

MADHYA PRADESH ACT
NO. 51 of 1984.
THE MADHYA PRADESH KRISHIK PASHU PARIRAKSHAN
(SANSHODHAN) ADHINIYAM, 1984.

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(Received the assent of the President on the 20th November, 1984; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 20th November, 1984.

An Act further to amend the Madhya Pradesh 'Krishik Pashu Parirakshan Adhiniyam 1959.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fifth year of the Republic of India as follows:-

Short title.

1. This Act may be called the Madhya Pradesh Krishik Pashu Parirakshan (Sanshodhan) Adhiniyam, 1984.

Amendment of section 2.

2. In section 2 of the Madhya Pradesh Krishik Pashu Parirakshan Adhiniyam, 1959 (No. 18 of 1959) hereinafter referred to as the Principal Act), after clause (ii) the following clause shall be inserted, namely:-

"(ii-a) "export" means to take out from the State of Madhya Pradesh to any place outside the State",

Amendment of section 6.

3. In section 6 of the Principal Act, for the words "agricultural cattle", the words "agricultural cattle other than cow or calf of cow" shall be substituted.

Insertion of new sections 6-A, 6-B and 6-c.

3. After section 6 of the Principal Act, the following sections shall be inserted, namely:-

Restriction on export of cow etc.

"6-A. No person shall export or cause to be exported cow or calf of cow for of slaughter either directly or through his agent or servant

of any ----- 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.

Permit for export

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 calf 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.

(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:

Provided further that the permit shall not be granted for export of cows 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 of calves of cows if it is of opinion that it will be in the public interest to do so."

Amendment of Section 9.

(5) In section 9 of the Principal Act, -

(i) for the marginal heading, the following marginal heading shall be substituted namely:-

"Power of entry, search and seizure."

(ii) after sub-section (2) the following sub-sections shall be substituted, namely:-

"(3) Any police officer not below the rank of head constable or any person authorized in this behalf by the 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 authorize 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 authorize 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 authorize 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"

(4) For section 10 of the Principal Act, the following section shall be

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

Provided that except for special and adequate reasons to be recorded in the judgment of the court such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees."

Amendment of section 17

7. In section 11 of the Principal Act, for the words, brackets, letter and figures, "clause (a) of sub-section (1) of section 4", the words, brackets, letters, and figures "clause (a) of sub-section (1) of section 4, or section 6 A or section 6-B", shall be substituted.

Amendment of section 18.

8. In sub-section (2) of section 18 of the Principal Act, after clause (c), the following, clause shall be inserted, namely:-

"(d) the form of permit and the fee for issuing permit under sub-section (3) of section 6-B".

Repeal

9. The Madhya Pradesh Agricultural Cattle Preservation (Amendment) Ordinance, 1984 (No. 19 of 1984) is hereby repealed.