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MAHARASHTRA ANIMAL PRESERVATION (AMENDMENT) ACT, 1995

Preamble - MAHARASHTRA ANIMAL PRESERVATION (AMENDMENT) ACT, 1995

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[Act No. 05 of 2015]

[04th March, 2015]

PREAMBLE

An Act to amend the Maharashtra Animal Preservation Act, 1976.

WHEREAS it is expedient to amend the Maharashtra Animal Preservation Act, 1976 (Mah. IX of 1977), for the purposes hereinafter appearing; It is hereby enacted in the Forty-sixth Year of the Republic of India as follows :

Section 1 - Short title

This Act may be called the Maharashtra Animal Preservation (Amendment) Act, 1995.

Section 2 - Amendment of long title of Mah. IX of 1977

In the Maharashtra Animal Preservation Act, 1976 (Mah. IX of 1977) (hereinafter referred to as " the principal Act"), in the long title, for the portion beginning with the words "of cows" and ending with the words "agricultural purposes", the following shall be substituted, namely :

"and preservation of cows, bulls and bullocks useful for milch, breeding, draught or agricultural purposes and for restriction on slaughter for the preservation of certain other animals suitable for the said purposes".

Section 3 - Amendment of preamble to Mah. IX of 1977

In the preamble to the principal Act, for the portion beginning with the words "of cows" and ending with the words "agricultural purposes", the following shall be substituted, namely :-

" and preservation of cows, bulls and bullocks useful for milch, breeding, draught or

agricultural purposes and for restriction on slaughter for the preservation of certain other animals suitable for the said purposes".

Section 4 - Amendment of section 1 of Mah. IX of 1977

In section 1 of the principal Act, in sub-section (4), after the word "cows" the words ", bulls and bullocks," shall be inserted.

Section 5 - Amendment of section 5 of Mah. IX of 1977

In section 5 of the principal Act,-

- (a) after the word "cow" the words ", bull or bullock" shall be inserted;
- (b) in the marginal note, after the word "cows" the words ", bulls and bullocks" shall be added.

Section 6 - Insertion of sections 5A to 5D in Mah. IX of 1977

After section 5 of the principal Act, the following sections shall be inserted, namely:-

"5A. Prohibition on transport and export of cow, bull or bullock for slaughter.-

(1) No person shall transport or offer for transport or cause to be transported cow, bull or bullock from any place within the State to any place outside 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.

(2) No person shall export or cause to be exported outside the State of Maharashtra cow, bull or bullock for the purpose of slaughter either directly or through his agent or servant or any other person acting on his behalf, in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be slaughtered.

5B. Prohibition on sale, purchase, disposal in any other manner of cow, bull or bullock.-

No person shall purchase, sell or otherwise dispose of or offer to purchase, sell or otherwise dispose of any cow, bull or bullock for slaughter or knowing or having reason to believe that such cow, bull or bullock shall be slaughtered.

5C. Prohibition on possession of flesh of cow bull or bullock.-

Notwithstanding anything contained in any other law for the time being in force no person shall have in his possession flesh of any cow, bull or bullock slaughtered in contravention of the provisions of this Act.

5D. Prohibition on possession of flesh of cow, bull or bullock slaughtered outside the State of Maharashtra.-

No person shall have in his possession flesh of any cow, bull or bullock slaughtered outside the State of Maharashtra.

Section 7 - Amendment of section 8 of Mah. IX of 1977

In section 8 of the principal Act,-

(a) after sub-section (2), the following sub-sections shall be added, namely :-

"(3) Any Police Officer not below the rank of Sub-Inspector or any person authorised in this behalf by the State Government, may, with a view to securing compliance of the provisions of sections 5A, 5B, 5C or 5D, for satisfying himself that the provisions of the said sections have been complied with may,-

(a) enter, stop and search , or authorise any person to enter, stop and search any vehicle used or intended to be used for the export of cow, bull or bullock ;

(b) seize or authorise the seizure of cow, bull or bullock in respect of which he suspects that any provision of sections 5A, 5B, 5C or 5D has been, is being or is about to be contravened, alongwith the vehicles in which such cow, bull or bullock are found and there after take or authorise the taking of all measures necessary for securing the production of such cow, bull or bullock and the vehicles so seized, in a court and for their safe custody pending such production:

Provided that pending trial, seized cow, bull or bullock shall be handed over to the nearest Gosadan, Goshala, Panjrapole, Hinsa Nivaran Sangh or such other Animal Welfare Organizations willing to accept such custody and the accused shall be liable to pay for their maintenance for the period they remain in custody with any of the said institutions or organizations as per the orders of the court.

(4) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of

1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this section."

(b) for the marginal note, the following shall be substituted, namely :-

"Power of entry, search, seizure and custody."

Section 8 - Amendment of section 9 of Mah. IX of 1977

In section 9 of the principal Act,-

(a) for the words " any of the provisions of this Act" the words and figures "the provisions of sections 5, 5A or 5B" shall be substituted;

(b) for the words " six months" the words " five years" shall be substituted;

(c) for the words "one thousand rupees" the words "ten thousand rupees" shall be substituted;

(d) the following proviso shall be added, namely :-

" Provided that except for special and adequate reasons to be recorded in the judgement of the court such imprisonment shall not be of less than six months and such fine shall not be less than one thousand rupees.";

(e) for the marginal note, the following shall be substituted, namely :-

" Penalty for contravention of sections 5, 5A or 5B."

Section 9 - Insertion of sections 9A and 9B in Mah. IX of 1977

After section 9 of the principal Act, the following sections shall be inserted, namely :-

"9A. Penalty for contravention of sections 5C, 5D or 6.-

Whoever contravenes the provisions of sections 5C, 5D or 6 shall on conviction be punished with imprisonment for a term which may extend to one year or fine which may extend to two thousand rupees.

9B. Burden of proof on accused.-

In any trial for an offence punishable under sections 9 or 9A for contravention of the provisions of this Act, the burden of proving that the slaughter, transport, export outside the State, sale, purchase or possession of flesh of cow, bull or

bullock was not in contravention of the provisions of this Act, shall be on the accused."

Section 10 - Amendment of section 10 of Mah. IX of 1977

In section 10 of the principal Act,-

- (a) the words "and non-bailable" shall be added at the end;
- (b) in the marginal note, the words " and non-bailable" shall be added.

Section 11 - Amendment of section 11 of Mah. IX of 1977

In section 11 of the principal Act, after the word and figure " section 9 " the words, figure and letter "or section 9A" shall be added.

Section 12 - Amendment of section 14 of Mah. IX of 1977

In section 14 of the principal Act,-

- (a) in clause (a), after the word " cow" the words ", bull and bullock" shall be inserted;
- (b) in clause (b), after the word " cow" the words ", bull and bullock" shall be inserted;
- (c) in clause (c), after the word "cow" the words ", bull and bullock" shall be inserted.

Section 13 - Amendment of Schedule to Mah. IX of 1977

In the Schedule appended to the principal Act, the words " bulls, bullocks," shall be deleted.
