

The Punjab Prohibition of Cow Slaughter Act, 1955

HARYANA

India

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Act 15 of 1956

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The Punjab Prohibition of Cow Slaughter Act, 1955 Punjab Act 15 of 1956 Statement of Objects and Reasons. - Article 48 of the Constitution of India enjoins on the State Government to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. In view of this consideration that the cow and its progeny must be saved with a view to provide milk, bullock power as well as manure, it becomes imperative to impose complete ban on cow slaughter. Government Gazette Extraordinary, dated 7.10.1955. Statement of Objects and Reasons - Haryana Act 6 of 1980. - Under the Punjab Prohibition of Cow Slaughter Act, 1955, applicable to the State of Haryana there was no ban on the transport of cows outside the State to slaughter-houses at places where there are no restrictions on the slaughter of cows. In order to impose such ban, the State Government Promulgated. "The Punjab Prohibition of Cow Slaughter (Haryana Amendment) Ordinance, 1979". Now it is proposed to repeal the Ordinance. Hence this Bill. Received the assent of the President on the 21st June, 1956 & was first published in the Punjab Government Gazette Extraordinary, dated the 27th June, 1956. An Act to prohibit the slaughter of cow and its progeny in Punjab. Be it enacted by the Legislature of the State of Punjab in the Seventh Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Prohibition of Cow Slaughter Act, 1955. (2) It extends to the whole of the State of Haryana. (3) It shall come into force [in the principal territories and on 29th January, 1959 in the transferred territories] [Haryana Adaptation Law Order 1968.].

2. Definitions.

- In this Act, unless there is anything repugnant to the subject or context, - (a) "beef" means flesh of cow in any form but does not include flesh of cow contained in sealed containers and imported into Punjab. (b) "beef products" include extraction from beef; (c) "cow" includes a bull, bullock, ox, heifer

or calf;(cc)["export" means to take out from the State of Haryana to any place outside that State] [Inserted by Haryana Act 6 of 1980.];(d)"prescribed" means prescribed by rules made under this Act;(e)"slaughter" means killing by any method whatsoever and includes maiming and inflicting of physical injury which in the ordinary course will cause death;(f)"Government" means the Government of Haryana; and(g)"uneconomic cow" includes stray, unprotected, infirm, disabled, diseased or barren cow.

3. Prohibition of cow slaughter.

- Notwithstanding anything contained in any other law for the time being in force or 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 cow in any place in [Haryana] [Haryana Adaptation Laws Order 1968.]:Provided that killing of a cow by accident or in self defence will not be considered as slaughter under the Act.

4. Exceptions.

(1)Nothing in section 3 shall apply to the slaughter of a cow -(a)whose suffering is such as to render its destruction desirable according to the certificate of the Veterinary Officer of the area or such other Officer of the Animal Husbandry Department as may be prescribed; or(b)which is suffering from any contagious or infectious disease notified as such by the Government; or(c)which is subject to experimentation in the interest of medical and public health research by a certified medical practitioner of the Animal Husbandry Department.(2)Where it 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.

4A. [Restriction on export of cow. - No person shall export or cause to be exported cow 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 was likely to be slaughtered] [Inserted vide Haryana Act No. 6 of 1980.].

4B. [Permit of export. - (1) Any person desiring to export cows shall apply for a permit to such officer, as the Government may, by notification, appoint in this behalf, stating the reasons for which they are to be exported together with the number of cows and the name of the State to which they are proposed to be exported. He shall also file a declaration that the cows for which the permit for export is required shall not be slaughtered] [Inserted vide Haryana Act No. 6 of 1980.].

(2)The officer appointed under sub-section (1), after satisfying himself about the genuineness of the request of the applicant, shall grant him a permit for the export of cows specified in the application :[Provided that no permit for export of Cows, where cow slaughter is not banned by law shall be issued.(3)The fee for issuing permits shall be such as may be prescribed.] [Proviso added by Haryana Act 13 of 1981.]

4C. [Special permits. - The Government shall have the power to issue special permits for export of cows in cases where it is of opinion that it will be in the public interest to do so.] [Inserted by Haryana Act 6 of 1980.]

5. Prohibition of sale of beef.

- Except as herein excepted and notwithstanding anything contained in any other law for the time being in force, no person shall sell or offer for sale or cause to be sold beef or beef products in any form except for such medicinal purposes as may be prescribed.

6. 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.

7. Levy of charges of fees.

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

8. Penalty.

(1)Whoever contravenes or attempts to contravene or abets the contravention of the provision of [Section 3, Section 4-A Section 4-B or Section 5] [See Haryana Act 6 of 1980.] shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to [five years or with fine which may extend to five thousand rupees] or with both.(2)Whoever fails to lodge the information in the manner and within the time stated in sub-section (2) of section 4 shall be guilty of an offence punishable with simple imprisonment for a term which may extend to one year or with fine which may extend to two hundred rupees or with both.(3)Burden of Proof. - In any trial for an offence under sub-section (1) or sub-section (2) the burden of proving that the slaughtered cow belonged to the class specified in clause (a) or (b) of sub-section (1) of section 4 shall be on the accused.

9. Offences to be cognizable and non-bailable.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (1) of section 8 shall be cognizable and non-bailable.

9A. [Power to enter seize etc. - Any police officer not below the rank of Head Constable or any person authorised in this behalf by the government may, with a view to securing compliance with the provisions of this Act, or for satisfying himself that the provisions of this Act have been complied with, -

(a)enter, stop and search, or authorise any person to enter, stop and search any vehicle used or intended to be used for the export of cows;(b)seize or authorise the seizure of cows in respect of which he suspects that any provision of this Act has been, is being or is about to be contravened, along with the vehicles in which such cows are found and thereafter take or authorise the taking of all measures necessary for securing the production of the cows and vehicles so seized, in a court and for their safe custody pending production;(c)the provisions of Section 100 of the Code of Criminal Procedure 1973, relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.]

9B. [Protection of action taken in good faith. - No suit, prosecution or other legal proceedings shall lie against any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder] [Section 9-B inserted by Haryana Act 6 of 1980.].

10. Power to make rules.

(1)The State Government may make rules for the purpose of carrying into effect the provisions of this Act.(2)Without prejudice to the generality of the foregoing powers,such rules may provide for-(a)the conditions and the circumstances under which cows may be slaughtered under sub-section (1) of section 4;(b)the manner in which diseases shall be notified under sub-section (1)(b) of s. 4;(c)the manner in which permission shall be contained under sub- section (2) of s. 4;(d)the forms and contents of the certificate mentioned in sub- clause (a) of sub-section (1) of section 4 and the authorities competent to grant it :(dd)[the form in which the permit under section 4B is to be granted and the fee in respect of issuing such permit] [Inserted vide Haryana Act 6 of 1980.].(e)the manner in which and the conditions under which beef or beef products are to be sold under section 5;(f)the matters relating to the establishment, maintenance, management, supervision and control of institutions referred to in section 6;(g)the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority; and(h)the matters are to be and may be prescribed.[Section 9-A inserted by Haryana Act 6 of 1980.]