

(Authorised English Translation)

Bill No. 8 of 2018

**THE RAJASTHAN BOVINE ANIMAL (PROHIBITION OF
SLAUGHTER AND REGULATION OF TEMPORARY
MIGRATION OR EXPORT) (AMENDMENT) BILL, 2018**

(To be Introduced in the Rajasthan Legislative Assembly)

A

Bill

to amend the Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995.

Be it enacted by the Rajasthan State Legislature in the Sixty-ninth Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) (Amendment) Act, 2018.

(2) It shall come into force at once.

2. Amendment of section 2, Rajasthan Act No. 23 of 1995.- For the existing clause (b) of section 2 of the Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995 (Act No. 23 of 1995), hereinafter referred to as the principal Act, the following shall be substituted, namely :-

"(b) "bovine animal" means cow, calf, heifer, bull or bullock but does not include buffalo and its progeny;"

3. Insertion of new section 6-A, Rajasthan Act No. 23 of 1995.- After the existing section 6 and before the existing section 7 of the principal Act, the following new section shall be inserted, namely:-

“6-A. Confiscation of the means of conveyance.-

(1) Whenever an offence punishable under this Act is committed, any means of conveyance used in the commission of such offence shall be liable to confiscation.

(2) Where any means of conveyance referred to in sub-section (1) is seized in connection with the commission of any offence punishable under this Act, a report of such seizure shall, without unreasonable delay, be made by the person seizing it to the Competent Authority and whether or not a prosecution is instituted for commission of such offence, the Competent Authority, having jurisdiction over the area where the said means of conveyance was seized, may, if satisfied that the said means of conveyance was used for commission of offence under this Act, order confiscation of the said means of conveyance:

Provided that before ordering confiscation of the said means of conveyance a reasonable opportunity of being heard shall be afforded to the owner of the said means of conveyance and if such owner satisfies the Competent Authority that he had no reason to believe that such offence was being or likely to be committed and he had exercised due care in the prevention of the commission of such an offence, the Competent Authority may not confiscate the said means of conveyance:

Provided further that where such means of conveyance is owned by the Central Government or any State Government or any of their undertaking, no order of confiscation of such means of conveyance shall be passed by the Competent Authority and the matter shall be referred to the State Government by the Competent Authority for making such orders regarding means of conveyance as the State Government may deem fit:

Provided also that before ordering confiscation under this sub-section, the owner of the means of conveyance referred to in sub-section (1), may be given an option to pay, in lieu of confiscation, a fine not exceeding the market price of such means of conveyance:

Provided also that an owner of a means of conveyance shall not be given option under the preceding

proviso, if he had been given option under that proviso at an earlier occasion.

(3) Whenever any means of conveyance as referred to in sub-section (1) is seized in connection with commission of an offence under this Act, the Competent Authority shall have, and notwithstanding anything contained in any law for the time being in force, any Court, Tribunal or other authority shall not have, jurisdiction to make order with regard to the possession, delivery, disposal or release of such means of conveyance.

(4) Where the Competent Authority is of the opinion that it is expedient in public interest or for the benefit of its owner that the means of conveyance, as referred to in sub-section (1), seized for commission of offence under this Act be sold by public auction, he may at any time direct it to be sold.

(5) Any order of confiscation made by the Competent Authority shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.”.

4. Insertion of new section 12-A, Rajasthan Act No. 23 of 1995.- After the existing section 12 and before the existing section 13 of the principal Act, the following new section shall be inserted, namely :-

“12-A. Power of arrest and seizure.- The Competent Authority or any person authorized in writing in that behalf by the Competent Authority may -

- (i) arrest or cause to be arrested any person who in his presence commits an offence punishable under this Act and, without unnecessary delay, shall make over or cause to be made over any person so arrested to a police officer who shall proceed against such person as per law;
- (ii) seize or cause to be seized any means of conveyance being used in commission of an offence punishable under this Act and, without unnecessary delay, shall make or

cause to be made a report of seizure to the Competent Authority.”.

STATEMENT OF OBJECTS AND REASONS

The Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995 is in force in the State. Section 5 of this Act prohibits the export of bovine animals from any place within the State to any place outside the State for the purposes of slaughter. However, there are reports that bovine animals are being taken out of the State illegally and mechanical means of conveyance are being used for such illegal transportation of bovine animals.

At present there is no provision in this Act for seizure and confiscation of the means of conveyance which is used in connection with the commission of an offence punishable under this Act. Therefore, it is proposed that on the lines of the provisions contained in section 69 of the Rajasthan Excise Act, 1950 a provision may be made in this Act for seizure and confiscation of the means of conveyance which has been seized in connection with the commission of any offence punishable under this Act. The power of seizure is proposed to be delegated to the Competent Authority or any person authorized in writing in that behalf by the Competent Authority and the power of confiscation is proposed to be delegated to the Competent Authority under this Act. Accordingly, a new section 6-A is proposed to be inserted.

At present there is no provision in this Act under which the Competent Authority can arrest any person who in his presence commits an offence punishable under this Act. For making the provisions of the Act effective it is proposed to insert a new section 12-A in the Act to provide that the Competent Authority or any person authorized in writing in that behalf by the Competent Authority may arrest or cause to be arrested any person who in his presence commits an offence punishable under this Act.

An opportunity is also availed to clarify the definition of bovine animal so as to expressly exclude therefrom buffalos and its progeny.

The Bill seeks to achieve the aforesaid objectives.

Hence the Bill.

प्रभु लाल सैनी
Minister Incharge.

**EXTRACTS TAKEN FROM THE RAJASTHAN BOVINE
ANIMAL (PROHIBITION OF SLAUGHTER AND**

**REGULATION OF TEMPORARY MIGRATION OR
EXPORT) ACT, 1995**

(Act No. 23 of 1995)

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

(a) xx xx xx xx xx xx xx

(b) “bovine animal” means and includes cow, calf, heifer, bull or bullock;

(c) to (n) xx xx xx xx xx xx

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राजस्थान गोवंशीय पशु (वध का प्रतिषेध और अस्थायी प्रव्रजन या
निर्यात का विनियमन) (संशोधन) विधेयक, 2018

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

राजस्थान विधान सभा

राजस्थान गोवंशीय पशु (वध का प्रतिषेध और अस्थायी प्रव्रजन या निर्यात का विनियमन) अधिनियम, 1995 को संशोधित करने के लिए विधेयक।

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

पृथ्वी राज,
सचिव।

(प्रभु लाल सैनी, प्रभारी मंत्री)

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(To be introduced in the Rajasthan Legislative Assembly)

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

*to amend the Rajasthan Bovine Animal (Prohibition of Slaughter
and Regulation of Temporary Migration or Export) Act, 1995.*

(To be introduced in the Rajasthan Legislative Assembly)

Prithvi Raj,
Secretary.

(Prabhu Lal Saini, **Minister-Incharge**)