

Madras Animal Preservation Act, 1958

10 of 1958

[07 May 1958]

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PREAMBLE

An Act to provide for the preservation of certain animals by regulating the slaughter thereof.

Whereas it is expedient to provide for the preservation of certain animals by regulating the slaughter thereof;

Be it enacted in the Ninth Year of the Republic of India as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 8th March 1958, Part IV-A, page 81.

1. Short title, extent and commencement :-

(1) This Act may be called the " Madras Animal Preservation Act,

1958."

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such ¹ date as the Government may, by notification, appoint.

1. Came into force on the 1st July 1959.

2. Definitions :-

In this Act, unless the context otherwise requires--

(a) " animal " means a bull, bullock, cow, calf, he-buffalo or she-buffalo or buffalo calf;

(b) " competent authority " means the person or authority appointed under section 3 to perform the functions of a competent authority under this Act;

(c) " Executive Authority " means an Executive Authority as defined in clause (8) of section 3 of the Madras Public Health Act, 1939 (Madras Act III of 1939), or in clause (10) of section 2 of the Travancore-Cochin Public Health Act, 1955 (Travancore-Cochin Act XVI of 1955);

(d) " Government " means the State Government.

3. Appointment of competent authority :-

The Government may, by notification, appoint the Executive Authority or any other authority or person to perform all or any of the functions of a competent authority under this Act for such area as may be specified in the notification.

4. Prohibition of slaughter of animals without certificate :-

(1) Not with standing anything in any law for the time being in force or any usage to the contrary, no person shall slaughter or cause to be slaughtered any animal unless on an application made in this behalf he has obtained a certificate in the prescribed form from the competent authority for the area in which the animal is to be slaughtered that the animal is fit for slaughter.

(2) An application for a certificate under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) No certificate shall be granted under sub-section (1) unless the competent authority, for reasons to be recorded in writing, is of opinion that--

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

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

Provided that nothing contained in this section shall be deemed to affect the operation of any of the provisions of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Madras District Boards Act, 1920 (Madras Act XIV of 1920), the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), the Travancore District Municipalities Act, 1116 (Travancore Act XXIII of 1116), or the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950), or any other law for the time being in force or any rule, regulation or by-law made thereunder relating to the slaughter of animals, except in so far as the provisions or the rules made thereunder are inconsistent with sub-section (3).

5. Appeals and revisions :-

(1) Any person aggrieved by the refusal of a competent authority

to grant a certificate under section 4, may, within fifteen days from the date of communication to him of such refusal, appeal to the Government against the order of refusal and the Government may pass such order thereon as they think fit.

(2) The Government may, at any time, for the purpose of satisfying themselves as to the legality or propriety of any action taken by the competent authority under section 4 call for and examine the record of any case and may pass such order thereon, as they think fit.

(3) Subject to the provisions of this section any action taken by the competent authority under section 4 shall be final and shall not be liable to be questioned in any Court of Law.

6. Prohibition of slaughter of animals in places not provided for by a local authority :-

No animal shall be slaughtered--

(a) in case any place has been provided for use as a slaughter-house by or under any law relating to local authorities in force in the area, except in such place, and

(b) in case no such place has been provided, except in such place as may be provided for the purpose by the prescribed authority.

7. Power to enter and inspect premises :-

(1) For the purpose of enforcing the provisions of this Act, the competent authority or any person authorized in this behalf by the Government or by the competent authority (hereinafter referred to as the authorized person) shall have power to enter and inspect any premises where the competent authority or the authorized person has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person in occupation of any such premises shall allow the competent authority or the authorized person such access to the premises 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 by the authorized person:

Provided that no person shall be compelled under this sub-section to answer any question or give evidence tending to incriminate himself.

8. Penalties :-

(1) Whoever poisons, maims or renders useless any animal with intent to make, or knowing that he is likely to make, such animal fit for slaughter under the provisions of this Act, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both.

(2) Whoever contravenes any other provision of this Act or of any rule made thereunder shall be punished 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. 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.

10. Certain persons to be public servants :-

The competent authority and every authorized person while exercising any power or performing any duty under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

11. Protection of action taken in good faith :-

No suit, prosecution or other legal proceedings shall lie against any

person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

12. Exemptions :-

The Government may, by general or special order and subject to such restrictions and conditions as they may think fit to impose in such order, direct that the provisions of this Act shall not apply to the slaughter of any animal for any religious, medicinal, research or teaching purposes or to relieve it of its suffering caused by injury or disease, provided the exemption granted shall be subject to the provisions of the Madras Animals and Birds Sacrifices Prohibition Act, 1950 (Madras Act XXXII of 1950).

13. Delegation of powers :-

The Government may, by notification, direct that the powers exercisable by them by or under this Act shall, in such circumstances and under such conditions if any, as may be specified in the notification, be exercisable also by any officer subordinate to the Government.

14. Power to make rules :-

(1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the procedure to be followed by the competent authority in the exercise of its functions under this Act;

(b) the form of the application under section 4 and the particulars which that form, shall contain;

(c) the form of, and the fees payable for, the certificate to be granted under section 4;

(d) the places in which animals may be slaughtered in pursuance of this Act;

(e) any other matter which has to be, or may be, prescribed.

(3) All rules made and all notifications published under this Act, shall, as soon as possible after they are made or published, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.