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ASSAM CATTLE PRESERVATION ACT, 1951

Preamble - ASSAM CATTLE PRESERVATION ACT, 1951

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[Act No. 13 of 1951]

[25th April, 1951]

PREAMBLE

An Act to provide for the preservation of certain cattle by controlling the slaughter thereof

Whereas it is expedient to provide for the preservation of certain cattle by controlling the slaughter thereof:

It is hereby enacted as follows:-

*. For Statements of Objects and Reasons see "Assam Gazette". 1950. Part V page 4.

Section 1 - Short title, extent and commencement

- (1) This Act may be called the Assam Cattle Preservation Act, 1951.
 - (2) It extends to the whole of the State of Assam,
 - (3) It shall come into force on such date and in such areas as the State Government may, by notification in the official Gazette, appoint in this behalf.
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Section 2 - Application of Act

This Act applies to the cattle specified in the Schedule.

Section 3 - Definitions

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

- (i) "cattle" means an animal to which this Act applies;

- (ii) "certifying officer" means an official or non-official appointed as such,
- (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 4.

Section 4 - Appointment of certifying officer and veterinary officer

The State Government may, for the purpose of issuing certificate under sub-section (1) of section 5, by notification in the official Gazette appoint,-

- (a) any person to be the certifying officer for any local area, and
- (b) any person to be the veterinary officer for any local area or invest any person with all or any of the powers of a veterinary officer in such area.

Section 5 - Prohibition of slaughter of cattle without certificate

(1) Notwithstanding anything in any other law for the time being in force or in any usage to the contrary, no person shall slaughter any cattle unless he has obtained in respect thereof a certificate in writing signed by the certifying officer and the veterinary officer for the area in which the cattle is to be slaughtered that the cattle is fit for slaughter.

(2) No certificate under sub-section (1) shall be issued unless the certifying officer and the veterinary officer are of the opinion (which shall be recorded) that-

- (a) the cattle is over fourteen years of age and unfit for work or breeding;
- (b) the cattle has become permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease.

(3) Where there is a difference of opinion between the certifying officer and the veterinary officer as to the issue of a certificate under this section the cattle in respect of which the certificate has been asked for shall not be slaughtered.

(4) Any person aggrieved by the refusal of the certifying officer and 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.

Section 6 - Prohibition of slaughter of cattle in places not prescribed for the purpose

No cattle in respect of which a certificate has been issued under section 5 shall be slaughtered in any place other than a place prescribed in this behalf.

Section 7 - Power to enter and inspect premises

(1) For the purpose of enforcing the provisions of this Act, the certifying officer or the veterinary officer or any person authorised by 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 likely to be committed.

(2) Every person in occupation of any such premises as is specified in sub-section (1) shall allow the certifying officer the veterinary officer or the person authorised, 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 certifying officer the veterinary officer or the person authorised, as the case may be to the best of his knowledge or belief.

Section 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.

Section 9 - Offences to be cognizable

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

Section 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.

Section 11 - Officers exercising powers under this Act deemed to be public servants

All certifying officer 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 (Act XLV of 1860).

Section 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 thereunder.

Section 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 of any cattle for any religious, ceremonial, medicinal, research or any other purposes;

Provided that the operation of this Act will not be applicable to slaughter of any cattle on the occasion of Id-uz-Zuha festival on such conditions as the State Government may specify regarding privacy.

Section 14 - Delegation of functions

The State Government may, by notification in the official Gazette, delegate to any officer of the State Government all or any of its powers or functions under sub-sections (4) and (5) of section or section 13.

Section 15 - Power to make rules

(1) The State Government may, by notification in the official. Gazette, 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 terms and conditions of service of the certifying officers and the veterinary officers appointed under this Act;

(b) the form and manner in which applications for certificates under section 5 shall be made;

(c) the fees payable for any certificate which may be issued under section 5 and the form of such certificates;

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

(e) the conditions subject to which the slaughter of any cattle may be permitted under section 13.
