

DACP ACT 1994

GAZETTE EXTRAORDINARY {PART IV etrrq 7qr trrq No. F. following Act of Assembly received the assent Of the Lt. Govemor Of Delhi* on the- 15th 1994 and is hereby published foi general 'infÖrha- THE DELHI AGRICULTURAL CATTLE PRESERVATION ACT, 1994 (Delhi Act No. 1994) (15-4-1994) (As passed by the' bf the National Capital or-Delhi) Acr to provide or the preserva.lion of animals suitable for milch,- draught, -breedjng •or agricultural. purposes IBe it enacted by the Legislatl'{'? Assembly . (if the Nat;onal Capital_ Territry of.' 'Delhi-in the Forty-Fifth year pf -the RepihbEic of Indih as fol• lows :—] . Short title, extent and commencement . (b) (e) (d) (e) (f) (g) 'Competent Authority' -means the Drec- tor, Animal Husbandry, Government of Delhi; 'Delhi' means the National Capital Ter- ritory of Delhi; 'Export' means to take out Froni •Delhi to any place outside .it; 'Government' means the Government of the National Capital Territory of Delhi; 'Slaughter' means killing by any method whatsoever and includes maming or in- ffcting oc physical injury which in the- ordinary course will cause death; 'Veterinary Officer' means a person ap- pointed as such or invested witli thé' powers of a Veterinary .Officer under Section 3

3. Appoinü»ent of a -Veterinary- Officer. The-comptent authority, may, by a •general - dr- special. order appoint. for the purpose of this Act, any person or Class of persons, Io be the Veteri- nary 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 för the time being force or In any usagc or custom to the contrary, no person -shalt slaugh• ter or cause to be slaughtered or offer or cause to be offered for slaughter any agricultural cattle

5. Prohibition on transport or exoort Df l

2. This Aet may be •called the cultural Cattle Preservation Act, '1994. rt extends to the whole' of the. National Capital Territory of Delhi.. It shall come into force. on such date as the Government may, by notification in the Officiat Gazette.- appoint in this be- half. tural (2) (3) in 2. Definitions. In this Act, unless there- anything. repugnant the subject or context, . (a) 'Agricultural Cattle'. • means an animal specified in the Schedule; cattle for slaughter. No person shall transport -or o[fet for transport or cause to bc transported agricultural cattle frotlI any place wilhjn Delhi to any •place ouside Delhi, for IIIC purpose -of its slaughter jn contraventiön of the provisions of this Act or with tho knowledge that it ""Vill be or is likely to be, so slaughtered. No person shall export or cause to be exported any agricultural cattle for the pürpose of - slaughter eithet directly or through tiis agent •or servant or any other person acting on his behalf in contra+en- tion of the provisions Qt this Act or with the knowledge that it wilt be or 5s likely to be slaughtered. Any person desiring to export any ag•rl- cull ural cattle shall a•pplv for a permit to concemed Veterinary OÆcer stating the reasons for which. they are to, be ex- ported and the number of agricultural cattle with-- age and' sex nod also the name of the StatelUnion Territory to [PART IV DELHI GAZETTE . • EXTRAORDINARY -IO. Establishment of Institutions. 9 which they are precyposed Ito be ex'po_cted • and Shal(further. file a declaration to the effect that thé agricultural cattle for which the permit rfor export is required, shall not be slaughtered. Provided that an application for grant of a .permit shall not bc refused wituout according reasons therefor in writing: Provided further that the pernit shall not be granted for export or agricullual cattle to a StatelUnion Territory where slaughter of agricultural cattle is not banned by law. (4) Transportation or export of agricultural cattle with a view of replacement, niay be regulated through a valid perrnit with due verification by ccäéerned Vetetinary Officer. (5) The forni of permit and the tee ror Issu- ing permit shall be such as may be pres- cribed by the rules framed uqder sec- . tion 19 of the Act.' 6. Appeal against the orders of refusäl to grant permit under section 5. A_ny person fce]jng aggrieved by order of refu- sal to grant pell'l)lit under section 5 may file an ap- peal bcrore the Compctent Authority within a period or tc:n days from the date of conununica- tion af such an order, and the order passed in avy peal bv the Competent AuthoriLY shall final

7. Prohibition on sale, purghase: disposal in any other manner of agricultural cattle. No person shall purchas.c, sell •or otherwise dis- pose of or offer to purchase, sell or. oClvrwise dis- pose 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 cattle 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. 91, 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) (2) (3) (a) (b) 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. 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 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 and belief. 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 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, 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 along with 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 of law. DELHI GAZETTE: EXTRAORDINARY [PART II] and for their safe custody pending production. Provided that pending trial seized agricultural cattle shall be handed over only to the nearest Gosdalan, Ghoshala, Pinjrapole, Hinsa Nivaran Sangh and such other Animal Welfare Organizations and (he accused shall be liable to pay for their maintenance for the period they remain in custody with any of the said institutions/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 (one 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 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 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) (c) (d) (e)

Development Commissioner. —Member Secretary 3 M.L.A.s to be nominated by the Government. —Members 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 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 19. Power to make rules. The Government may, by notification, make rules for the purposes of carrying out the effective implementation of the provisions of this Act. ART IV DELHI GAZETTE : EXTRAORDINARY (i) 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 Cattle Slaughter Act 1955 (Act No. 1 of 1956) as to Delhi is hereby repealed : Provided that the repeal shall not affect (i) the previous operation of any law (ii) (iii) 1. 2. 3. 4. repealed or anything duly done or done thereunder; or any forfeiture or punishment incurred in respect of any offence, committed against any law so repealed any investigation, legal proceedings 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)] Cows of all ages. Calves of Cows of all ages. Bulls. Bullocks. U. P. SINGI-J, Dy Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi 110064 and Published by the Controller of Publications, Delhi-110054, 1994