

Uttarakhand Protection of Cow Progeny Act, 2007

UTTARAKHAND

India

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Act 6 of 2007

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Uttarakhand Protection of Cow Progeny Act, 2007(Uttaranchal Act No. 6 of 2007)Last Updated 24th January, 2020[Dated 17.07.2007]An Act to protection of cow and its progeny in Uttarakhand.It is hereby enacted in the 58th year of the Republic of India as follows:-

1. Short Title, Commencement and Extent.

(1)This Act may be called the Uttarakhand Protection of Cow Progeny Act, 2007.(2)It shall come into force at once.(3)It shall extend to the whole of State of Uttarakhand.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context -(a)"Beer" means flesh of cow progeny;(b)"Cow Progeny" means a cow, bull, bullock, heifer or calf;(c)"Prescribed" means rules prescribed under this Act;(d)"Slaughter" means killing by any method, whatsoever, including causing such physical blow and incapacitating or poisoning, which would normally cause death;(e)"Competent Authority" means such person, appointed in this behalf by the State Government to exercise the powers and perform the functions under this Act and rules made thereunder;(f)"State Government" means the State Government of Uttarakhand;(g)"Uneconomic Cow" means and includes stray, infirm, disabled, diseased or barren cow;(h)"Free/Vagrant wandering" means wandering in urban area; and(i)"Urban area" means area under Nagar Nigam/Nagar Palika Parishad.

3. Prohibition of Cow slaughter.

(1)Notwithstanding anything contained in any other law for the time being in force, convention or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter -(a)a cow, or(b)a cow progeny.

4. Section 3 not to apply to diseased or injured cow progeny.

(1) Nothing in section 3 shall apply to cow progeny, suffering from such conditions, notified as such by the State Government which are -(a) incurable and accompanied by intolerable pain, or (b) contagious/infectious disease and have become cause of danger to livestock as well as to human being: Provided that in regard to clause (a) and (b), above, a certificate shall be given by the local Veterinary Officer in charge to the effect that the animal is indeed suffering from such an incurable and extremely painful or contagious/infectious disease. (2) The method of disposal of carcass of an animal, covered by sub-section (1), shall be in such manner as may be prescribed by the State Government.

5. Prohibition on sale or keeping in possession of beef.

- Notwithstanding anything contained in any other law for the time being in force, no person shall keep in possession or cause to keep in possession or sell or transport or offer for sale or transport or cause to be sold or transported, beef or beef products in any form.

6. Regulation of transport of Cow progeny.

(1) No person shall transport or offer for transport or cause to be transported any such cow progeny, the slaughter whereof is punishable under this Act, from any place within the State to any place outside the State except under a permit, issued by an officer authorized and notified by the State Government in this behalf and in accordance with the terms and conditions of such permit. (2) Competent Authority shall issue the permit on payment of a fee of rupees 500 for every cow progeny under sub-section (1) after satisfying himself of the compliance of the provision of sub-section (3). (3) Permission may be granted only for rearing, protection and promotion of cow progeny under sub-section (1). (4) The form of permit and application thereof and the procedure for disposal of such application shall be such as may be prescribed by the State Government. (5) The State Government or any Competent Authority authorized by it, for the purpose of satisfying itself, as to the legality or propriety of the action taken under this section, may call for and examine the record of any case and pass such order thereon as he may deem fit.

7. Prohibition of Free wandering.

(1) No person -(a) shall leave vagrant any cow progeny, (b) shall free for wandering a cow after milching her.

8. Registration of Cow progeny in Urban areas.

- [It shall be mandatory to obtain a registration certificate from Veterinary Officer appointed at Government veterinary hospital of the area for rearing of every cow progeny in the urban area. Technique and procedure to establish identity (sic of) such cow progeny shall be prescribed by State Government.] [Substituted by Uttarakhand Protection of Cow Progeny (Amendment) Act, 2015 (Act

No. 15 of 2015)]

9. Establishment of Institutions.

- The State Government or NGOs may establish institutions as may be necessary for taking care of uneconomic cow progeny. Provided that NGOs shall give information prior to establishing such institution in the form prescribed to the Chief Veterinary Officer of the District.

10. Levy of Charges and Fees.

- The State Government or the NGO may levy such charges or fees as may be prescribed by the State Government or NGO with the prior permission for keeping uneconomic cows in the institution.

11. Penalty.

(1) Whoever contravenes or attempts to contravene or abets the contravention the provisions of section 3 or section 5, shall be guilty of an offence punishable with rigorous imprisonment for a term which may be extended up to 10 years but not less than three years and with fine which may be extended up to 10,000 rupees but not less than 5,000 rupees. (2) Whoever contravenes the provisions of sub-section (1) of section 6, shall be guilty of an offence under this Act punishable with any type of imprisonment from term which, may extend up to 3 years and with fine of rupees 2,00 per cow fine which may extend up to rupees 2,500 per cow progeny. (3) [Whoever contravenes or attempts to contravene the provision of Sections 7 and 8, shall be guilty of an offence punishable with Rs. 2000 (Rs. Two thousand).] [Substituted by Uttarakhand Protection of Cow Progeny (Amendment) Act, 2015 (Act No.15 of 2015)]

11A. [[Inserted by Uttarakhand Protection of Cow Progeny (Amendment) Act, 2015 (Act No.15 of 2015)]

Whoever contravenes or attempts to contravene the provisions of Section 7 or Section 8, shall be guilty. In this case compounding of the offence may be imposed by Mukhya Nagar Adhikari or Executive Officer or any police officer of the local police station who is not below the rank of Sub-Inspector. For such an offence, penalty equivalent to half of the maximum fine provision shall be imposed; Limitation is that, once the offence gets under the trial in the court, no compounding shall be permissible.]

12. Offences to be cognizable and non-bailable.

- Notwithstanding anything contained in the Criminal Procedure Code, 1973, the offences under sub-section (1) and (2) of section 11, shall be cognizable and non-bailable.

13. Power to make rules.

(1)The State Government may make rules for the purpose of carrying into effect the provisions of this Act.(2)In particular and without prejudice to the generality of the provisions of sub-section (1), such rules may provide for all of any of the following matters; namely:-(a)The method of disposal of the carcass of animal under sub-section (2) of section 4,(b)Form of permit and the procedure for disposal of the applications under sub-section (4) of section 6,(c)The functions and powers of Competent Authority under section 8 and the procedure to be followed by him/her,(d)The matters relating to the establishment,--- maintenance, management, supervision and control of institutions, referred to in section 9, and(e)The other matters, which may be prescribed.

14. Repeal and Savings.

(1)The U.P. Prevention of Cow Slaughter Act, 1955 (as adapted and modified in the Uttarakhand) (Act No. 1 of 1956) is hereby repealed in the context of the State of Uttarakhand.(2)Notwithstanding such repeal, a suit or action which is pending and ongoing under the repealed Act shall continue after the repealed Act as if this Act had not been passed.