Amendments to Assam Cattle Act 2021

What is the issue?

- The Assam Cattle Preservation Act, 2021, was made more stringent through an amendment in the Winter Session of the Assam Assembly.
- The original amendment had been passed on August 2021 amending the provisions of Assam Cattle Preservation Act, 1950

What is Assam cattle Act 2021?

- The Act bars sale and purchase of beef or beef products
    - in areas predominantly inhabited by Hindu, Jain, Sikh and other non beef-eating communities.
    - within a radius of 5 km of any temple or sattra (Vaishnavite monasteries).
- The Act, passed to check cattle smuggling to Bangladesh, prohibits inter-state transport of cattle to and from Assam without valid documents.
- Initially the law was meant to be applicable to all cattle (cows, bulls, bullocks, buffaloes).
- However buffaloes were removed from the definition before it became a law.
- While 1950 Act prohibits slaughter of cattle "over 14 years of age" 2021 Act prohibits slaughter of a cow regardless of age.
- In the new law other cattle can be slaughtered subject to a "fit for slaughter" certificate issued by a local veterinary officer after examination.
- The veterinary officer can permit slaughter only for cattle "over 14 years of age" or those "unfit for work".
- It provides for
    - a minimum jail term of 3 years (extendable up to eight years)
    - Rs 3 lakh fine (with the upper limit Rs 5 lakh).
    - For repeat offenders, the punishment will be doubled.

What were the recent amendments?

The Amendments made to 2021 Act recently are as follows.

Assam Cattle Preservation Act 2021	**Amendments made in Winter Session 2021**
Prohibited inter-district movement of cattle within Assam without valid documents.	It allows movement from one district to another, provided these do not border Bangladesh.
	People transporting the cattle must be registered under the Animal Husbandry and Veterinary Department.
	They should have permits to transport the cattle for agricultural or animal husbandry purposes or for trade.

It gives authorities the power to enter and inspect any premises on the basis of suspicion.	Besides entering and inspecting, police can also seize properties that have been acquired in the last 6 years with money earned from illegal cattle trade.
	It places the burden of proof on the accused. The person has to prove that the property has not been illegally acquired through sale or transportation of cattle or in violation of any of the provision under this Act.
	Sale of seized vehicles, boats and vessels is allowed through "public auction" after being produced before the appropriate court.

What are the criticisms behind these amendments?

- It is a "Regulatory Act", not a "Prohibitory Act".
- **Burden Of Proof -** It has stringent provisions like placing the burden of proof on the accused as in the Foreigners' Act".
- It places arbitrary power in the hands of the police. The police may take advantage of this law to seize the properties and auction the vehicles. This will have far-reaching consequences.
- It was aimed at marginalising religious minorities.
- **Impacts Farmers in Border Districts -** Restriction free movement of cattle for agrarian purposes, in districts along international border impacts people practise agriculture there.
- **Unconstitutional -** The Act is viewed as unconstitutional. Article 301 of the Constitution allows for the freedom of trade and commerce throughout the territory of India.
- Restriction on such transport requires assent from the President of India. The law does not have that.

What is the Government's rationale?

- The government can restrict the movement of these cows if they are procured from illegal sources.
- If it is for farming, mining movement is allowed with a transit pass.
- The intention is only to stop the slaughter of cows and to not destroy the agrarian economy.
- That is why intra-state transportation of cattle is allowed now.
- Seizure of vehicles would help stop the illegal cattle trade that was still going on. Around 20-30% illegal trade is still happening.

Reference

1. https://indianexpress.com/article/explained/explained-how-amendment-makes-assam-cattle-act-even-more-stringent-7700741/

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