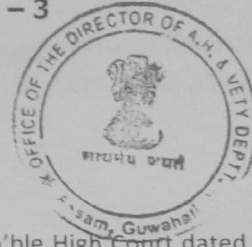


OFFICE OF THE DIRECTOR OF
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT
ASSAM :::::::::: GUWAHATI - 3

21 DEC 2018

ORDER



Read & perused:

Read and Perused (1) the Order of the Hon'ble High Court dated 31/10/2018 in Writ Petition (C) No.7053/2018 M/S- Mahdi Islam Vs. State of Assam and 2 Ors., (2) Representation/Written Objection submitted by M/S- Mahdi Islam dated 17/11/2018, (3) statement of the petitioner before the Director of A.H. & Vety. Deptt. dated 07/12/2018 submitted during personal hearing pursuant to the order of the Hon'ble High Court and (4) relevant records pertaining to issuance and non-issuance of NOC for transportation of Cattle and relevant Laws and Rules.

Findings:

The then Director of A.H. & Veterinary, Assam had inadvertently issued an NOC to the petitioner dated 20/03/2017 for transportation of cattle. The said NOC was subsequently cancelled vide an order dated 31/07/2018 when the matter was brought to the notice of the Director, A.H. & Veterinary on ground of absence of any express legal provision empowering the Director to issue such kind of NOC.

Being aggrieved the petitioner approached the Hon'ble High Court vide the instant Writ Petition. The case was contested by the Govt. respondents and after hearing both the parties, the Hon'ble high Court was pleased to direct the undersigned to furnish the copies of complaints/allegations to the petitioner enabling him to respond to such complaints/allegations. The Hon'ble High Court also directed to give opportunity of being heard to the petitioner and to take thereafter a fresh decision in accordance with Law within 4 weeks from the date of receipt of certified copy of this order. The certified copy of the order was received on 12/11/2018 and accordingly necessary steps were taken for compliance of the order.

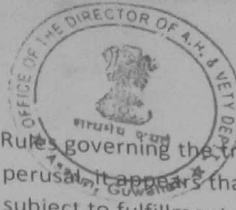
The copy of the complaint along with the relevant documents were provided to the petitioner vide letter of even No. dated 16/11/2018. Accordingly, the petitioner submitted her written objection on 17/04/2018. The petitioner thereafter was called for a personal hearing on 07/12/2018 vide letter of even No. dated 30/11/2018. Mr. John Thadou, S/o Asat Sitlhou, Shalom House, Jobe, Near Guwahati Architecture College, P.O. Guwahati Air Port, Azara, District, Kamrup Metro representing the petitioner has appeared for personal hearing before the undersigned on 07/12/2018 and submitted his statement which was recorded in writing. The petitioner in her written objection has requested to pass a general order so that every license holder can carry out the business of cattle for agricultural purposes within Assam by following all the relevant laws and rules made by Central as well as State Govt. The petitioner on the date of hearing also submitted that after cancellation of the NOC, they have stopped transporting the livestock as they are unduly harassed by the Police authority for not having NOC and therefore requested to allow them to continue transport of livestock by issuing a fresh NOC.

Contd/Page.2

Sri H. Nath, Addl. Hqr.

for repleading pt.

21/12/18



The relevant provision of Laws & Rules governing the transport of cattle from one place/state to another place/ state are perused. On perusal it appears that transporter are at liberty to transport cattle from one place to another place subject to fulfillment of the conditions laid down in the following Act & Rules:

1. Transport of Animal Rules 1978.
2. The Prevention of Cruelty to Animals Act, 1960
3. Motor Vehicle Act, 1988.
4. Other relevant Rules, Regulations, Due Government procedures in force whenever required.

In this regard the Hon'ble Gauhati High Court vide its order dated 09/07/2018 in Writ Petition (Civil) No. 3802/2017, Milijuli Enterprise & Anr. Vs. State of Assam & 6 Ors., order dated 02/06/2017 in WP(C) No. 7224/2016, M/S Pioneer Livestock Vs. State of Assam & 6 Ors. has issued instruction to the Police Personnel not to unduly harass the transporter while carrying on **with their livestock business and create any obstruction by any authority until and unless** there are glaring instances of violation of any rule under the Prevention of Cruelty to Animals Act, 1960 and Transport of Animal Rules, 1978.

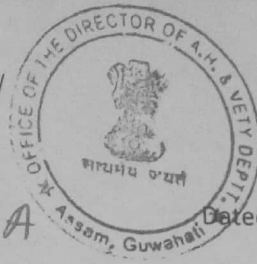
Further, on perusal of relevant laws it also appears that there is no express provision in existing rules to issue any NOC by the Director of A.H. & Veterinary, Assam for transportation of cattle. Further, as per instruction of the Govt., the Directorate of A.H. & Veterinary has prepared a **DRAFT ADVISORY** in the matter of transportation of livestock from one place/ state to another place/state and submitted to the Govt. which after necessary approval is likely to be communicated to all the Deputy Commissioners, Superintendents and other concerned authorities for implementation.

Order: The petitioner M/S- Mahdi Islam, Village- Matiabag, P.O. & P.S.- Gauripur, Dist. Dhubri (Assam), Pin-783331 is at liberty to continue transport of livestock including cattle whenever she desires so subject to fulfillment of the required legal provisions as mentioned herein above. The NOC dated 20/03/2017 in respect of the petitioner which was cancelled vide this Office order dated 31/07/2018 in no way should be interpreted by any authority including Police Personnel, Transport Authority and Veterinarians/ SPCA inspectors as delicensing or an obstacle in transportation of livestock from one Place/State to another Place/State by the petitions.

Sd/- (Dr. P.C. Das)
Director,
A.H. & Veterinary Department, Assam, Guwahati- 3.

Contd/Page.3

13/



Memo. No.WP(C)No.7053/2018/

157-A

Dated: Guwahati, the 19th Dec/2018.

Copy to :-

1. M/S- Mahdi Islam, John Thadou, S/O Asat Sitlhou, Shalom House, Jobe Near Guwahati Architecture College, P.O. Guwahati Air Port, Azara, District, Kamrup Metro for information.
2. The Commissioner & Secretary to the Govt. of Assam, A.H. & Vety. Deptt., Dispur, Guwahati – 6 for favour of kind information.
3. The Director General of Police, Assam, Ulubari, Guwahati-7 for information and necessary action.
4. The District Magistrate, Darjeeling, West Bengal-734101 for favour of information.
5. The Director General of Police, West Bengal, Kolkata for information and necessary action.
6. The Inspector General of Police, North Bengal Region, West Bengal, Siliguri- 734101 for information.
7. The Inspector General of B.S.F., North Bengal, Frontiers, Kadamtala, Dist. Darjeeling, West Bengal- 734011 for information.
8. The Commissioner of Police, Siliguri Police Commissionrate, Siliguri for information.
9. The Managing Director, Amtron, Bamunimaidan, Guwahati-21 for information and necessary action. He is requested to upload the order in the Assam Government website.
10. The Superintendent of Police, Dist. Darjeeling, West Bengal – 734101 for information and necessary action.

Director,

A.H. & Veterinary Department, Assam, Guwahati- 3

Director
A.H. & Vety Deptt. Assam.
Chenikumi, Guwahati-3

Husni/Inu
FW uploaded
29/12/18