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MINISTRY OF HOME AFFAIRS

New Delhi, the 12th December, 1966

NOTIFICATION

G.S.R. 1917 .... In exercise of the powers conferred by section 10 of the Dadra and Nagar Haveli Act, 1961 (35 of 1961), the Central Government hereby extends to the Union territory of Dadra and Nagar Haveli, the Bombay Animal Preservation Act, 1954 (Bombay Act No. LXXXII of 1954), as at present in force in the State of Gujarat, subject to the following modifications namely:-

Modifications

1. Throughout the Act, unless otherwise directed, for the words "State Government" the word "Administrator" shall be substituted and there shall also be made in any sentence in which these words occur such consequential changes as the rules of grammar may require.

2. In section 1,-

(i) in sub-section (2), for the words "State of Gujarat", the words "Union territory of Dadra and Nagar Haveli" shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.".

3. In section 3, clause (1) shall be renumbered as clause (1a) and before the clause as so renumbered, the following shall be inserted, namely:-

"(1) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;".

4. In section 13, in clause (1), for the words "State Government", the word "Government" shall be substituted.

5. In section 14, in clause (2), for the words "of the State Government", the words "employed in connection with the administration of the Union territory of Dadra and Nagar Haveli" shall be substituted.

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6 In section 15, sub-section (4) shall be omitted.

7. Sections 16 and 17 shall be omitted.

The text of the Act, as modified by this notification is published as an annexure to this notification.

ANNEXURE

THE BOMBAY ANIMAL PRESERVATION ACT, 1954 (BOMBAY ACT NO. LXXXII OF 1954) AS EXTENDED TO THE UNION TERRITORY OF DADRA AND NAGAR HAVELI.

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 and commencement.- (1) This Act may be called the Bombay Animal Preservation Act, 1954.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

2. Application of the Act.- (1) This Act shall in the first instance apply to the animals specifiedin the schedule.

(2) The Administrator may, by notification in the Official Gazette, apply the provisions of this Act to any other animal which in his opinion, it is desirable to preserve.

3. Definitions.- In this Act, unless there is anything repugnant in the subject or context,

(1) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;

(1a) "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.

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(55)

Appointment of Competent Authority.- The Administrator may, by notification in the Official Gazette, appoint a person or 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 (1) shall be granted in respect of a cow.

(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 the slaughter of any animal above the age of fifteen years for bona fide religious purposes, if such animal is not a cow:

Provided that a certificate in writing has been obtained from the Competent Authority.

(4) The Administrator may, at any time for the purpose of satisfying himself as to the legality or propriety of any order passed by the 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 he thinks fit.

(5) A certificate under this section shall be granted in such form and on payment of such fees 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 Administrator under sub-section (4) shall be final and shall not be called in question by any court.

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6. Prohibition of slaughter of animals in places not so called for the purpose.- If No animal in respect of which a certificate has been issued under section 5 shall be slaughtered in any place other than a place so called by such authority or officer as the Administrator may appoint in this behalf.

7. Power to enter and inspect animals.- (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 the 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 purposes 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 (V of 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 punishable 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 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 suit, prosecution, or other legal proceedings shall be instituted against any person for anything done or intended to be done in good faith 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 Government;

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(2) any animal or class of animals -

(i) slaughter of which is certified by a veterinary surgeon authorised in this behalf by the Administrator to be necessary in the interest of public health;

(ii) which are suffering from any disease which is certified by a veterinary surgeon as being contagious and dangerous to other animals.

14. Delegation of powers.- The Administrator may, by notification in the Official Gazette, delegate -

(1) to any local authority his powers and functions under section 4 within the local area subject to the jurisdiction of such local authority;

(2) to any officer employed in connection with the administration of the Union territory of Dadra and Nagar Haveli, his powers and functions under section 5.

15. Power to make rules.- (1) The Administrator 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 Competent Authority, in addition to those provided in this Act;

(b) the form of certificate under section 5;

(c) the amount of fees 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 to be or may be prescribed.

(3) The rules made under this section shall be subject to the condition of previous publication in the Official Gazette.

(4) [Omitted].

16. [Omitted].

17. [Omitted].

SCHEDULE
[Section 2(1)]

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

[No.F.1/11/66-UTL- 88]

sd. P. N. Vasudevan.
Deputy Secretary to the Govt. of India.