

ANDHRA PRADESH PROHIBITION OF COW SLAUGHTER AND ANIMAL PRESERVATION ACT, 1977

Preamble - THE ANDHRA PRADESH PROHIBITION OF COW SLAUGHTER AND ANIMAL PRESERVATION ACT, 1977

THE ANDHRA PRADESH PROHIBITION OF COW SLAUGHTER AND ANIMAL PRESERVATION ACT, 1977

[Act No. 11 of 1977]

[1st May, 1977]

PREAMBLE

An Act to provide for the prohibition of the slaughter of cows, calves of cows and calves of she-buffaloes and for preservation of certain other animals suitable for mulch, breeding, drought or agricultural purposes in the State of Andhra Pradesh and for matters therewith.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty-eight Year of the Republic of India as follows:--

Section 1 - Short title and commencement

- (1) This Act may be called the Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act, 1977.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall be deemed to have come into force on the 19th December, 1976.

Section 2 - Declaration as to giving effect to certain directive principles

It is hereby notified that this Act is for giving effect to the policy of the State towards securing the principles specified in Article 48 of the Constitution of India.

Section 3 - Definitions

In this Act unless the context otherwise requires,

- (i) 'animal' means bull, bullock, buffalo, male or female, or calf, whether male or female, of a she-buffaloe;
- (ii) 'competent authority' means a person or a body of persons appointed under Section 4 to perform the functions of a competent authority under this Act;
- (iii) 'cow' includes a heifer, or a calf, whether male or female of a cow;
- (iv) 'Government' means the State Government;
- (v) 'notification' means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;
- (vi) Prescribed means prescribed by rules made under this Act.

Section 4 - Appointment of competent authority

The Government may, by notification, appoint a person or a body of persons to perform the functions of a competent authority under this Act for such local area as may be specified in such notification.

Section 5 - Prohibition of slaughter of cow or calf of she-buffaloe

Notwithstanding anything in any other law for the time being in force or any custom, or usage to the contrary, no person shall slaughter or cause to be slaughtered, or offer or cause to be offered for slaughter or otherwise intentionally kill or offer or cause to be offered for killing any cow or calf, whether male or female, of a she buffaloe.

Section 6 - Prohibition against slaughter of animals without certificate from competent authority

(1) Notwithstanding anything in any other law for the time being in force or any custom or usage to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any animal other than a calf, whether male or female, of a she-buffaloe, unless he has obtained in respect of such animal a certificate in writing from the competent authority appointed for the area that the animal is fit for slaughter.

(2) No certificate shall be granted under sub-section (1), if in the opinion of the competent authority the animal is or is likely to become economical for the purpose of,--

- (a) breeding, or
- (b) drought or any kind of agricultural operations; or

(c) giving milk or bearing off-spring:

Provided that no certificate under sub-section (1) shall be refused to be granted unless the reasons for such refusal are recorded in writing.

(3) A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed.

Section 7 - Power of revision

(1) The Government may, suo motu or shall, on an application made in this behalf by the person aggrieved, for the purpose of satisfying themselves as to the legality or propriety of any order passed by a competent authority, granting or refusing to grant any certificate under Section 6, call for and examine the record of the case and may pass such order in reference there to as they think fit.

(2) Subject to the provisions of sub-section (1) any order passed by the competent authority granting or refusing to grant a certificate under Section 6, and any order passed by the Government under sub-section (1) shall be final and shall not be called in question in any court.

Section 8 - Slaughter to be in places specified

No animal in respect of which a certificate has been granted under Section 6 shall be slaughtered in any place other than a place specified by such authority or officer, as the Government may appoint in this behalf.

Section 9 - Power to enter and inspect

(1) For the purposes of this Act, the competent authority or any person authorised in this behalf by the competent authority (hereinafter referred to as the 'authorised person') shall have power to enter and inspect any premises where the competent authority or the authorised person has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person in occupation of any such premises shall allow the competent authority or the authorised person such an access to the premises as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the competent authority or by the authorised person.

Section 10 - Penalties

Whoever contravenes any of the provisions of this Act, shall on conviction, be punished with

imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 11 - Offences under Act to be cognizable

Notwithstanding anything in the Code of Criminal Procedure, 1973, (Central Act 2 of 1974) all offences under this Act shall be cognizable.

Section 12 - Abetments and attempts

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.

Section 13 - Persons exercising powers under the Act deemed to be public servants

All persons exercising powers under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code. (Central Act 45 of 1860)

Section 14 - Protection of persons acting in good faith

No suit, prosecution or other legal proceeding shall be instituted against the competent authority or any person exercising powers under this Act, for anything which is in good faith done or intended to be done under this Act or the rules made there under.

Section 15 - Exemptions

Subject to such conditions as may be prescribed in this behalf, the provisions of this Act shall not apply to--

- (a) any animal operated upon for vaccine, lymph, serum or any experimental or research purpose at an institution established, conducted or recognised by the Government; or
- (b) any cow or animal--
 - (i) slaughter of which is certified by a Veterinary Officer authorised by the Government, to be necessary in the interests of the public health.
 - (ii) which is suffering from any disease which is certified by a Veterinary Officer authorised by the Government as being contagious and dangerous to other animals.

Section 16 - Delegation of powers

The Government may, by notification, delegate--

- (i) to any local authority, their powers under Section 4, within the local area subject to the jurisdiction of such local authority:--
- (ii) to any officer of the Government, their powers under sub-section (1) of Section 7.

Section 17 - Establishment of institutions for taking care of cows or other animals

- (1) The Government may establish, or direct any local authority or society registered under the law relating to the registration of societies for the time being in force in the state, or any association or body of persons, to establish institutions at such places as may be deemed necessary for taking care of cows or other animals sent thereto.
- (2) The Government may provide bye-rules for the proper management of such institutions for the care of cows or other animals that may be admitted therein.
- (3) The Government, or subject to the previous sanction of the Government, the local authority, society or body of persons or association establishing an institution under sub-section (1), may levy such fees as may be prescribed for the maintenance of such institutions.

Section 18 - Power to make rules

- (1) The Government may, by notification, after previous publication, make rules for carrying 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 powers and duties of competent authority in addition to those provided in this Act;
 - (b) the form of the certificate under Section 6;
 - (c) the amount of fee to be paid under Section 6;
 - (d) the conditions subject to which this Act shall not apply to any animal under Section 15;
 - (e) the management of institutions established under Section 17 and the fee to be levied for their maintenance; and
 - (f) any other matter which is to be or may be prescribed.

(3) Every rule made under this section shall immediately after it is made, be laid before each house of the State Legislature if it is in session and if it is not in session, in the session immediately following, for total period of fourteen days which may be comprised in one session, or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall, stand annulled, as the case may be: so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Section 19 - Repeals

The Andhra Pradesh (Telangana Area) Slaughter of Animals Act, 1950, (Act VII of 1950) and the Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Ordinance, 1976, (Ordinance 23 of 1976) are hereby repealed.
