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GUJARAT ANIMAL PRESERVATION (AMENDMENT) ACT, 2011

Preamble - THE GUJARAT ANIMAL PRESERVATION (AMENDMENT) ACT, 2011

THE GUJARAT ANIMAL PRESERVATION (AMENDMENT) ACT, 2011

[Act No. 28 of 2011]

[12th October, 2011]

PREAMBLE

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:-

Section 1 - Short title and commencement

- (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.

Section 2 - Insertion of new sections 6A and 6B in Bom. LXXII of 1954

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

"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 subsection (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. 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 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 (1 A) of section 5, in any form."

Section 3 - Substitution of section 8 of Bom. LXXII of 1954

In the principal Act, for section 8, the following section shall be substituted, namely:-

"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."

Section 4 - Amendment of Section 15 of Bom. LXXII of 1954

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."
