

Chhattisgarh Agricultural Cattle Preservation Act, 2004

28 of 2006

[11 September 2006]

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Chhattisgarh Agricultural Cattle Preservation Act, 2004

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An Act to provide, In the interest of the general public and to maintain communal harmony and peace, for prohibition of slaughter of Agricultural cattle and for matters connected thereto. Be it enacted by the Chhattisgarh Legislature in the Fifty-fifth Year of the Republic of India as follows: -- * Published on Page 456 (1-4) in Chhattisgarh Gazette (extra ordinary) dated 11-9-2006.

1. Short Title, Extend And Commencement :-

- (1) This Act may be called the Chhattisgarh Agricultural Cattle Preservation Act, 2004.
- (2) It extends to the whole of the State of Chhattisgarh.
- (3) It shall come into force from the date of its publication in the Official Gazette.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (a) "Beef means flesh of Agricultural cattle;
- (b) "Agricultural cattle" means an animal specified in the Schedule;
- (c) "Competent Authority" means a person appointed by the State Government by notification to perform in any local area specified therein, the functions of a Competent Authority under this Act;
- (d) "Institution" means any charitable institution registered under any enactment for the time being in force, established for the purpose of keeping, breeding and maintaining Agricultural cattle or for the purpose of reception, protection, care, management and treatment of infirm, aged and diseased cow progeny;
- (e) "Slaughter" means killing by any method whatsoever and include maiming or inflicting of physical injury which in the ordinary course will cause death;
- (f) "Transport" means carrying Agricultural cattle through vehicle or through walking or through any other means;
- (g) "Veterinary Officer" means a person appointed as a veterinary officer under Section 3;
- (h) "Vehicle" means any mechanically or manually driven conveyance used on land, water or air.

3. Appointment Of Veterinary Officer :-

The State Government, may by a general or special order, appoint for the purpose of this Act, any person, or class of persons, to be the Veterinary Officer for a local area.

4. Prohibition Of Slaughter Of Agricultural Cattle :-

No person shall slaughter or cause to be slaughtered or offer or cause to be offered slaughter of any Agricultural cattle.

5. Prohibition On Possession Of Beef :-

No person shall possess beef of any Agricultural cattle slaughtered in contravention of the provisions of this Act.

6. Prohibition On Transport Of Agricultural Cattle For Slaughter :-

No person shall sell, or transport or offer to transport or cause to be transported any Agricultural cattle from any place within the state to any place within the State or outside the State, for the purpose of its slaughter in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be, so slaughtered.

7. Possession Of Seized Agricultural Cattle And Monthly Reports :-

Till the conclusion of prosecution, seized Agricultural cattle will be under custody of nearest registered Goshala, Gosadan, Gorakshan sansthan or other registered sansthan and they are required to provide monthly report to concerned court in prescribed proforma.

8. Strengthening Of Institutions :-

The State Government shall take necessary steps for strengthening of institutions which are engaged in welfare activities of Agricultural cattle.

9. Levy Of Charges :-

The person incharge of the institution may levy such charges as may be prescribed, for care and maintenance of Agricultural cattle whose custody was given to the institution under Section 7 from their owners.

10. Penalties :-

Whoever contravenes or attempt to contravene or abets the contravention of the provisions of Section 4, 5 and 6 shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees or with both.

11. Burden Of Proof On Accused :-

In any trial for an offence punishable under Section 10 for contravention of the provisions of Sections 4, 5 and 6 of this Act

the burden of providing that the slaughter, transport or sale of Agricultural cattle was not in contravention of the provisions of this Act shall be on the accused.

12. Offences To Be Cognizable And Non-Bailable :-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974) all offences under this Act shall be cognizable and non-bailable.

13. Power Of Entry And Inspection :-

(1) For the purpose of enforcing the provisions of this Act the Competent Authority or the Veterinary Officer or any person authorised by the Competent Authority or the Veterinary Officer in writing in this behalf, shall have power to enter and inspect any premises within the local limits of his jurisdiction, where he has reason to believe that an offence under this Act has been, is being or is likely to be committed.

(2) Every person in occupation of any such premises as is specified in subsection (1) shall allow the Competent Authority or the Veterinary Officer or any person authorised by the Competent Authority or the Veterinary Officer in writing, such access to the premises as may be required for the aforesaid purpose, and shall answer any question put to him by the Competent Authority the Veterinary officer or the person authorised, as the case may be, to the best of his knowledge and belief.

(3) The Competent Authority or the Veterinary Officer or any person authorised in writing, in this behalf, shall have power to stop and search any vehicle to ensure the compliance of Section 6 of this Act.

(4) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

14. Provision Of Bail :-

No person accused of an offence punishable under this Act shall be released on bail or on his own bond unless the public prosecutor has been given an opportunity to oppose the application for such release.

15. Rehabilitation :-

The State Government may make rules for the economic rehabilitation of such persons, if any to be directly affected by this Act.

16. Protection Of Action Taken In Goods Faith :-

No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is done or intended to be done in good faith under this Act, or the rules made thereunder.

17. Officers Exercising Powers Under This Act, Deemed To Be Public Servant :-

All Competent Authorities, Veterinary Officers and other 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 (45 of 1860).

18. Act To Have Overriding Effect :-

The provisions of this Act shall have an overriding effect notwithstanding anything contained in any other law for the time being in force or any instrument having effect by virtue of any law other than this Act.

19. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such provisions or give such direction not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulties.

20. Power To Made Rules :-

(1) The State Government may by notification, make rules for carrying out the provisions of this Act which shall have effect from the date of its publication or from such other date as may be specified in this behalf.

(2) The rules made under this Act shall, as soon as possible after they are published be laid on the table of the Legislative Assembly.

21. Repeal And Saving :-

Agricultural Cattle Preservation Act, 1959 (Act No. XVIII of 1959) is hereby repealed, the repeal shall not effect: --

(1) the previous operation of any law so repealed or anything done or suffered thereunder; or

(2) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any law so repealed; or

(3) any investigation, legal proceeding or remedy in respect of any penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

SCHEDULE 1

Schedule I

[Section 2(b)]

Agricultural cattle --

1. Cows of all ages.
2. Calves of cows and of she buffaloes.
3. Bulls.
4. Bullocks.
5. Male and Female buffaloes.