

SIKKIM

GOVERNMENT

GAZETTE



EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 110

Gangtok, Wednesday July 3, 1985.

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

Notification No. 4/LD/85

Dated the 29th June, 1985.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 28th day of June, 1985, is hereby published for general information:—

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

(ACT NO. 4 OF 1985)

AN ACT

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 livestocks 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. (1) This Act may be called the Sikkim (Livestock and Livestock Products Control) Act, 1985. *Short title,
extent and
commencement.*
- (2) It extends to the whole of Sikkim.
- (3) It shall come into force at once.
2. In this Act, unless the context otherwise requires, *Definitions.*
 - (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 other products as may be notified by the Government by notification;
- (v) "meat" means flesh or other edible parts of livestock which is sold or intended for sale for human consumption and includes the edible part of the muscle of cattle, sheep, swines or goats which is selected or which is found in the tongue, in the diaphragm, the heart or in the aosophagus, with or with 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.

Power of Government to issue notification for control, supply etc.

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.

- (1) A notification made under sub-section (1) may provide -
- (a) for regulation by licences, 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 commence 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 have reason to believe that a contravention of notification has been, is being or is about to be committed;
- (i) for the grant of issue of licences, 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.

Prohibition on entry of cattle etc. in the State and levy of entry tax.

Power of Government to fix fees for services.

Government to realize slaughter house fees.

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 Post.

6. The Government may, by notification, collect slaughter house fees as may be notified by the Government from time to time per 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 of 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. *Government or its authorised agents to deal in the trade of hides and skins.*

(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 State of Sikkim without obtaining a permission in writing from the Government or an officer authorised by the Government to be obtained by payment of fees specified in this behalf by notification. *Regulation of movement of hides and skins.*

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. *Owners to sell hides and skins to the Government or its authorised agent.*

10. The Government may, from time to time, by notification, fix the maximum retail prices for sale of various types and classes of meat. *Power of Government to fix maximum retail price 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. *Government to establish slaughter houses.*

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. *No livestock to be slaughtered except at the Government slaughter house.*

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 livestock;
 (f) grant, renewal, revocation and suspension of licences 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. *Power of Government to regulate slaughter houses.*

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. *Ordinary avocations of life to be interfered with as little as possible.*

Attempts and abetments.

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.

Offences by companies.

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.

Penalties.

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.

Special provision regarding fine.

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.

Offences to be cognizable and bailable.

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.

Protection of action taken in good faith.

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.

Power to remove difficulties.

21. If any difficulty arises in giving effect to the provision 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.

Power to make rules.

22. (1) 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 affect 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.

B. R. PRADHAN,

Secretary to the Govt. of Sikkim,
Law Department.

F. No. 16 (165) LD/82.

SIKKIM

GOVERNMENT

GAZETTE



EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 105

Gangtok, Monday, September 15, 1986.

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

NOTIFICATION

No. 9/LD/86

Dated the 8th September, 1986.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 6th day of September, 1986 is hereby published for general information:—

THE SIKKIM (LIVESTOCK AND LIVESTOCK PRODUCTS CONTROL) AMENDMENT ACT, 1986.

(ACT NO. 9 OF 1986)

AN
ACT

to amend the Sikkim (Livestock and Livestock Products Control) Act, 1985.

Be it enacted by the Legislative Assembly of Sikkim in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Sikkim (Livestock and Livestock Products Control) Amendment Act, 1986. *Short title and commencement.*
- (2) It shall come into force at once.
2. After section 23 of the Sikkim (Livestock and Livestock Products Control) Act, 1985, the following Schedule shall be and shall be deemed always to have been inserted namely:— *Insertion of Schedule.*

“SCHEDULE

(See section 6)

LIST OF LIVESTOCK INTENDED FOR SLAUGHTER

1. Bullock, Buffalo, Sheep, Lamb, Ewe, Wether, Pig.”

B. R. PRADHAN,
Secretary to the Govt. of Sikkim,
Law Department.

(F. No. 16 (165)/LD/82/86.)

SIKKIM

GOVERNMENT **EXTRAORDINARY** **GAZETTE**
PUBLISHED BY AUTHORITY

Gangtok **Thursday 14th September, 2017** **No. 438**

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No:19/LD/17

Dated: 14.09.2017

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 8th Day of September, 2017 is hereby published for general information:-

**THE SIKKIM (LIVESTOCK AND LIVESTOCK PRODUCTS CONTROL)
AMENDMENT ACT, 2017**

(ACT NO. 19 OF 2017)

AN

ACT

further to amend the Sikkim (Livestock and Livestock Products Control) Act, 1985.

BE it enacted by the Legislature of Sikkim in the Sixty-eighth Year of the Republic of India as follows . .

Short title, extent and commencement	1. (1) This Act may be called the Sikkim (Livestock and Livestock Products Control) Amendment Act, 2017. (2) It extends to the whole of Sikkim. (3) It shall come into force at once.
Amendment of Section 4	2. In the Sikkim (Livestock and Livestock Products Control) Act, 1985, hereinafter referred to as the "said Act", in section 4,- (i) for the existing marginal heading "Prohibition on entry of cattle etc. in the State and levy of entry tax", the marginal heading, "Prohibition on entry of cattle etc. in the State and levy of entry fee", shall be substituted;

(36)

(ii) after sub-section (2), the following new sub-section shall be inserted, namely,-

"(3) There shall be constituted a Fund to be called a Special Development Fund where the fees as will be realized under the Act shall be parked for its utilization including utilization for the purpose ancillary or related to the object of realization of the fee".

Substitution of reference to certain expression by certain other expression 3 In the said Act, throughout the Act, unless otherwise expressly provided, for the words "a tax" and for the words "a levy", wherever they occur, the words "a fee" shall be substituted.

Jagat B. Rai (SSJS)
LR-cum-Secretary,
Law Department.