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The Goa Animal Preservation Act, 1995

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<p>The Goa Animal Preservation Act, 1995 (Act 7 of 1996) [1-7-1996] published in the Official Gazette, Series I No. 15 dated 11-7-1996.</p>
<p>The Goa Animal Preservation (Amendment) Act, 2003 (Act 20 of 2003) [25-8-2003] published in the Official Gazette, Series I No. 22 dated 29-8-2003 and come into force at once.</p>
<p>The Goa Animal Preservation (Amendment) Act, 2010 (Act 7 of 2010) [26-4-2010] published in the Official Gazette, Series I No. 5 dated 29-4-2010 and came into force on 3-6-2010.</p>

Arrangement of Sections

1	Short title, extent and commencement	7A	Registration of persons selling beef
2	Definitions	8	Penalties
3	Appointment of competent authority	9	Offences under this Act to be cognizable
4	Restrictions on slaughter of scheduled animals	9A	Power to arrest without warrant
5	Scheduled animals to be slaughtered at specified places only	10	Abetments and attempts
6	Power to enter, search and seize property without warrant	11	Persons exercising powers under this Act deemed to be public servants
6A	Custody of seized property	12	Protection of persons acting in good faith under this Act or Rules
6B	Seized property to be reported to the concerned Magistrate	13	Power to grant exemption under this Act
6C	Procedure as to perishable property seized under section 6	14	Delegation of powers
7	Prohibition of sale of beef	15	Provisions to be in addition to those of other Act.
		16	Power to make rules

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

7-24-95/LA

The Goa Animal Preservation Act, 1995 (Goa Act 7 of 1996), which has been passed by the Legislative Assembly of Goa on 14-12-1995 and assented to by the President of India on 1-7-1996, is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 9th July, 1996.

The Goa Animal Preservation Act, 1995

(Goa Act No. 7 of 1996) [1-7-1996]

AN

ACT

to provide for the preservation of certain animals suitable for milch, breeding, draught or agricultural purposes.

Be it enacted by the Legislative Assembly of Goa in the Forty-sixth Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Goa Animal Preservation Act, 1995.

(2) It extends to the whole of the State of Goa.

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

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) “Competent authority” means a person or body of persons appointed by the Government under section 3 to perform the functions of competent authority under this Act;

(b) “Government” means the Government of Goa;

(c) “Official Gazette” means the Official Gazette of the Government;

(d) “prescribed” means prescribed by rules made under this Act;

(e) “Schedule” means the Schedule appended to this Act;

(f) “Scheduled animal” means any animal specified in the Schedule and the Government may, by notification in the Official Gazette, add to the Schedule any species of animals, after considering the necessity for preservation of that species of animals, and the provisions of section 3 of the Goa, Daman and Diu Laying of Rules before Legislature Act, 1980 (Act 5 of 1980) in so far as they relate to laying before, and modification by, the Legislature, shall apply in relation to such notification, as they apply to any rule referred to in that section.

3. Appointment of competent authority.— The Government may, by notification in the Official Gazette, appoint one or more persons or more bodies of persons to perform the functions of a competent authority under this Act and specify the areas within which they shall perform such functions.

4. Restrictions on slaughter of scheduled animals.— (1) Notwithstanding anything contained in any law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered any scheduled animal in any place in the State of Goa, unless he has obtained in respect of such animal, a certificate in writing from the competent authority that the animal is fit for slaughter.

(2) No certificate shall be granted under sub-section (1), if in the opinion of the competent authority.—

(a) the scheduled animal, whether male or female, is or is likely to become economical for the purpose of draught or any kind of agricultural operations;

(b) the scheduled animal, if male, is or is likely to become economical for the purpose of breeding;

(c) the scheduled animal, if female, is or is likely to become economical for the purpose of giving milk or bearing off-spring.

(3) The Government may, on an application by any person aggrieved by an order passed by the competent authority refusing to grant him a certificate, made to it within sixty days from the date of receipt of such order, or at any time suo moto, call for and examine the records of the case for the purpose of satisfying itself as to the legality or propriety of any order passed by the competent authority under this section, and pass such order in reference thereto as it thinks fit.

(4) A certificate under this section shall be granted in such form and upon payment of such fees as may be prescribed.

(5) Subject to the provisions of sub-section (3), any order passed by the competent authority granting or refusing to grant a certificate, and any order passed by the Government under sub-section (3), shall be final and shall not be called in question in any Court.

5. Scheduled animals to be slaughtered at specified places only.— No scheduled animal in respect of which a certificate has been issued under section 4 shall be slaughtered in any place other than a place specified by such authority or officer as the Government may appoint in that behalf.

“6. Power to enter, search and seize property without warrant.— (1) The competent authority or any person authorized in writing in that behalf by the competent authority, if he has reason to believe that any offence is being or is about to be, or has been committed in any place under this Act, he may himself enter into at all reasonable times and search any premises, yard, building, conveyance or place; and in case of any resistance, break open any door and remove any obstacle to such entry.

(2) Every person in occupation of such premises, yard, building, conveyance or place shall allow the competent authority or the authorized person, such access to that place 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 the authorized person, as the case may be, and shall furnish any document and/or thing which he is directed to furnish.

(3) The competent authority or any person authorized in writing in that behalf by the competent authority, may seize any Scheduled animal which he has reason to believe is unfit for slaughter and/or the carcass of such animal, tools, articles or conveyance and/or

all such material objects if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or that such seizure is necessary to prevent commission of an offence under this Act.”.

“6A. Custody of seized property.— (1) Where it is not practicable to immediately take possession or custody of any seized property, the competent authority or any person authorized in writing in that behalf by the competent authority, may serve on the owner or person in possession of such property, an order prohibiting him from removing, parting with and/or otherwise dealing with property except with the previous written permission of the competent authority or such officer as the case may be.

(2) Every property seized under this Act shall be forwarded without unnecessary delay to the place so designated by the competent authority.

(3) When any property has been seized and forwarded to the place of destination as designated by the competent authority, an inventory of such property shall be prepared before taking custody of such property thereof.

6B. Seized property to be reported to the concerned Magistrate.— The competent authority or the authorized person shall immediately report the seizure of any property to the nearest Magistrate and the Magistrate may make such order as he thinks fit towards the disposal of the property or the delivery of the property to the person entitled to the possession thereof.

6C. Procedure as to perishable property seized under section 6.— If the Magistrate to whom seizure of property is reported, is of the opinion that the seized property is subject to speedy and natural decay, he may direct the competent authority to sell such property in such manner as it deems fit and to deposit the proceeds of the sale in the Court for the purpose of deciding the matter thereof.”.

7. Prohibition of sale of beef.— (1) Notwithstanding anything contained in any other law for the time being in force, no person shall sell or offer for sale or cause to be sold beef or beef products in any form in contravention of sections, 4, 5 and 6 except imported beef from neighbouring States under hygienic condition examined by a competent authority and in respect of which a certificate has been granted.

(2) A certificate under this section shall be granted in such form and upon payment of the fees as may be prescribed.

¹**“7-A. Registration of persons selling beef.—** (1) Any person selling beef shall be liable for registration with the prescribed authority and in the prescribed manner.

(2) The application for registration, the register to be maintained and the certificates of registration and renewal shall be in such form, and the registration and renewal fees and penalty for late renewal shall be such, as may be prescribed;”.

“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 three years.”.

¹Inserted by Goa Animal Preservation (Amendment) Act, 2003

9. Offences under this Act to be cognizable.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all offences under this Act shall be cognizable.

“9A. Power to arrest without warrant.— (1) The Competent Authority or any person authorized in writing in that behalf by the competent authority, or Police Officer, may, without orders from a Magistrate and without a warrant, arrest any person or persons against whom a reasonable suspicion exists of his having been concerned in any offence punishable with imprisonment under this Act.

(2) If any arrest is made by the competent authority and/or by the authorized person or Police Officer under this section then it shall without any unnecessary delay and subject to the provisions of this Act send the arrested person to the Officer-in-Charge of the nearest Police Station.

(3) When any arrested person is sent to the Officer-in-Charge of the Police Station, the Officer shall prepare a formal arrest report and produce the arrested person before the Magistrate.

(4) No Police Officer shall detain in custody a person arrested without a warrant for a period exceeding twenty-four hours without obtaining the orders of the Magistrate.”.

10. Abetments and attempts.— Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be deemed to have committed that offence and shall, on conviction, be punished with the punishment provided for such offence under section 8.

11. Persons exercising powers under this Act deemed to be public servants.— All persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

12. Protection of persons acting in good faith under this Act or Rules.— No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government or local authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

13. Power to grant exemption under this Act.— Subject to such conditions as may be prescribed in this behalf, this Act shall not apply to,—

(a) any animal (other than cow) operated upon for vaccine, lymph or serum at any institution established, conducted or recognized by the Government;

(b) any animal (other than cow) operated upon for any experimental or research purposes at the institution referred to in clause (a);

(c) any animal (other than cow):–

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

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

Provided that no animal referred to in this section shall be slaughtered unless an authority in writing for such slaughter has been obtained from the competent authority.

14. Delegation of powers.— The Government may by notification in the Official Gazette, delegate subject to such conditions and limitations as may be specified in the notification,—

(a) to any local authority, its powers and functions under section 3 within the local area subject to the jurisdiction of such local authority;

(b) to any officer of the Government, its powers and functions under sub-section (3) of section 4 as it may deem necessary or expedient.

15. Provisions to be in addition to those of other Act.— The provisions of this Act shall be in addition to, and not in derogation of the provisions of the Goa, Daman and Diu Prevention of Cow Slaughter Act, 1978 (Act 13 of 1978).

16. Power to make rules.— (1) The Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for,—

(a) the form of the certificates under sections 4 and 7;

(b) the amount of the fee to be paid for such certificates;

(c) the conditions subject to which this Act shall not apply to any scheduled animal under section 13;

(d) any other matter which is or may be prescribed.

SCHEDULE

[Section 2 (f)]

Bovine (bulls, bullocks, male calves, male and female buffaloes, castrated buffaloes and buffalo calves).

Secretariat Annexe,
Panaji.
Dated: 9th July, 1996.

G. P. SEWALIA,
Secretary to the Govt. of Goa,
Law Department (Legal Affairs).