



The Sikkim (Livestock and Livestock Products Control) Act, 1985

Act 4 of 1985

Keyword(s):
Livestock, Meat

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THE SIKKIM (LIVESTOCK AND LIVESTOCK PRODUCTS
CONTROL) ACT, 1985.

(ACT NO.4 OF 1985)

AN ACT

28-6-85

to provide, in the interests of the general public, for entry of healthy livestock into the State of Sikkim for slaughtering and consumption by the general public, for regulating hygienic conditions in places where livestock are slaughtered, to maintain regular supply at reasonable prices of meat to the general public, to maintain regular and continuous supply of hides and skins for the development of leather and allied industries in the State of Sikkim and for matters connected therewith or incidental thereto.

WHEREAS many places in Sikkim being located on high altitudes have cold climate where meat is consumed in large quantities;

AND WHEREAS in the interests, of the general public it is necessary to ensure regular supply of healthy livestock for human consumption and also to ensure the hygienic conditions" in places where livestock is slaughtered as also to maintain regular supply of meat at reasonable prices to the general public;

AND WHEREAS there is large potential for developing, leather and, allied industries. in the State of Sikkim for which regular and continuous supply 'of good hides and skins and other livestock is necessary at reasonable prices.

Be it enacted by the Legislative Assembly of Sikkim in the Thirty-sixth Year of the Republic of India as follows, namely:

(1) This Act may be called the Sikkim Livestock and
Livestock Products Control Act 1985.

*Short title. extent
and*

(2) It extends to the 'whole of Sikkim

commencement.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,

(i) "appointed day" means the date of commencement of the Act;

(ii) "Government" means the Government of Sikkim;

(iii) "livestock" includes buffalo, sheep, lamb, pig, boar, sow, goat, kid, bullock, calf, ox, yak, jho, or mithun and such other animals as may be notified by the Government by notification..

(iv) "Livestock Products" includes meat, hides, skins, bones, hooves, horns, blood and other inedible parts of slaughtered livestock; and such products as may be notified by the Government by notification;

(v) "meat" means flesh or other edible parts of livestock which are sold or intended for sale for human consumption and includes the edible part of the muscle of cattle, sheep, swine's or goats which is selected or which is found in the tongue, in the diaphragm, the heart or in the oesophagus, with or without the accompanying and over-lying fat and the portions of the bones, stain, sinew, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing but does not include muscle found in the lips, snout or ears;

(vi) "notification" means a notification published in the Official Gazette;

(vii) "State" means the State of Sikkim.

(viii) rules means rules made under this Act.

3. The Government, so far as it appears to them to be necessary or expedient for maintaining or securing supplies of livestock or livestock products or for arranging for equitable distribution of livestock products and availability thereof at fair prices, may from time to time, by notification, provide for regulating or prohibiting the supply, distribution and bring livestock into the State and trade and commerce in livestock and livestock products.

(2) A notification made under sub-section (1) may provide:

(a) for regulation by licenses, permits or otherwise bringing livestock into the State and slaughter thereof;

- (b) for regulating the prices at which any of the livestock products may be sold;
 - (c) for prohibiting the withholding from sale of any livestock product ordinarily intended for sale;
 - (d) for requiring any person holding in stock any livestock product, whether processed or not to sell the whole or specified part of such stock at such price to the Government or to an officer or, authorised agent. of the Government;
 - (e) for collecting any information with a view to regulating or prohibiting any livestock or sale of livestock products;
 - (f) for requiring any person engaged in the supply' or distribution of. or trade or commerce in, any livestock product to declare their stocks of such, products and allow inspection of, or produce for inspection, any books, accounts and records relating to trade, and commerce;
 - (g) for regulating the processing of any livestock product;
 - (h) for any incidental and supplementary matters, including in particular, the entering and search of premises vehicles, the seizure by a 'person authorised to make such search in respect of livestock or livestock products where such person has reason to believe that a contravention of the notification has been, is being or is about to be committed;
 - (i) for the grant of issue of licenses, permits or other documents and the charging of fees therefor
- 4 (1) On and from the appointed day. no livestock or livestock product shall be allowed to be entered in the State without veterinary check: up at such check posts as may be set up for the purpose by the Government by notification.
- {2) No livestock: or livestock product shall be allowed to be brought into the State,' unless a tax as may be notified by the Government' is. 'paid in such manner as may be specified in the said notification.
5. The Government may, by notification, fix fees for rendering such services as. may be specified in. the said notification and different rates may be specified for different categories of livestock, livestock.. products ;and services rendered at Check: Posts.

6. The Government may, by notification, collect slaughter house ' fees as. may be notified by the Government from time to time head of livestock, specified in the Schedule to. this Act whose meat is fit for human consumption and the Government may by notification, from time. to time, *specify* different rates *for* different categories' live-stock.
- 7 (1) On and *from* the appointed day, no person other than the Government or its authorised agent, shall deal in the trade and commerce of' hides and skins of such categories of livestock as the' Government may, by notification, specify.
- (2) The Government may, by notification, appoint any
(a) corporation owned or controlled by the Government; or
- (b) Co-operative society registered *or* deemed to have' been registered under the Sikkim Co-operative Societies Act, 1978 (12 of 1978) as its agent to deal in trade and commerce of hides' and skins and other livestock products. .
- (3) The agent authorised or appointed under' sub-section (2) shall act under the direction, control and 'supervision of the Government. Every direction or order issued by the Government shall be binding on the agent so authorised or appointed.
8. On and *from* the appointed day no person shall remove any hides and skins of livestock out of the limits *of* the State of Sikkim without obtaining a permission in writing *from* the Government *or* an officer authorised by Government to be obtained by payment *of* fees specified in this behalf 'by notification. :
9. On and from the appointed day. no owner of hides and skins shall sell them to any person other than the Government *or* its authorised agent at such prices as the Government may, by notification, specify.
10. The Government may, from time to 'time, by notification, fix the maximum retail prices for sale of various types and classes of meat.

11..As soon as may be after the' appointed day the Government shall establish .slaughter houses in the State at such places as the Government may, by notification, specify.

12. (1) On and from the establishment of Government slaughter houses, no livestock shall be slaughtered at a place other than the Government slaughter houses.

(2). The provision of sub-section (1) shall not apply to . . slaughter of livestock for personal and family purposes.

13. (1) The Government may make rules regulating the slaughter of livestock in the Government slaughter houses.

(2) Such rules may provide for all or any of the following matters, namely:

(a) the manner in which livestock of different categories is to be slaughtered;

(b) placing of identification marks. on the slaughtered livestock;

(c) disposal of the slaughtered livestock which. is unfit for human consumption.;

(d) disposal of the portion or portions of the slaughtered livestock which are ordinarily not fit for human consumption;

(e) disposal of waste materials of the slaughtered lives tock;

(f) grant, renewal, revocation and suspension of licenses of butchers and their qualifications;

. (g) fixation of age of different categories. of .livestock . . for slaughter;

(h) sanitary conditions and other facilities to be provided at the slaughter house;

(i) the persons who. may be allowed to. enter the slaughter house;

(j).separation of livestock for slaughter;

(k) closure of slaughter house;

(l) any other matter on which it is necessary to make rules.

14. The Government or its authorised agent acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment, of property as little as may be consonant with the general interests of the public.

15. Any person who attempts to contravene, or abets the contravention of, any provisions of this Act, rule or notification made under this Act shall be deemed to have contravened such provision of the Act, rule or notification, as the case may be.

16. (1) When an offence under this Act has been committed by a company, every person, who, at the time the offence was committed, was directly in charge of and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officers shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section:

(a) "company" means any body corporate and includes a firm or other association of individuals

(b) "director" in relation to a firm, means a partner in the firm.

17. Any person who contravenes the provisions of this Act, any rule made or notification issued under this Act shall, on conviction, be punishable with imprisonment of either description for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.
18. Notwithstanding anything contained in the law relating to Criminal Procedure for the time being in force in the State, it shall be lawful for a Judicial Magistrate of the First Class to pass a sentence or fine exceeding the pecuniary limits specified in such law on any person convicted of contravening any provision of this Act or any rule made or notification issued thereunder.
19. Notwithstanding anything contained in the law relating to Criminal Procedure for the time being in force in the State all offences under this Act shall be cognizable and bailable.
20. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceedings shall lie against the Government, its officer or its authorised agent for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any provision of this Act or rule made or notification issued thereunder.
21. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

 Provided that no such order shall be made after the expiry of a period of two years from the appointed day.
22. The Government may, by notification, make rules for carrying out the purposes of this Act.
23. All proclamations, orders, rules, regulations, notifications and bye-laws in force on the appointed day relating to the matters covered by this Act shall stand repealed.

- (2) Such repeal shall not effect any 'investigation, legal proceeding *or* remedy in respect *of* any right, privilege, obligation, penalty, liability, forfeiture or punishment 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 repealed.

I ["SCHEDULE

(See section 6)

LIST OF LIVESTOCK INTENDED FOR SLAUGHTER

1. Bullock, Buffalo, Sheep, Lamb, Ewe, Wether, Pig.]"

1. Inserted by Sikkim (Livestock and Livestock Products Control) Amendment Act No.9 of 1986 w. e. f. 28.6. 1985.