

THE ASSAM CATTLE PRESERVATION (AMENDMENT) BILL, 2021.

A BILL

Preamble

Whereas, it is expedient to amend the Assam Cattle Preservation Act, 2021, hereinafter referred to as the principal Act, in the manner herein after appearing :

Assam
Act No.
XXV of
2021

It is hereby enacted in the Seventy-second year of the Republic of India, as follows :-

Short title, extent and commencement

1. (1) This Act may be called the Assam Cattle Preservation (Amendment) Act, 2021.
(2) It shall have the like extent as the principal Act.
(3) It shall come into force at once.

Amendment of section 6

2. In the principal Act, in section 6,-
 - (i) in fourth and fifth line for the words "or other premises", appearing in between the words "hereunder" and "as" shall be omitted.
 - (ii) in sixth line, for the punctuation mark ":" appearing after the word "Act" the punctuation mark ":" shall be substituted.
 - (iii) the proviso shall be omitted.

Amendment of section 7

3. In the principal Act, in section 7,-
 - (i) in sub-section (2), in third line, in between the words "State" and "the", the words "of Assam" shall be inserted.
 - (ii) for sub-section (3), the following shall be substituted, namely:-

"(3) No person shall transport or offer for transport or cause to be transported any cattle from any place within the State of Assam to any other place in a district within the State which shares international border with any foreign country, the slaughter whereof is punishable under this Act."
 - (iii) for sub-section (4), the following shall be substituted, namely:-

"(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), the competent authority may issue permit to any agency or farm, registered under the Animal Husbandry and Veterinary Department, Assam for transport of cattle for bona-fide agricultural or animal husbandry purposes or for transportation of cattle for trade for the said purposes as may be prescribed in the rules framed under this Act."

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16.12.2021

(iv) in sub-section (6), in clause (i), in third line, for the words and punctuation mark "particular district;" appearing after the word "the", the word and punctuation mark "State:" shall be substituted and thereafter the following proviso shall be inserted, namely:-
 "Provided that such exception shall be subject to the restrictions provided in sub-section (3) of section 7 of this Act."

(v) in clause (ii), in fourth line, for the words and punctuation mark "district." appearing at the end, the word and punctuation mark, "State:" shall be substituted and thereafter the following proviso shall be inserted; namely:-
 "Provided that such exception shall be subject to the restrictions provided under sub-section (3) of section 7 of this Act."

Amendment of 4. (i) In the principal Act, in section 11,-
 section 11

(i) in sub-section (5), in eighth line, in between the words "vehicle/conveyance" and "to" the word "except" shall be omitted.

(ii) after sub-section (9), the following new sub-sections shall be inserted, namely:-

"(10) The appropriate Court on being approached by the Police Officer, having the authority of seizer under sub-section (3) of this section, may make such order for sale of the seized vehicle/conveyance including boat, vessel etc., except cattle, through public auction, after being produced before the appropriate Court, during any inquiry or trial."

"(11) No person and his/her family members, against whom a case has been registered under the provisions of this Act, shall alienate their moveable or immovable property in any manner and the Investigation Officer, in case having a prima-facie reason to believe that such moveable and immovable property has been acquired within six years prior to the registration of a case, from income earned through sale or transportation of cattle in violation of the provisions of this Act, shall have the authority to attach or seize documents relating to such moveable and immovable property:

Provided that the burden of proving that the property so attached

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 ON 16.12.2011

or seized has not been illegally acquired through sale or transportation of cattle in violation of any of the provision under this Act, shall be on the person affected.".

Amendment of 5. In the principal Act, in section 19, in sub-section (1), in section 19 clause (ii) for sub-clause (c), the following shall be substituted, namely:-

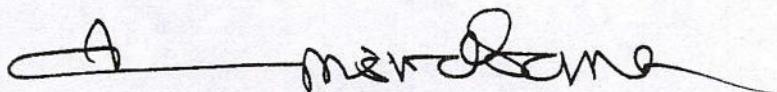
"(c) belonging to the Central Government in the Ministry of Defense, in respect of which certificates have been issued by a Veterinary Officer of the Indian Army".

Amendment of 6. In the principal Act, in section 22, in sub-section (2), the section 22 clause (v) and clause (xi) shall be omitted.

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LEGISLATIVE DEPARTMENT
ON 16.12.2014

STATEMENT OF OBJECTS AND REASONS

The proposed "The Assam cattle Preservation (Amendment) Bill, 2021" seeks to amend certain provisions of the Assam Cattle Preservation Act, 2021 with a view to remove certain existing restrictions with the aim of facilitating utilization of cattle for animal husbandry and agricultural purpose. Further, to ensure strict implementation of the penal provisions of the Act, the Bill seeks to introduce new provisions regarding investigation procedure.

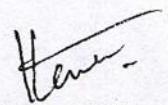


(Dr. Himanta Biswa Sarma)

Chief Minister

&

Minister-in-charge,
Home & Political, Assam



(Hemen Das, IAS)

Principal Secretary,

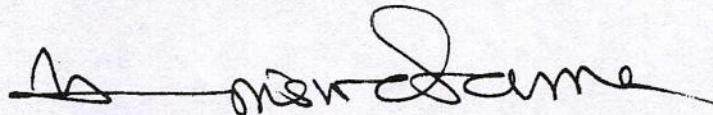
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FINANCIAL MEMORANDUM

There is no financial involvement in the proposed amendment.

MEMORANDUM OF DELEGATED LEGISLATION

No delegation of legislative power is sought in the proposed *“The Assam Cattle Preservation (Amendment) Bill, 2021”*.



(Dr. Himanta Biswa Sarma)
Chief Minister
&
Minister-in-charge,
Home & Political, Assam

Extract of relevant sections of “The Assam Cattle Preservation Act, 2021” (The Principal Act) and The Assam Cattle Preservation (Amendment) Bill, 2021.

Sections	The Assam Cattle Preservation Act, 2021.	The Assam Cattle Preservation (Amendment) Bill, 2021.
Section 6	<p>"No cattle in respect of which a certificate has been issued under Section 5 shall be slaughtered in any place other than a slaughter house duly licensed or recognized under a Central or State Act or any rules or regulations made hereunder or other premises as may be specified in the certificate as per rules framed under this Act :</p> <p>Provided that the State Government may exempt certain places of worship or certain occasions for slaughter of cattle other than calf, heifer and cow for religious purposes."</p>	<p>"No cattle in respect of which a certificate has been issued under Section 5 shall be slaughtered in any place other than a slaughter house duly licensed or recognized under a Central or State Act or any rules or regulations made hereunder as may be specified in the certificate as per rules framed under this Act."</p>
Section 7(2)	<p>"No person shall transport or offer for transport or cause to be transported any cattle from any place of other State to any place within the State the slaughter whereof is punishable under this Act."</p>	<p>"No person shall transport or offer for transport or cause to be transported any cattle from any place of other State to any place within the State of Assam the slaughter whereof is punishable under this Act."</p>
Section 7(3)	<p>"No person shall transport or offer for transport or cause to be transported any cattle from any place within the State to any other place within the State, the slaughter whereof is punishable under this Act."</p>	<p>"No person shall transport or offer for transport or cause to be transported any cattle from any place within the State of Assam to any other place in a district within the State, which shares international border with any foreign country, the slaughter whereof is punishable under this Act."</p>
Section 7(4)	<p>"Notwithstanding anything contained in sub-sections (1), (2) and (3), the competent authority may issue permit for transport of cattle for bona-fide agricultural or animal husbandry purposes as prescribed in the rules framed under this Act;"</p>	<p>"Notwithstanding anything contained in sub-sections (1), (2) and (3), the competent authority may issue permit to any agency or Farm, registered under the Animal Husbandry & Veterinary Department, Assam for transport of cattle for bona-fide agricultural or animal husbandry purposes or for transportation of cattle for trade for the said purposes as may be prescribed in the rules framed under this Act."</p>
Section 7(6)	<p>"Exceptions:-</p> <p>(i) No permission shall be required for carrying cattle to grazing field or for agricultural or animal husbandry purposes within the particular district;</p>	<p>"Exceptions:-</p> <p>(i) No permission shall be required for carrying cattle to grazing field or for agricultural or animal husbandry purposes within the State:</p>

	<p>(ii)No permission shall be required for carrying cattle to and from registered Animal Market for the purpose of sale and purchase of such cattle within the district."</p>	<p>Provided that such exception shall be subject to the restrictions provided in sub-section (3) of section 7 of this Act.</p> <p>(ii) No permission shall be required for carrying cattle to and from registered Animal Market for the purpose of sale and purchase of such cattle within the State:</p> <p>Provided that such exception shall be subject to the restrictions provided under sub-section (3) of section 7 of this Act."</p>
Section 11(5)	<p>"On receipt of the report, the Judicial Magistrate 1st Class may, on his being satisfied that there is enough material to presume that a prima-facie offence under this Act has been committed or intended to be committed, release the seized materials including vehicle/conveyance except cattle on furnishing of a bank guarantee, equal to the value of the material or vehicle/conveyance except, to the satisfaction of the court, pending disposal of the criminal proceedings instituted in respect of the alleged offence."</p>	<p>"On receipt of the report, the Judicial Magistrate 1st Class may, on his being satisfied that there is enough material to presume that a prima-facie offence under this Act has been committed or intended to be committed, release the seized materials including vehicle/conveyance except cattle on furnishing of a bank guarantee, equal to the value of the material or vehicle/conveyance to the satisfaction of the court, pending disposal of the criminal proceedings instituted in respect of the alleged offence."</p>
Section 11(10)	XXXXX	<p>"(10) The appropriate Court on being approached by the Police Officer, having the authority of seizer under sub-section (3) of this section, may make such order for sale of the seized vehicle/conveyance including boat, vessel etc., except cattle, through public auction, after being produced before the appropriate Court, during any inquiry or trial."</p>
Section 11(11)	XXXXX	<p>"(11) No person and his/her family members, against whom a case has been registered under the provisions of this Act, shall alienate their moveable or immovable property in any manner and the Investigation Officer, in case having a prima-facie reason to believe that such moveable and immovable property has been acquired within six years prior to the registration of a case,</p>

		<p>from income earned through sale or transportation of cattle in violation of the provisions of this Act, shall have the authority to attach or seize documents relating to such moveable and immoveable property:</p> <p>Provided that the burden of proving that the property so attached or seized has not been illegally acquired through sale or transportation of cattle in violation of any of the provision under this Act, shall be on the person affected."</p>
Section (1)(ii)(c)	19	<p>"(ii) any cattle, -</p> <p>(a).....</p> <p>(b).....</p> <p>(c) slaughter of cattle, not being a cow or heifer or calf, on such certain occasion as may be prescribed :</p> <p>Provided that in the case of a cattle belonging to the Central Government in the Ministry of Defense, Certificate may be issued by a Veterinary Officer of the Indian Army."</p>
Section 22(2)		<p>"(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for -</p> <p>(i).....;</p> <p>(ii).....;</p> <p>(iii).....;</p> <p>(iv).....;</p> <p>(v) the places of worship, or festival for slaughter of cattle in pursuance of this Act;</p> <p>(vi).....;</p> <p>(vii).....;</p> <p>(viii).....;</p> <p>(ix).....;</p> <p>(x).....;</p> <p>(xi) "premises" to be mentioned in the certificate;</p> <p>(xii)..... "</p>