

The M.P. Krishik Pashu Parirakshan Adhiniyam, 1959

MADHYA PRADESH

India

The M.P. Krishik Pashu Parirakshan Adhiniyam, 1959

Act 18 of 1959

- Published on 1 January 1959
- Commenced on 1 January 1959
- [This is the version of this document as it was from 24 July 1959 to None.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Agricultural Cattle Preservation Act, 1959(No. 18 of 1959)Published in the M.P. Gazette dated January 9, 1960. Received the assent of the President on the 24th July, 1959; assent first published in the "Madhya Pradesh Gazette", on the 7th August, 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, extent 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 Gazettee, appoint in this behalf.[Enforcement - The Act came into force with effect from January 15, 1960] [Notification No. 46-2591-XIV-Vety-59, dated January 4, 1960].

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 of 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 certifies that-(a)the cattle is-(i)over 15 years of age; or(ii)[has become permanently incapacitated for work or breeding due to injury, deformity or on incurable disease and such permanent incapacity has not been caused deliberately; and] [Substituted by M.P. Act No. 22 of 1961 for the original clause.](b)the cattle is not suffering from any disease which makes its meat unwholesome for human consumption.(3)[Where the Competent Authority refuses to issue a certificate under this section it shall record its reasons in writing and any person aggrieved by such refusal may, within fifteen days from the date of communication thereof, appeal against the order of refusal to the Collector of the district or such other officer as may be notified in the Official Gazette, by authority 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 Competent Authority shall be final and shall not be called in question in any Court.(5)[A certificate issued under clause (b) of sub-Section (1) shall be valid for ten days from the date of its issue.] [Inserted by M. P. Act No. 22 of 1961 Section 2.]

5. [Prohibition of slaughter of cattle in places not fixed for the purpose. - No cattle 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 any law for the time being in force and if such law does not provide therefor, at a place fixed by the Competent Authority.] [Substituted by Act No. 22 of 1961 Section 3 for the original.]

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 to any place outside the State, for the purpose of its slaughter in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be, so slaughtered.

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

- No person 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 or 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 authorised 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, 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 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 Competent Authority, the Veterinary Officer or the person authorised, 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 of either description for a term which may extend to three 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 months 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 provisions 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 provisions of this Act shall be on the accused.

S. No.	Name of the person	Local Areas
(1)	(2)	(3)
1.	Secretaries of the Municipal Committees in Mahakoshal Region. Executive Officers of the Municipalities of Municipal Boards in other Regions. Municipal Commissioner, Ujjain and Ratlam	Area within the limits of the respective Municipalities.
2.	Tahsildar	Area outside the limits of the Municipal Committees and within the jurisdiction of the Tahsildar.
3.	Health Officers of the Corporation	Area within the limits of the respective Municipal Corporation.

13. Offences to be cognizable.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898) 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 (XLV of 1860)

16. 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.

17. Power, to grant exemptions.

- [(1) 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 religions, medical or research purposes.(2)The State Government may by notification delegate to any officer not below the rank of Collector, all or any of its powers under sub-Section (1)] [Original Section is re-numbered as sub-section (1) and sub-Section (2) is inserted by M.P. Agricultural Cattle Preservation (Amendment) Act. 8 of 1962, Published in the M P Gazette extraordinary dated July 20, 1962.]

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 not affect-(i)the previous operation of any law so repealed or anything duly done or suffered thereunder; or(ii)any penalty, forfeiture of punishment incurred in respect of any offence committed against any law so repealed; or(iii)any investigation, legal proceeding or remedy in respect of any penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as it this Act had not been passed.

Schedule

[See Section 2 (i)]

1. Cow of all ages.

2. Calves of cows and she-buffaloes.

3. Bull.

4. Bullocks.

5. Male and Female buffaloes.