

Madhya Pradesh Agricultural Cattle Preservation Act, 1959

18 of 1959

[24 July 1959]

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SCHEDULE 1 :- SCHEDULE I

Madhya Pradesh Agricultural Cattle Preservation Act, 1959

18 of 1959

[24 July 1959]

An act to provide for the preservation of animals suitable for milch, draught, breeding or agricultural purposes. BE IT ENACTED by the Madhya Pradesh Legislature in the Tenth Year of the Republic of India as follows:-

1. Short title, extend and commencement :-

(1) This Act may be called the Madhya Pradesh Agricultural Cattle Preservation Act, 1959. (2) It extends to the whole of Madhya Pradesh. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

2. Definitions :-

In this act, unless there is anything repugnant in the subject or context,- (i) "Agricultural cattle" means an animal specified in the Schedule; (ii) "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; (iii) "slaughter" means killing by any method whatsoever and includes maiming or inflicting of physical injury which in the ordinary course will cause death; (iv) "Veterinary Officer" means a person appointed as such or invested with the powers of a Veterinary Officer under section 3.

3. Appointment of a Veterinary Officer :-

The Director Veterinary Services, Madhya Pradesh, may by a general or special order appoint, for the purposes of this Act, any person or class of persons, to be the Veterinary Officer for a local area specified in the order, or invest any person with all or any of the powers of a Veterinary Officer in such area.

4. Prohibition of slaughter of agricultural cattle :-

(1) Notwithstanding anything contained in any other law for the time being in force or in any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered, for slaughter,- (a) cows, calves of cows, or calves of she-buffaloes, or (b) any other agricultural cattle unless he has obtained in respect of such cattle a certificate in writing issued by the Competent Authority for the area in which the cattle is to be slaughtered that the cattle is fit for slaughter. (2) No certificate under clause (b) of sub-section (1) shall be issued by the Competent Authority unless the Veterinary Officer after examining the cattle certificates that - (a) the cattle is over twenty years of age and is unfit for work or breeding or has become permanently incapacitated from work or breeding due to age, injury, deformity of an incurable disease; and (b) the cattle are not suffering from any disease, which makes meat unwholesome for human consumption. (3) The Competent Authority shall, before issuing or refusing to issue a certificate under this section, record its order in

writing. Any person aggrieved by the order of the Competent Authority under this section, may within ten days of the date of the order, prefer an appeal against such order to the Collector of the district or such other officer as may, be notification, be authorized in this behalf by the State Government, and the Collector or such other officer may pass such orders thereon as he thinks fit. (4) Subject to the orders passed in appeal, if any, under sub-section (3), the order of the Competent Authority shall be final and shall not be called in question in any court.

5. Prohibition of slaughter of cattle in places not fixed for purpose and within time specified :-

No cattle in respect of which a certificate has been issued under section 4 shall be slaughtered- (i) within ten days of the date of issue of the certificate and where an appeal is preferred against the grant of such certificate, till the time such appeal is disposed of, and (ii) in any place other than a place fixed for the purpose by or under any law in force in such area in this behalf and if such law does not provide therefore, at a place fixed by the Competent Authority.

6. Prohibition on transport of agricultural cattle for slaughter :-

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

7. Prohibition of sale-purchase or otherwise disposal of cows, calves of cow or calves of she-buffaloes :-

No person shall purchase, shall purchase, sell or otherwise dispose of or offer to purchase, sell or otherwise dispose of or cause to be purchased, sold or otherwise disposed of cows, calves of cows or calves of she-buffaloes for slaughter or knowing of having reason to believe that such cattle shall be slaughtered.

8. Prohibition on possession of flesh of agricultural cattle :-

Notwithstanding anything contained in any other law for the time being in force no person shall have in his possession, flesh of any agricultural cattle slaughtered in contravention of the provisions of this Act.

9. Power of entry :-

(1) For the purpose of enforcing the provisions of this Act the Competent Authority or the Veterinary Officer or any person authorized 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 or is being or is likely to be committed. (2) Every person in occupation of any such premises as is specified in sub section (1) shall allow the Competent Authority; the Veterinary Officer or the person authorized, as the case may be such access to the premises as he may require for the aforesaid purpose, and shall answer any question put to him by the competent Authority, the Veterinary Officer or the person authorized, as the case may be, to the best of his knowledge or belief.

10. Penalty for contravention of section 4 (1) (a) :-

Whoever contravenes the provisions of clause (a) of sub-section (1) of section 4, shall be punished with imprisonment description for a term which may extend to these years and with fine which may extend to one thousand rupees; Provided that except for special and adequate reasons to be recorded in the judgment of the Court such imprisonment shall not be less than six month and such fine shall not be less than three hundred rupees.

11. Penalties :-

Whoever contravenes any of the provisions contained in this Act other than clause (a) of sub-section (1) of section 4 shall be punished with imprisonment of either description for a term which may extend to one year or with fine, which may extend to one thousand rupees, or with both.

12. Burden of proof on accused :-

In any trial for an offence punishable under section 11 for contravention of the provision of section 5, 6 or 7 of this Act the burden of proving that the slaughter, transport or sale of agricultural. Cattle was not in contravention of the provision of this Act shall be on the accused.

13. Offences to be cognizable :-

notwithstanding anything contained in the Code of Criminal Procedure, 1998 (V of 18980 all offences under this Act shall be cognizable.

14. Abetments and attempts :-

Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

15. Officers exercising powers under this Act deemed to be public servants :-

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 (XLC. Of 1860).

16. Protection of persons acting in good faith :-

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

17. Power to grant exemptions :-

The State Government may, by general or special order and subject to such conditions as it may think fit to impose exempt from the operation of this Act the slaughter of any male or female buffalo or the possession of flesh thereof for any religious, medical or research purposes.

18. Power to make rules :-

(1) The State Government may, by notification, make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for - (a) the form and manner in which applications for certificates under section 4 shall be made and the fees payable in respect of such applications; (b) the form of certificate to be issued under section 4; (c) the places in which animals may be slaughtered under this Act.

19. Repeal and saving :-

The Central Provinces and Berar Animal Preservation Act, 1949 (LII of 1949), the Madhya Bharat Agricultural Cattle Protection Act, Samvat 2006 (41 of 1949), the Rajasthan Preservation of Certain Animals Act, 1950 (IV of 1950), in so far as it relates to Sironj region, and the Bhopal State, Animals Preservation Act, 1954 (VII of 1954), are hereby repealed: Provided that the repeal shall: effect (i) the previous operation of law repealed or anything duly done or suffered there under; (ii) any penalty, forfeiture or judgment incurred in respect of any offence committed against it so repealed or (iii) any investigation, legal or remedy in respect of

any penalty, Forfeiture or punishment aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty for more or punishment may be imposed as if this Act had not been posed.

SCHEDULE 1

SCHEDULE I

[See section 2 (1)]

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