;(b)the calf of a cow, whether male or female and if male, whether castrated or not ;(c)a bull ;(d)a bullock ;(2)In respect of an animal to which sub-section (1A) does not apply, no certificate shall be granted under sub-section (1) if in the opinion of the Competent Authority-(a)the animal, whether male or female, is useful or likely to become useful for the purpose of draught or any kind of agricultural operations;(b)the animal if male, is useful or likely to become useful for the purpose of breeding ;(c)the animal, if female, is useful or likely to become useful for the purpose of giving milk or bearing offspring.(3)Nothing in this section shall apply to-(a)the slaughter of any of the following animals for such bonafide religious purposes, as may be prescribed, namely :-(i)any animal above the age of fifteen years other than a cow, bull or bullock.(b)the slaughter of any animal not being a cow or a calf of a cow, bull or bullock, on such religious days as may be prescribed :Provided that a certificate in writing for the slaughter referred to in clause (a) or (b) has been obtained from the competent authority.(4)The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by a Competent Authority granting or refusing to grant any certificate under this section, call for and examine the records of the case and may pass such order in reference thereto as it thinks fit.(5)A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed.(6)Subject to the provision of sub-section (4) any order passed by the Competent Authority granting or refusing to grant a certificate, and any order passed by the State Government under sub-section (4) shall be final and shall not be called in question in any Court.

6. Prohibition of slaughter of animals in places not specified for the purpose.

No animal in respect of which a certificate has been issued under section 5 shall be slaughtered in any place other than a place specified by such authority or officer as the State Government may appoint in this behalf.

6A. Prohibition against transportation of specified animals for slaughter

(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 along with 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. Prohibition against selling or buying beef or beef products

(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 along with 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.

7. Power to enter and inspect premises

(1) For the purposes of this Act, the Competent Authority or any person authorised in this behalf by the Competent Authority (hereinafter referred to as the authorised person) shall have power to enter and inspect any premises where the Competent Authority or the authorised person has reason to believe that an offence under this Act has been or is likely to be committed. (2) Every person in occupation of any such premises shall allow the Competent Authority or the authorised person such access to the premises 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 by the authorised person.

8. 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.

9. Offences under the Act to be cognizable

Notwithstanding any thing contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable.

10. Abetments and attempts

Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

11. Persons exercising powers under this Act deemed to be public servants

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.

12. Protection of persons acting in good faith under the Act or rules

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

13. Exemption under this Act

Subject to any conditions prescribed in this behalf, this Act shall not apply to-(1)any animal operated upon for vaccine lymph, serum, or for any experimental or research purposes at an institution established, conducted or recognised by the State Government ;(2)any animal or class of animals-(i)slaughter of which is certified by a Veterinary Surgeon authorized in this behalf by the State Government to be necessary in the interest of the public health,(ii)which are suffering from any disease which is certified by such Veterinary Surgeon as being contagious and dangerous to other animals.

14. Delegation of powers

The State Government may by notification in the Official Gazette, delegate-(1)to any local authority, its powers and functions under section 4 within the local area subject to the jurisdiction of such local authority;(2)to any officer of the State Government, its powers and functions under sub-section (4) of section 5.

15. Power to make Rules

(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 Provision, such rules may provide for-(a)the powers and duties of a Competent Authority, in addition to those provided in this Act ;(b)the form of the certificate under section 5 ;(c)the amount of the fee to be paid under section 5 ;(cc)the form of application, the form of permit, the fees to be paid and conditions for granting permit under section 6A;(d)the conditions subject to which the Act shall not apply to any animal under section 13 ;(e)any other matter which is or may be prescribed.(3)The rules made under this section shall be subject to the condition of previous publication in the Official Gazette: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.(4)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 such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following.

16. Repeal of Bombay Animal Preservation Act, 1948

The Bombay Animal Preservation Act, 1948, is hereby repealed Provided that:(a)every appointment, certificate, application, order, rule, notification or recognition made, issued or given under the provisions of the Act so re-pealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any appointment, certificate, application, order, rule, notification or recognition made, issued or given under this Act ;(b)any proceedings relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed in such proceedings shall be recovered under the Act so repealed.

17. Repeal and Saving

The Saurashtra Animal Preservation Act, 1956, is hereby repealed:Provided that—(a)every appointment, certificate, application, order, rule, notification or recognition made, issued or given under the provisions of the Act, so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any appointment, certificate, application, order, rule,

notification or recognition made, issued or given under this Act ;(b)any proceedings relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act and had not been repealed but had continued in operation and any penalty impose in such proceedings shall be recovered under the Act so repealed.

[Section 2(1)]

Bovines (bulls, bullocks, cows, calves, male and female buffaloes and buffalo-calves).