

No. F. 13/7/94-Judl./II/678.—The following Act of Legislative Assembly received the assent of the Lt. Governor of Delhi, on the 15th April, 1994 and is hereby published for general information :—

THE DELHI AGRICULTURAL CATTLE PRESERVATION ACT, 1994

(Delhi Act No. 7 of 1994)

(15-4-1994)

(As passed by the Legislative Assembly of the National Capital of Delhi)

AN

ACT

to provide for the preservation of animals suitable for milch, draught, breeding or agricultural purposes

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty-Fifth year of the Republic of India as follows :—

1. Short title, extent and commencement :—

1. This Act may be called the Delhi Agricultural Cattle Preservation Act, 1994.
2. It extends to the whole of the National Capital Territory of Delhi.
3. It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint in this behalf.

2. Definitions.

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

- (a) 'Agricultural Cattle' means an animal specified in the Schedule;

- (b) 'Competent Authority' means the Director, Animal Husbandry, Government of Delhi;
- (c) 'Delhi' means the National Capital Territory of Delhi;
- (d) 'Export' means to take out from Delhi to any place outside it;
- (e) 'Government' means the Government of the National Capital Territory of Delhi;
- (f) 'Slaughter' means killing by any method whatsoever and includes maiming or inflicting of physical injury which in the ordinary course will cause death;
- (g) '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 competent authority, may, by a general or special order appoint, for the purpose 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 on slaughter of Agricultural Cattle.

Notwithstanding anything contained in any other law for the time being 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 any agricultural cattle.

5. Prohibition on transport or export of agricultural cattle for slaughter.

- (1) No person shall transport or offer for transport or cause to be transported agricultural cattle from any place within Delhi to any place outside Delhi, 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.
- (2) No person shall export or cause to be exported any agricultural cattle for the purpose of slaughter either directly or through his agent or servant or any other person acting on his behalf in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be slaughtered.
- (3) Any person desiring to export any agricultural cattle shall apply for a permit to concerned Veterinary Officer stating the reasons for which they are to be exported and the number of agricultural cattle with age and sex and also the name of the State/Union Territory to

which they are proposed to be exported and shall further file a declaration to the effect that the agricultural cattle for which the permit for export is required, shall not be slaughtered.

Provided that an application for grant of a permit shall not be refused without according reasons therefor in writing.

Provided further that the permit shall not be granted for export of agricultural cattle to a State/Union Territory where slaughter of agricultural cattle is not banned by law.

- (4) Transportation or export of agricultural cattle with a view of replacement, may be regulated through a valid permit with due verification by concerned Veterinary Officer.

- (5) The form of permit and the fee for issuing permit shall be such as may be prescribed by the rules framed under section 19 of the Act.

6. Appeal against the orders of refusal to grant permit under section 5.

Any person feeling aggrieved by order of refusal to grant permit under section 5 may file an appeal before the Competent Authority within a period of ten days from the date of communication of such an order, and the order passed in appeal by the Competent Authority shall be final.

7. Prohibition on sale, purchase, disposal in any other manner of agricultural cattle.

No person shall purchase, sell or otherwise dispose of or offer to purchase, sell or otherwise dispose of any agricultural cattle for slaughter of knowing or having reason to believe that such agricultural 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 slaughtered in contravention of the provisions of this Act.

9. Prohibition on possession of flesh of Agricultural Cattle slaughtered outside Delhi.

No person shall have in his possession flesh of any agricultural cattle slaughtered outside Delhi.

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10. Establishment of Institutions.

There shall be established by the Government or any Non-Government organisation wherever so directed by the Government, institutions for the reception, maintenance and the care of agricultural cattle.

11. Power of entry, search & seizure.

- (1) For the purpose of enforcing the provisions of this Act 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 or 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 or the Veterinary Officer, 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 or the Veterinary Officer, as the case may be, to the best of his knowledge or belief.

- (3) Any Police Officer not below the rank of Sub-Inspector or any person authorised in this behalf by the Government of Delhi may, with a view to securing compliance of the provisions of section 5, 7, 8 or 9 for satisfying himself that the provisions of the said sections have been complied with may.

- (a) enter, stop and search, or authorise any person to enter, stop and search any vehicle used or intended to be used for the export of agricultural cattle.

- (b) seize or authorise the seizure of agricultural cattle in respect of which he suspects that any provision of sections 5, 7, 8 or 9 has been, is being or is about to be contravened alongwith the vehicles in which such agricultural cattle are found and thereafter take or authorise the taking of all measures necessary for securing the production of agricultural cattle and vehicles so seized, in a court

and for their safe custody pending production.

Provided that pending trial seized agricultural cattle shall be handed over only to the nearest Gosadan, Ghoshala, Pinjrapole, Hinsa Nivaran Sangh and such other Animal Welfare Organizations and the accused shall be liable to pay for their maintenance for the period they remain in custody with any of the said institution[organizations].

- (4) The provisions of section 100 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

12. Penalty for contravention of sections 4, 5 or 7

Whoever contravenes the provisions of section 4, 5 or 7 shall be punished with imprisonment of either description for a term which may extend to five years and fine which may extend to rupees ten thousand.

Provided that except for special and adequate reasons to be recorded in the judgement by the court such imprisonment shall not be of less than 6 months and such fine shall not be of less than one thousand rupees.

13. Penalty for contravention of sections 8 or 9.

Whoever contravenes the provisions of sections 8 or 9 shall be punished with imprisonment of either description for a term which may extend to one year or fine which may extend to two thousand rupees.

14. Burden of proof on accused.

In any trial for an offence punishable under sections 12 or 13 for contravention of the provisions of this Act, the burden of proving that the slaughter, transport, export, sale, purchase or possession of flesh of agricultural cattle was not in contravention of the provisions of this Act, shall be on the accused.

15. Offences to be cognizable and non bailable.

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) offences punishable under this Act shall be cognizable and non-bailable.

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

Competent Authority, 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).

17. Protection of persons acting in good faith.

No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is done by him in good faith or intended to be done under this Act or the rules made thereunder.

18. Constitution of a Board to supervise the proper implementation of the Act and Rules framed thereunder.

The Government shall constitute a Board to supervise the proper implementation of the Act and the rules framed thereunder and the constitution of the Board shall be as under :—

- (a) Minister-in-Charge of the Deptt. of Animal Husbandry. —Chairman
- (b) Development Commissioner. —Member Secretary
- (c) 3 M.L.A.s to be nominated by the Government. —Members
- (d) 5 Non-official representatives of social and developmental organizations registered under the relevant Acts or the persons actively engaged in looking after the welfare of the animals. to be nominated by the Government. —Members
- (e) 5 Government officials to be nominated by the Government. —Members

However, no remuneration, TA or DA will be admissible to non-official members. Govt. may also nominate as Vice Chairman any of the 5 non-official representatives nominated under Section 18 (d).

19. Power to make rules.

- (i) The Government may, by notification, makes rules for the purposes of carrying out the effective implementation of the provisions of this Act.

(ii) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for :—

(a) the forms and manner in which applications for permit under Section 5 shall be made and the fees payable in respect of such applications.

(b) the form of permit to be issued under Section 5.

(c) every rule made under this Act shall be laid, as soon as it is made, before the Legislative Assembly of the National Capital Territory of Delhi.

20. Repeal and Saving.

The Uttar Pradesh Prevention of Cow Slaughter Act 1955 (Act No. 1 of 1956) as extended to Delhi is hereby repealed :

Provided that the repeal shall not affect :—

(i) the previous operation of any law repealed or anything duly done or suffered thereunder; or

(ii) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed

(iii) any investigation, legal proceeding or remedy in respect of any penalty, forfeiture or punishment as aforesaid; any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

SCHEDULE

[See Section 2(a)]

1. Cows of all ages.
2. Calves of Cows of all ages.
3. Bulls.
4. Bullocks.

U. P. SINGH, Dy.