

## **BOMBAY ANIMAL PRESERVATION ACT, 1954**

**72 of 1954**

**[14th December, 1954]**

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### **SCHEDULE 1 :- SCHEDULE**

## **BOMBAY ANIMAL PRESERVATION ACT, 1954**

**72 of 1954**

**[14th December, 1954]**

An 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 Bombay Animal Preservation Act, 1954.

(2) It extends to the whole of the State of Gujarat]<sup>1</sup> [x x x]

1. Deleted, by Gujarat 16 of 1961.

## **2. Application of Act :-**

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.

<sup>1</sup>[(1A) No certificate under sub-section (1) 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 below the age of sixteen years;

(d) a bullock below the age of sixteen years.]

(2) <sup>2</sup>[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, or 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** [(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;

(ii) a bull above the age of fifteen years;

(iii) a bullock above the age of fifteen years;

(b) the slaughter of any animal not being a cow or a calf of a cow, 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 there to 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 provisions 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.

1. Sub-section (1A) Subs, by GuJ. 23 of 1979 [28-11-1978]
2. These words, brackets, figure and letter were substituted for the words "No certificate" by Gujarat 16 of 1962.
3. Sub-section (3) subs, by Gujarat 23 of 1979 28-11-1978.

**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.

**7. Power to enter and inspect premises :-**

(1) For the purpose 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 :-**

Whoever contravenes any of the provisions of this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

**9. Offences under the Act to be cognizable :-**

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

**10. Abatements 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. Person exercising Powers under this Act deemed to be public Servants :-**

All persons exercising power under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860),

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

No prosecution or order legal proceedings shall be instituted against any person for anything which is 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 authorised in this behalf by the State Government to be necessary in the interest of 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 be provided for

(a) the powers and duties of 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;

(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.

<sup>1</sup> [(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]

1. Sub-section (4) was inserted by Gujarat 16 of 1961.

#### **16. Repeal of Bombay Animal Preservation Act, 1948 :-**

The Bombay Animal Preservation Act, 1948 (Bom. LXXXI of 1948), is hereby repealed: Provided that:

(a) Every appointment, certificate, 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 provision 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 (Sau. XXIII of 1956) is hereby repealed: Provided that

(a) Every appointment, certificate, 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 provision 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.]

SCHEDULE 1

SCHEDULE

[Section 2(1)] Bovines (bulls, bullocks, cows, calves, male and female buffaloes and calves.)
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