

# The M.P. Govansh Vadh Pratishedh Adhiniyam, 2004

MADHYA PRADESH

India

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### Act 6 of 2004

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The M.P. Govansh Vadh Pratishedh Adhiniyam, 2004 M.P. Act No. 6 of 2004 Statement of objects and reasons. - Looking to the provisions contained in the Constitution i.e. justice, liberty brotherhood, to create tolerance and to accelerate development of the State, the proposed bill no doubt shall play an important role in maintaining a peaceful environment and further to avoid law and order problems resulting from the slaughter of cow progeny and to maintain communal harmony in the State. 2. Keeping in view the provisions contained in clause (e), (f) and (g) of Article 51-A of the Constitution and in public interest to maintain communal harmony and peace, it is proposed to prohibit slaughter of cow progeny in the State of Madhya Pradesh. 3. The salient features of the proposed law are as under :- (i) Complete prohibition of slaughter of cow progeny. (ii) Prohibition on possession of beef. (iii) Prohibition on transport of cow progeny in contravention to the provisions of the Act. (iv) Provision for strengthening of institutions which are engaged in welfare activities of cow progeny. (v) Provision for offences and penalties. (vi) Provision for economic rehabilitation of affected people. (vii) Overriding effect of the provisions of this Act over similar enactments. 4. As the matter was urgent any Vidhan Sabha was not in session the Madhya Pradesh Govansh Vadh Pratishedh Adhyadesh, 2004 (No. 1 of 2004) was promulgated for the purpose. It is now proposed to replace the said Ordinance by an Act of the State Legislature with modifications. 5. Hence this Bill. Received the assent of Governor on the 26-3-2004; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated 29-3-2004. An Act to provide, in the interest of the general public and to maintain communal harmony and peace, for prohibition of slaughter of cow progeny and for matters connected therewith. Be it enacted by the Madhya Pradesh Legislature in the Fifty-fifth year of the Republic of India as follows :-

### 1. Short title, extent and commencement.

(1) This Act may be called the Madhya Pradesh Govansh Vadh Pratishedh Adhiniyam, 2004. (2) It extends to the whole of the State of Madhya Pradesh. (3) It shall come into force from the [date] [w.e.f. 29-3-2004.] of its publication in the Madhya Pradesh Gazette.

## **2. Definitions.**

- In this Act, unless the context otherwise requires, -(a)"beef" means flesh of cow progeny, whose slaughter is prohibited under this Act;(b)"cow progeny" means cows, bulls, bullocks and calves of cows;(c)"Competent Authority" means a person appointed by the State Government by notification to perform in any local area specified therein, the functions of competent authority under this Act;(d)"institution" means any charitable institution registered under any enactment for the time being in force, established for the purpose of keeping, breeding and maintaining cow progeny or for the purpose of reception, protection, care, management and treatment of infirm, aged and diseased cow progeny;(e)"slaughter" means killing by any method whatsoever and includes maiming or inflicting of physical injury which in the ordinary course will cause death;(f)"Veterinary Officer" means a person appointed as a Veterinary Officer under Section 3;(g)"Vehicle" means any mechanically or manually driven conveyance used on land, water or air.

## **3. Appointment of Veterinary Officer.**

- The Commissioner-cum-Director of Veterinary Services, Madhya Pradesh, may, by a general or special order, appoint for the purposes of this Act, any person, or class of persons, to be the Veterinary Officer for a local area specified in the order.

## **4. Prohibition of slaughter of cow progeny.**

- No person shall slaughter or cause to be slaughtered or offer or cause to be offered, for slaughter of any cow progeny.

## **5. Prohibition of possession of beef.**

- No person shall have in his possession beef of any cow progeny slaughtered in contravention of the provisions of this Act.

## **6. Prohibition on transport of cow progeny for slaughter.**

- No person shall transport or offer for transport or cause to be transported any cow progeny from any place within the State to any place outside the State, for the purpose of its slaughter in contravention of the provision of this Act or with the knowledge that it will be or is likely to be, so slaughtered.

## **7. Strengthening of institutions.**

- The State Government shall take necessary steps for strengthening of institutions which are engaged in welfare activities of cow progeny.

## **8. Levy of charges.**

- The persons incharge of institution may levy such charges as may be prescribed, for care and maintenance of infirm, aged and diseased cow progeny from their owners.

## **9. Penalties.**

- Whoever contravenes or attempts to contravene or abets the contravention of the provisions of Sections 4, 5 and 6 shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees or with both.

## **10. Offence to be cognizable and non-bailable.**

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974) all offences under this Act shall be cognizable and non-bailable.

## **11. Power of entry and inspection.**

(1) For the purpose of enforcing the provisions of this Act the Competent Authority or the Veterinary Officer or any person authorised 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, is being or is likely to be committed. (2) Every person in occupation of any premises as is specified in sub-section (1) shall allow the Competent Authority, or the Veterinary Officer or any person authorised by the Competent Authority in writing, such access to the premises as he may require for the aforesaid purpose, and shall answer any question put to him by the Competent Authority, the Veterinary Officer or the person authorised, as the case may be, to the best of his knowledge and belief. (3) The Competent Authority or the Veterinary Officer or any person authorised by the Competent Authority or the Veterinary Officer in writing, in this behalf, shall have power to stop and search any vehicle to ensure the compliance of Section 6 of this Act. (4) 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 searches and Seizures under this Section.

## **12. Rehabilitation.**

- The State Government shall, after coming into force of this Act, make rules for the economic rehabilitation of such person, if any, to be directly affected.

## **13. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

#### **14. Officer exercising powers under this Act deemed to be public servants.**

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

#### **15. Act to have overriding effect.**

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

#### **16. Power to remove difficulty.**

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such provisions or give such directions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

#### **17. Power to make rules.**

(1)The State Government may by notification, make rules for carrying out the provisions of this Act which shall have effect from the date of its publication or from such other date as may be specified in this behalf.(2)The rules made under this Act shall, as soon as possible after they are published be laid on the table of the Legislative Assembly.

#### **18. Repeal and savings.**

- The Madhya Pradesh Govansh Vadh Pratishedh Adhyadesh, 2004 (No. 1 of 2004) is hereby repealed :Provided that the repeal shall not effect-(i)the previous operation of any law so repealed or anything done or suffered thereunder; or(ii)any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or(iii)any investigation, legal proceeding or remedy in respect of any penalty, forfeiture or punishment as aforesaid; andany such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.