



## **The Madhya Pradesh Agricultural Cattle Preservation Act, 1959**

Act 18 of 1959

**Keyword(s):**

**Agricultural Cattle, Slaughter, Veterinary Officer**

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**MADHYA PRADESH ACT**

No. 18 of 1959

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ACT, 1959****TABLE OF CONTENTS**

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## MADHYA PRADESH ACT

(No. 18 of 1959)<sup>1</sup>

### THE MADHYA PRADESH AGRICULTURAL CATTLE PRESERVATION ACT, 1959

(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—

Short title, extent and commencement.

1. (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<sup>2</sup> may, by notification in the Official Gazette, appoint in this behalf.

Definitions.

2. 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;
- [(ii-a) "export" means to take out from the State of Madhya Pradesh to any place outside the State;]<sup>3</sup>
- (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.

Appointment of a Veterinary Officer.

3. 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.

Prohibition of slaughter of agricultural cattle.

4. (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 cow, or calves of she-buffaloes, or
- (b) any other agricultural cattle unless she 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.

1. For Statement of Objects and Reasons (in English) see Madhya Pradesh Gazette, part 4 dated the 13th March, 1959 page 1 and (in Hindi) 6. For proceedings in the Assembly see Madhya Pradesh Vidhan Sabha Proceedings 1959, Volume V, No. 26, pages 2355-2356, No. 28 page 2517, No. 34 pages 3177-3202 and No. 35 pages 3260-3267.

2. 15th January 1960, see Govt. of M. P. Agriculture Deptt. Notification No. 46-2591-XIV-Vety 59, dated the 4th Jan. 1860, published in the Madhya Pradesh Gazette, Extraordinary, dated the 9th Jan. 1960.

3. Ins. by M. P. Act 51 of 1984, S.2.

(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 an incurable disease and such permanent incapacity has not been caused deliberately;]<sup>1</sup>

(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, by notification in the official Gazette, be authorised in this behalf by the State Government; and the Collector, or such other officer may pass such orders thereon as he thinks fit.]<sup>2</sup>

(4) Subject to the orders passed in appeal, if any, under sub-section (3), the order of the 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.]<sup>3</sup>

5. 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.]<sup>4</sup>

Prohibition of slaughter of cattle in places not fixed for the purpose.

6. No person shall transport or offer for transport or cause to be transported any [agricultural cattle other than cow or calf of cow]<sup>5</sup> from any place within the State to any place outside the State, for the purpose of its slaughter in contravention of the provision of this Act or with the knowledge that it will be or is likely to be, so slaughtered.

Prohibition on transport of agricultural cattle for slaughter.

[6-A. No person shall export or cause to be exported cow or calf of cow 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.

Restriction on export of cow, etc.

6-B. (1) Any person desiring to export cow or calf of cow shall apply for a permit to such officer as the State Government may, by notification, appoint in this behalf, stating the reasons for which they are to be exported as also the number of cows and calves of cows and the name of the State to which they are proposed to be exported and shall also file a declaration to the effect that the cows or calves of cows for which the permit for export is required shall not be slaughtered.

Permit for export.

(2) The officer appointed under sub-section (1) shall, after satisfying himself about the genuineness or otherwise of the request of the applicant, either grant or refuse to grant him a permit for the export of cows or calves of cows specified in the application:

1. Subs. by M. P. Act 22 of 1961, S. 2 (i).

2. Subs. by S. 2 (2), *ibid.*

3. Added by S. 2 (3), *ibid.*

4. Subs. by S. 3, *ibid.*

5. Subs. by M. P. Act 51 of 1984, S. 3, for "agricultural cattle".

Provided that an application for the grant of a permit shall not be refused unless the applicant has been afforded an opportunity of being heard and the reasons for the refusal are recorded:

Provided further that the permit shall not be granted for export of cow or calves of cows to a State where cow slaughter is not banned by law.

(3) The form of permit and the fee for issuing permits shall be such as may be prescribed.

**Special permits.**

6-C. The State Government may issue special permits for export of cows or calves of cows if it is of opinion that it will be in the public interest to do so.<sup>1</sup>

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

7. 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.

**Prohibition on possession of flesh of agricultural cattle.**

8. 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.

**[Power of entry, search and seizure]<sup>2</sup>**

9. (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.

[(3) Any police officer not below the rank of head constable or any person authorised in this behalf by the State Government may, with a view to securing compliance with the provisions of section 6-A and section 6-B or for satisfying himself that the provisions of the said sections have been complied with-

(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 cows or calves of cows;

(b) seize or authorise the seizure of cows or calves of cows in respect of which he suspects that any provision of section 6-A or 6-B has been, is being or is about to be contravened along with the vehicles in which such cows or calves of cows are found and thereafter take or authorise the taking of all measures necessary for securing the production of the cows or calves of cows and vehicles so seized, in a court and for their safe custody pending production.

(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.<sup>3</sup>

**Penalty for contravention of section 4(1), 6-A and 6-B.**

[10. Whoever contravenes the provisions of clause (a) of sub-section (1) of section 4 or section 6-A or section 6-B shall be punished with imprisonment of either description for a term which may extend to three years and with fine which may extend to five thousand rupees :

1. Ins. by M. P. Act 51 of 1984, S.4.

2. Subs. by M. P. Act 51 of 1984, S.5 (i), for "power of entry".

3. Subs. by S.5(ii). ibid

Provided that except for special and adequate reasons to be recorded the judgement of the court such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees.]<sup>1</sup>

11. Whoever contravenes any of the provisions contained in this Act other than [clause (a) of sub-section (1) of section 4, or section 6-A or section 6-B]<sup>2</sup> 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. In any trial for an offence punishable under section 11 for contravention of the provision 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.

13. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (V of 1898)<sup>3</sup> all offences under this Act shall be cognizable.

14. 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. 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. 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. [(1)]<sup>4</sup> 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 religious, medical or research purposes.

[(2) The State Government may, by notification, delegate to any officer, not below the rank of a Collector, all or any of its powers under sub-section (1).]<sup>5</sup>

18. (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;
- [(d) the form of permit and the fee for issuing permit under sub-section (3) of section 6-B.]<sup>6</sup>

Penalties.

Burden of proof on accused.

Offences to be cognizable.

Abetments and attempts.

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

Protection of persons acting in good faith.

Power to grant exemptions.

Power to make rules.

1. Subs. by M. P. Act 51 of 1984, S. 6.

2. Subs. by S. 7, *ibid.*, for "clause (a) of sub-section (1) of section 4".

3. See now the Code of Criminal Procedure, 1973 (2 of 1974).

4. Re-numbered by M. P. Act 8 of 1962, S. 2.

5. *Ins.* by S. 2, *ibid.*

6. *Ins.* by M. P. Act 51 of 1984, S. 8.

**Repeat and Saving.**

19. 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 or 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 may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

**SCHEDULE**

(See section 2 (i))

1. Cows of all ages.
  2. Calves of cows and of she-buffaloes.
  3. Bulls.
  4. Bullocks.
  5. Male and female buffaloes.
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