

# **Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005**

JHARKHAND

India

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### **Act 11 of 2005**

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Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005(Jharkhand Act No. 11 of 2005)Last Updated 5th December, 2019[Dated 07.12.2005]An Act to Prohibit the Slaughter of Cow and its Progeny in Jharkhand.Be it enacted by the Jharkhand Legislature in the fifty sixth year of Republic of India as follows:-

### **1. Short title, extend and commencement.**

- a. This act may be called the Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005.b. It extends to the whole of the State of Jharkhand;c. It shall come into force from the date the State Government may, by notification in the official Gazette; notify.

### **2. Definition.**

- in this Act, unless the context otherwise requires :-a. "beef" means flesh or Bovine animals;b. "Bovine animal" means and includes cow, calf, heifer, bull or bullock;c. "bull" means an uncastrated male above the age of three years belonging to the species of Bovine animals;d. "bullock" means a castrated male above the age of three years belonging to the species of Bovine animals;e. "calf" means a castrated or uncastrated male of the age of three years or below belonging to the species of Bovine animals;f. "cow" means a female above the age of three years belonging to the species of Bovine animals;g. "heifer" means a female of the age of three years or below belonging to the species of Bovine animals;h. "slaughter" means and includes international killing for any purpose by any method what so ever, it also includes as such type of bodily injury or disability which may cause death in ordinary course of nature but should not mean or include accidental killing or killing in bonafide self defence;i. "export" means to take out of the state of Jharkhand to any other place out of the state of Jharkhand;j. "competent authority" means any officer not below the rank of sub-divisional Magistrate who may be authorized by the state Government by notification in the

official Gazette, for the purpose of this Act;k. "code" means the code of criminal procedure, 1973 (2 of 1974).l. "veterinary officer" means veterinary officer of Jharkhand Animal husbandry Services who may be authorized by the State Government by notification in the official Gazette.m. "appealing authority" means any officer not below the rank of deputy commissioner, who may be authorized by the State Government by notification in the official' Gazette,

### **3. Prohibition of slaughter of bovine animal.**

- A. notwithstanding anything contained in any law for the time being in force or in any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any bovine animal;B. The State Government may by general or special order and subject to such condition as it may think fit to exempt any person or institute from the operation of this act as allow the slaughter of any bovine animal or the possession of flesh thereof for any medical or research purpose;

### **4. Prohibition on transport of bovine animal for slaughter.**

- No person shall transport or offer for transport or cause to be transported bovine animals from any place within the State to any place outside the State for the purpose of its slaughter in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be slaughtered;

#### **4A. Restriction on export.**

- No person shall export or cause to be exported any bovine animals for the purpose of slaughter either directly or through his agent or servant or any other person 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.

#### **4B. Permit for export.**

(1)Any person desiring to export any bovine animal shall apply for a permit to such officer, as the State Government may be notification appoint in this behalf, stating the reasons for which they are to be exported and also the number of bovine animals and the name of the State to which they are proposed to be exported and shall also file a declaration that it 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 application either grant or refuse to grant him a permit for the export of any bovine animal specified in the application.Provided that an application for the the grant of a permit shall not be refused unless the application has been afforded an opportunity of being heard and the reasons for the refusal are recorded;Provided further that the permit shall not be granted for export of any bovine animal to a State where cow slaughter is not banned by law.

#### **4C. Special Permits.**

- The State Government may issue special permits for transport or export of bovine animals if it is of the opinion that it will be in the public interests to do so.

#### **4D. Transit Permits.**

- Any person who wants to transport any bovine animal from one State to other via Jharkhand State must take transit permit from competent authority notified by the Government from time to time.

#### **5. Prohibition of sale, purchase or otherwise disposal of bovine animals.**

- No person shall sell or otherwise dispose of or offer to purchase ,sell or otherwise dispose of or cause to be purchased ,sold or otherwise dispose bovine animals for slaughter or knowing reason to belief that such cattle shall be slaughtered.

#### **6. Prohibition on possession of bovine animal flesh.**

- Notwithstanding anything contained in any other law for the time being in force, no person shall have in his possession of flesh of bovine animals slaughter in contravention of the provisions of this Act.

#### **7. Prohibition of sale of bovine animals flesh.**

- Notwithstanding anything contained in any other law for the time being in force, no person shall sell or offer for sale or cause to sold bovine animals' flesh or its product in any form which has been slaughtered in contravention of the provision of this act.

#### **8. Establishment of Institutions.**

- There shall be established by the Government or by any local authority, when so directed by the Government, institutions for the reception, maintenance and care of uneconomic cows, or the State Government may declare any existing Institution as an Institution established under this Act.

#### **9. Levy of charges and fees.**

- The State Government, or the local authority, if so authorized, may levy such fees as may be prescribed for care and maintenance of uneconomic cows in the institutions.

#### **10. Power of entry, search and seizure.**

(1)For the purpose of enforcing the provisions of this Act the competent Authority or the veterinary officer or any person authorized by the competent authority or the veterinary officer in writing in

this behalf, shall have power to enter and inspect any premises within the local limits of his jurisdiction, where he has reason to believe that an offence under this Act has been, or is being or is likely to be committed.(2)Every such person in occupation of any such premises as is specified in sub-section (1) shall obtain the permission as the case may be for the previous purpose as he may require and shall respond to any question that may be posed to him by the competent authority, veterinary officer or the authorised person as per his best knowledge any behalf.(3)Any police officer not below the rank of sub-inspector or any person authorized in this behalf by the State Government may with a view to securing compliance with the provision of the section 4 (a) and section 4 (b) or for satisfying himself that the provision of the said section has 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 in the export of bovine animals.(b)Seize or authorize the seizure of bovine animals in respect of which he suspects that any provisions of section 4 (a) or 4 (b) has been, is being or is about to be contravened, along with the vehicle in which such animals are found and thereafter take or authorise the taking of all necessary measures for securing the production of the animals and vehicle so seized, in a court and for their sale custody pending production.(c)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 search and seizures under this section.Provided further that the State Government may, by notification in the official gazette confer the power under this Act upon any person or group of persons considered to be acting in public interest.

## **11. Custody and disposal of bovine animal seized.**

(1)Wherever as a result of search or seizure or as a result of inspection or otherwise the bovine animal are seized, the custody of the seized bovine animal pending final disposal of the case may be entrusted by an order of the competent authority to any recognized voluntary agency working for the welfare of such animals or to any institution/local authority as established under Section-8.Provided that where, there is no such voluntary agency or local institution, the competent authority may entrust the custody of bovine animals to any such agency or local institution outside the area or to any other suitable person, who volunteer to maintain such animal but in no case such custody may be given to the accused or any person connected with the violation of the provisions of this Act.During the custody period the expenditure on Bovine animals will be borne by the Animal's owner as per the direction of the competent authority.(2)whenever any case is finally disposed of further orders regarding custody or permanent entrustment of bovine animal shall be made by competent authority subject to such terms and conditions as may be deemed proper.(3)Any person aggrieved by an order made under sub-section (1) or sub-section (2) may, within 30 days from the date of the said order, appeal it to the appealing authority.(4)On such appeal the appealing authority may after giving appealant and the respondent opportunity to be heard, direct the order to be stayed pending disposal of the appeal or may modify, after or annul the order and make any further orders that may be just; and(5)whenever any bovine animal is seized under this Act, the competent authority or the appealing authority shall have, and notwithstanding any thing to the contrary contained in any other law for the time being in force, any other court, Tribunal or other authority shall not have, jurisdiction to make orders with regard to possession, delivery disposal & release of such animals.

## **12. Penalty.**

(1) whoever contravenes or attempts to contravene or abets the contravention of the provisions of section-3 or section-5 or section-6 or section-7 shall on conviction be punished with a rigorous imprisonment of either description for a term which shall not be less than one year but may extend to 10 years and with fine which may extend to ten thousand rupees. (2) whoever contravenes or attempts to contravene or abets the contravention of the provisions of sub section (a) and (b) of section 4 shall on conviction be punished with rigorous imprisonments of either description for or term which may extend up to 3 years and with a fine which may extend to 5 thousand rupees. 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. (3) whenever a vehicle is found to have been used in transportation of Cattle or beef contravening any provision of this Act the vehicle shall be forfeited to the State Government.

## **13. Punishment for intentionally injuring any bovine animal.**

- whoever intentionally cause grievous injuries to a bovine animal shall on conviction be punished with rigorous imprisonment for a term which shall not be less than one year but may extend up to three years and with fine which may extend to three thousand rupees. Explanation. - For the purpose of this section grievous injury shall include :-(i) Emasculation (in the case of a bull) (ii) Permanent privation of sight of either eye. (iii) Permanent privation of hearing of either ear. (iv) Privation of any member of joint. (v) Fracture or dislocation of a bone or a tooth. (vi) Any hurt that endangers life or which causes the sufferer severe bodily pain and ultimately render unfit or unserviceable. (2) Whoever abets the commission of an offence under sub-section (1) shall be guilty of abetment of the said offence and shall be liable for the same punishment as provided for the said offence.

## **14. Burden of proof.**

- Where any any person is prosecuted for the offence under the provisions of this Act, the burden of proof that he had not committed the offence under the provision of the Act, shall be on him, if the prosecution is in a position to produce the prima facie evidence against him at the first instance.

## **15. Contravention or attempt of contravention.**

- Whoever Contravenes or attempts to contravene any of the provisions contained in this Act shall be punished as specified in this Act.

## **16. Offence to be cognizable and Non bailable.**

- Notwithstanding anything to the contained in the Code of Criminal Procedure 1973 (Act 2 of 1974), an offence under this Act shall be cognizable and non bailable.

## **17. Person exercising power under this Act deemed to be public servants.**

- All Competent authority, Veterinary Officers, Appealing authority and any other persons exercising power under this Act shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860).

## **18. Protection of persons acting in good faith.**

- no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith is done or intended to be done under this Act or rules made there under.

## **19. Exemption.**

(1)Nothing is Section-3 shall apply to the slaughter of Bovine animal,(a)whose suffering is such as to render its distinction desirable according to the certificate of the Veterinary Officer of the area of such other officer of the Animal Husbandry Department as may be prescribed; or(b)Which is suffering from any contagious or infection disease notified as such by the Government;(2)Where is intended to slaughter a cow for the reasons specified in clause (a) or clause (b) of Sub-section (1) it shall be incumbent for a person doing so to obtain a prior permission in writing of the Veterinary Officer of the area or such other officer of the Animal Husbandry Department as may be prescribed.

## **20. Power to make rules.**

- The state Government may, by notification in the official Gazette, make rules for the purpose of carrying out the provisions of this Act.