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LEGISLATIVE ASSEMBLY OF THE  
STATE OF GOA

**The Goa Animal Preservation  
(Amendment) Bill, 2010**

(Bill No.1 of 2010)

<sup>AS</sup>  
~~(to be)~~ introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,  
ASSEMBLY HALL, PORVORIM-GOA  
MARCH, 2010

# The Goa Animal Preservation (Amendment) Bill, 2010

(Bill No.1 of 2010)

A

Bill

*further to amend the Goa Animal Preservation Act, 1995 (Goa Act 7 of 1996).*

Be it enacted by the Legislative Assembly of Goa in the Sixty-first Year of the Republic of India, as follows:-

5     1. *Short title and commencement.*— (1) This Act may be called the Goa Animal Preservation (Amendment) Act, 2010.

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

2 *Amendment of section 6.*— For section 6 of the Goa Animal Preservation Act, 1995 (Goa Act No. 7 of 1996) (hereinafter referred to as the “principal Act”), the following section shall be substituted, namely:-

15     “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, 20 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.

25     (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.”.

3. *Insertion of new sections 6A to 6C.*— After section 6 of the principal Act, the following sections shall be inserted, namely:—

“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.”.

4. *Amendment of section 8.*— For section 8 of the principal Act, the following section shall be substituted, namely :-

“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.”.

5. *Amendment of section 9.* — In section 9 of the principal Act, for the word “cognizable”, the words “cognizable and non-bailable” shall be substituted.

6. *Insertion of new section 9A.*— After section 9 of the principal Act, the following section shall be inserted namely:—

“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. 5

(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. 10 15

(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. 15

(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.”. 20

### Statements of Objects and Reasons

During the course of implementation of the Goa Animal Preservation Act 1996 (Goa Act 7 of 1996) (hereinafter referred to as the “said Act”), numerous difficulties have cropped up. The said Act therefore requires amendment. The Bill seeks to amend section 6 of the said Act so as to empower the competent authority to enter, search and seize property without warrant. The Bill further seeks to insert new section 6A, 6B and 6C so as to provide for manner of disposal of seized property. The Bill also seeks to amend section 8 of the said Act so as to make provision regarding punishment on conviction to a period upto 3 years. The Bill also seeks to amend section 9 of the said Act so as to make offence under the said Act as cognizable and non-bailable. The Bill also seeks to insert new section 9A in the said Act so as to make provision for arrest of persons without warrant.

This Bill seeks to achieve the above objects.

## **Financial Memorandum**

No financial implications are involved in this Bill.

### **Memorandum Regarding Delegated Legislation**

Clause 1 of the Bill empowers the Government to appoint a date for bringing into force the Act by notification in the Official Gazette.

This delegation is of normal character.

Porvorim, Goa  
March, 2010.

Ravi S. Naik  
Hon'ble Minister for  
Animal Husbandry

Assembly of Hall  
Porvorim, Goa  
March, 2010.

Secretary to the Legislative  
Assembly of Goa