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PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Gujarat Acts

Agriculture, Farmer Welfare and Co-operation Department.

Notification

Sachivalaya, Gandhinagar, Dated the 5th September, 2017.

Gujarat Animal Preservation Act, 1954.

No. GHKH-159-2017-CDS-13-2017-436-P.1 Whereas the Government of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to make rules by dispensing with the requirement of previous publication thereof under the proviso to sub-section (3) of section 15 of the Gujarat Animal Preservation Act, 1954 (Bom. LXXII of 1954) (herein after called "the said Act"):

Now therefore, in exercise of powers conferred by sub-section (1) of section 15 of the said Act, the Government of Gujarat here by amends the Bombay Animal Preservation (Gujarat) Rules, 1967 as follows, namely:-

1. These rules may be called the Gujarat Animal Preservation (Amendment) Rules, 2017.
2. In the Bombay Animal Preservation Rules, 1967 (herein after called "the principal rules"), in rule 1. for the words "Bombay", the words "Gujarat" shall be substituted.
3. In the principal rules, in rule 2. in clause (a),-
 - (i) for sub-clause (ii). the following sub-clause shall be substituted, namely:-

"(ii) "Authorised officer" means the authority or officer specified in the schedule for issuing permit."
 - (ii) after sub-clause (iii). the following new sub-clause (iii-a) shall be inserted, namely:-

"(iii-a) "police officer" means an officer not below the rank of Head Constable."

4. In the principal rules, in rule 6. for clause (1), the following new clause shall be substituted, namely:-

"(1) A person who intends to transport or cause to be transported any animal specified in sub-section (1A) of section 5 for *bona fide* purposes including agricultural, animal husbandry etc. within the State may make an application to the authorised officer in Form III

Provided that no application for issuing permit shall be granted in case a person intends to transport any animal specified in sub-section (1A) of section 5 during 7.00 p.m. to 5.00 a.m."

5. In the principal rules, after rule 4, the following new rule shall be inserted, namely:-

"4A. Manner for forfeiture of vehicle under sub-section (3) of section 6A or sub-section (2) of section 6B of the Act.-

(a) (1) When there is reason to believe that an offence under sub section (3) of section 6A or sub section (2) of section 6B has been committed in respect of any animal as specified under sub-section (1A) of section 5 of the Act, or beef or beef product is being transported in contravention of the provisions of the Act, such animal or product together with vehicle, conveyance, container and any other equipment used in committing any such offence, may be seized by Police-officer by stopping the vehicle or conveyance and causing it to remain stationary as long as may reasonably be necessary for examination of the contents in the vehicle, conveyance, container and any other equipment and inspection of all records in possession of such driver or other person in charge of the vehicle or conveyance any other person in the vehicle or conveyance.

(2) The police officer who has made the seizure under this rule shall immediately send sample of the suspected beef to Forensic Science Laboratory. The animal captured in vehicle or conveyance as specified under sub-section (1 A) of section 5 of the Act shall be handed over to nearest designated infirmary.

(3) It shall be the duty of the driver, owner or the person in charge of the vehicle or conveyance from whom the sample of suspected beef is taken, to up keep the remaining quantity of suspected beef in good condition till the result of Forensic Science Laboratory is received by taking such steps as the police officer may deem necessary.

(4) Every Police-officer making seizure under this rule shall place on such vehicle, conveyance, container and any other equipment, a mark indicating that the same has been seized, and shall, as soon as may be, make a report of such seizure to immediate superior officer.

(b) The Sub-Divisional Police Officer may make an order to confiscate such vehicle, conveyance, container and any other equipment seized under subsection (3) of section 6A or subsection (2) of section 6B of the Act.

- (c) No order confiscating any vehicle, conveyance, container and any other equipment shall be made under clause (b) without giving notice in writing to the person from whom it is seized informing such person of the grounds on which it is proposed to confiscate and considering objections, if any:

Provided that, no order confiscating a vehicle, conveyance, container and any other equipment shall be made except, after giving a notice in writing to the registered owner thereof.

(d) No such order confiscating vehicle, conveyance, container and any other equipment shall be made under clause (b), if the owner of the vehicle conveyance, container and any other equipment proves to the satisfaction of the authorised officer that the same was used in carrying animal or beef or beef product without the knowledge or connivance of the owner, agents and person in the vehicle, conveyance, container and any other equipment if any, and each of them had taken all reasonable and necessary precautions against such use.

(e)(i) Where the Sub-Divisional Police Officer, after passing an order of confiscation under clause (b), is of the opinion that it is expedient in the public interest so to do, may order the confiscated vehicle, conveyance, container and any other equipment to be sold by public auction.

(ii) Where any confiscated vehicle, conveyance, container and any other equipment is sold as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses, relating thereto, shall, where the order of confiscation made under rule (b) is set aside or annulled by the Court, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

6. In the principal rules, for the existing Schedule, the following new Schedule shall be substituted, namely :-

**"Schedule
(see rule 2(a)(ii))**

- (a) Taluka Development Officer
- (b) Mamlatdar
- (c) Chief Officer (Municipality)
- (d) Assistant Commissioner/ Dy. Commissioner/ Dy. Health Officer (Municipal Corporation)
- (e) Veterinary Officer"

7. In the principal rules, in form IV, the words and figure "This Form is valid from 5:00 a.m. to 7:00 p.m. only" shall be inserted at the top of the said Form.

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

**DIPAK ERDA,
Joint Secretary to Government.**

Government Central Press, Gandhinagar.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 12th April, 2017 is hereby published for general information.

K. M. LALA,

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

GUJARAT ACT NO. 18 OF 2017.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 12th April, 2017).

AN ACT

further to amend the Gujarat Animal Preservation Act, 1954.

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Animal Preservation (Amendment) Act, 2017. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section 6A
of Bom.
LXXII of
1954.

2. In the Gujarat Animal Preservation Act, 1954 (hereinafter referred to as "the principal Act"), in section 6A, for sub-section (4), the following sub-section shall be substituted, namely:-

Bom. LXXII
of 1954.

"(4) The vehicle or any conveyance so seized under sub-section (3) shall stand forfeited to Government in the manner as may be prescribed."

Amendment of
section 6B of
Bom. LXXII of
1954.

3. In the principal Act, in section 6B, for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) The vehicle or any conveyance so seized under sub-section (2) shall stand forfeited to Government in the manner as may be prescribed."

Amendment of
section 8 of
Bom. LXXII of
1954.

4. In the principal Act, in section 8,

(1) in sub-section (2), for the words "seven years but shall not be less than three years and with fine which may extend to fifty thousand rupees", the words "imprisonment for life but shall not be less than ten years and with fine which may extend to five lac rupees but shall not be less than one lac rupees" shall be substituted.

(2) in sub-section (4), for the words "imprisonment for a term which may extend to three years and with fine which may extend to twenty five thousand rupees", the words "imprisonment for a term which may extend to ten years but shall not be less than seven years and with fine which may be extend to five lac rupees but shall not be less than one lakh rupees" shall be substituted.

Substitution of
section 9 of
Bom. LXXII of
1954.

5. In the principal Act, for section 9, the following section shall be substituted, namely:-

Offences under
the Act to be
cognizable and
non-bailable.

"9. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be cognizable and non-bailable."

2 of 1974.

Amendment of
section 15 of
Bom. LXXII of
1954.

6. In the principal Act, in section 15, after clause (cc), the following new clauses shall be inserted, namely:-

"(cd) the manner of forfeiture of the vehicle or any conveyance to Government under sub-section (3) of section 6A;

(ce) the manner of forfeiture of the vehicle or any conveyance to Government under sub-section (2) of section 6B;"