
Central Provinces And Berar Animal Preservation Act, 1949**52 of 1949****CONTENTS**

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SCHEDULE 1 :- THE SCHEDULE**Central Provinces And Berar Animal Preservation Act, 1949****52 of 1949**

An Act to provide for the preservation of certain animals 2[by prohibiting or controlling] the slaughter thereof. Preamble WHEREAS it is expedient to provide for the preservation of certain animals 2[by prohibiting or controlling] the slaughter thereof; It is hereby enacted as follows :- 1. For Statement of Objects and Reasons, see C. P. and Berar Gazette, Extraordinary. 1949, page 581; for discussion, see C. P. and Berar Legislative Assembly Proceedings, Vol. VIII, pages 63-72, dated the 18th October, 1949. 2. Substituted for the words "by controlling" by Madhya Pradesh Act XXIII of 1951. section 2.

1. Short Title, Extent And Commencement :-

(1) This Act may be cited as the Central Provinces and Berar Animal Preservation Act, 1949.

(2) It extends to the whole of 1[Vidarbha Region of the State of Maharashtra].

(3) It shall come into force on such² date as the State Government may, by notification, appoint in this behalf.

1. Substituted by Bom. A. O. 1956 and then Mah. A. O. 1960.

2. The Act came into force on the 7th March, 1951, see Agriculture Department Notification No. 1025-3844-X-50, dated the 5th March, 1951, published in Madhya Pradesh Gazette, Extraordinary, dated the 5th March, 1951, at page 69.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-

(i) "animal" means an animal specified in the Schedule :

1[(i-a) "cow" includes a female calf of a cow];

(ii) "Executive Authority" means, in the case of,-

(a) a municipality, the Secretary of the municipality;

(b) any area not included in a municipality, the Chief Executive Officer of the Janapada in which such area is comprised; and includes any other person who may be nominated by such Secretary or Chief Executive Officer, as the case may be, for the whole or part of the area within such municipality or Janapada;

(iii) "Prescribed" means prescribed by rules made under this Act;

(iv) "Veterinary Officer" means a person appointed as such or invested with the powers of a Veterinary Officer under section 3.

1. Inserted by Madhya Pradesh Act XXIII of 1951, section 3.

3. Appointment Of A Veterinary Officer :-

The Director of Veterinary Services 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 Animal Without Certificate :-

1[(1) Notwithstanding anything contained in any other law for the time being in force or in any usage to the contrary, no person -

(a) shall slaughter a cow; or

(b) shall slaughter any other animal unless he has obtained in respect of such other animal a certificate in writing signed by the Executive Authority and the Veterinary Officer for the area in which the animal is to be slaughtered that the animal is fit for slaughter.]

(2) No certificate under sub-section (1) shall be issued unless both the Executive Authority and the Veterinary Officer are of the opinion, which shall be recorded, that,-

(a) the animal is over fourteen years of age and unfit for work or breeding;

(b) the animal has become permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease;

(c) the animal is not suffering from any disease which makes its meat unwholesome for human consumption.

(3) Where there is a difference of opinion between the Executive Authority and the Veterinary Officer as to the issue of a certificate under this section, the animal in respect of which the certificate has been asked for, shall not be slaughtered.

(4) Any person aggrieved by the refusal of the Executive Authority or the Veterinary Officer to issue a certificate under this section may, within fifteen days from the date of communication to him of such refusal, appeal to the State Government against the order of refusal and the State Government may pass such orders thereon as it thinks fit.

(5) The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any action taken under this section, call for and examine the record of any case and may pass such orders thereon as it thinks fit.

(6) Subject to the provisions of this section, any action taken under this section shall be final and shall not be called in question in any Court.

1. Substituted by Madhya Pradesh Act XXIII of 1951, section 4.

5. Prohibition Of Slaughter Of Animals In Places Not Fixed For The Purpose :-

No animal in respect of which a certificate has been issued under section 4 shall be slaughtered in any place other than a place fixed for the purpose by or under a law relating to local Government in force in such area and if such law does not provide therefore at a place fixed by the prescribed authority.

6. Transport Of Cattle, Sheep Or Goat :-

No person shall transport any cattle specified in the Schedule or sheep or goat by rail, road or river from any place in Madhya Pradesh to any other place outside the 1[Vidarbha Region] in India except under and in accordance with the terms and conditions of a permit issued by the Director of Veterinary Services, 1[Bombay], or any other officer specially authorized by the State Government in this behalf.

1. The words "Vidarbha Region" were substituted for the word "State" and the word "Bombay" was substituted for the word "Madhya Pradesh" occurring second time in the section, vide Bom. (Vidarbha Region) A. O. 1956.

7. Power To Enter :-

(1) For the purpose of enforcing the provisions of this Act the Executive Authority or the Veterinary Officer or any person authorized by the Executive 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 sub-section (1) shall allow the Executive 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 Executive Authority, Veterinary Officer or the person authorized, as the case may be, to the best of his knowledge or belief.

8. Penalties :-

Whoever contravenes any of the provisions contained in this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

9. Offences To Be Cognizable :-

Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable.

10. 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.

11. Officers Exercising Powers Under This Act Deemed To Be Public Servants :-

All Executive 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.

12. Protection Of Persons Acting In Good Faith :-

No suit, prosecution or other legal proceeding, 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.

13. 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 1[of any animal other than a cow] for any religious, medicinal or research purposes.

1. Substituted for the words "of any animal" by Madhya Pradesh Act XXIII of 1951, section 5.

14. Delegation Of Functions :-

The State Government may, by notification, delegate to officer of the State Government all or any of its powers or functions under sub-sections (4) and (5) of section 4 or section 15.

15. Power To Make Rules :-

(1) The State Government may, by notification, make rules to carry out the purpose 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 1[and the fees payable in respect of such applications];

(b) 2[the form of certificate to be issued under section 4];

(c) the places in which animals may be slaughtered under this Act;

(d) the conditions subject to which the slaughter of any animal may

be permitted under section 13.

1. Inserted *ibid.*, section 6 (i).
2. Substituted *ibid.*, section 6 (ii).

16. Repeal :-

The Central Provinces and Berar Cattle, Sheep and Goats (Slaughter and Movement) Control Act, 1947, is hereby repealed.

SCHEDULE 1

THE SCHEDULE

[See section 2 (i)]

- (1) Bulls
- (2) Bullocks
- (3) Cows
- (4) Calves
- (5) Male and Female Buffaloes
- (6) Buffalo Calves