

The Assam Cattle Preservation Act, 1950

ASSAM

India

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Act 13 of 1951

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The Assam Cattle Preservation Act, 1950(Assam Act 13 of 1951)Last Updated 10th February, 2020Published in the Assam Gazette, dated 25th April, 1951.[An Act] [In Manipur Proclamation on Prohibition of Cow Killing is in force.] to provide for the preservation of certain cattle by controlling the slaughter thereofWhereas it is expedient to provide for the preservation of certain cattle by controlling the slaughter thereof;It is hereby enacted as follows :

1. Short title, extent and commencement.

(1)This Act may be called the Assam Cattle Preservation Act, 1950.(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.

2. Application of the Act.

- This Act applies to the cattle specified in the Schedule.

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)[***](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.

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)[***](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.

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 had obtained in respect thereof a certificate in writing signed by 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 Veterinary Officer is of the opinion (which shall be recorded) that-(a)the cattle is over fourteen years of age; or(b)the cattle has become permanently incapacitated from work or breeding due to injury, deformity or any incurable disease.(3)Any person aggrieved by the refusal of 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 prescribed authority against the order of refusal, and the prescribed authority may pass such orders thereon as he thinks fit.(4)The prescribed authority 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. 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.

7. Power to enter and inspect premises.

(1)For the purpose of enforcing the provisions of this Act, the Veterinary Officer or any person authorised by the Veterinary Officer 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 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 Veterinary Officer or the person authorised as the case may be, to the best of his knowledge and 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 (Act V of 1898), all offences, under this Act shall be cognizable.

10. Abatements and attempts.

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

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

- All 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).

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.

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 economical medical 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-ul-Zuha festival on such conditions as the State Government may specify regarding privacy.

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 Section 13.

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 Veterinary Officers appointed under this Act; (b) the form and manner in which application for certifications 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; (cc) prescribing the authority under Section 5; (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;The Schedule[See Section 2]Bulls.Bullocks.Cows.Calves.Male and female buffaloes.Buffalo calves.