

LINK TO DETAILED REPRESENTATION WPC 18220 of 2010

Sir

Detailed representation as per the direction of the Hon'ble High Court in WPC 18220/2010 disposed of on 21/01/2019

1. It is pertinent to mention that the present legal provisions are not sufficient to eradicate the evil of cow slaughter and challan.
2. Series of incidents taken place shows the loopholes in the present operating system (photographs annexed 1)
3. There is serious threat of riots like Buland shahr (UP) incident, CDA Bidanasi Cuttack incident and damage to public life and property which is increasing day by day in the state of Odisha.
4. A copy of rejoinder affidavit is annexed for better understanding of the existing inaction in the present system as a counter to the affidavit filed by opp party 1,2 and 4 (Annexure 2)
5. You are requested to consider my grievance petition as per the direction of the Hon'ble High Court within the stipulated time.
6. With due respect I am submitting the detailed suggestions to implement the law in its real letter and spirit for prevention of cow challan and prohibition of cow slaughter as per law in the state of Odisha.
 1. State Govt has to construct Gosalas and Rehabilitation centres for stray cows and bulls in every block/panchayat.
 2. Installation of CCTV in the entry and exit of Gosalas as well as Kaine Houses
 3. Computerisation of Gosalas and Kaine Houses.
 4. Toll free Helpline to be promoted and advertised for making phone calls to inform any incident related to cow challan and slaughter.
 5. All the Police Stations should have Special Desk for cow protection as it is in case of Child and Women protection cases.
 6. The check posts inside the state and cross border states should have CCTV
 7. The check posts and PCRs should have devices/equipments to find out the materials inside closed container.
 8. It has become a new trend to transport cattle in containers and it becomes necessary for the state to provide funds in the budget for allotment of high quality devices for detection.
 9. FIR to be lodged on phone calls to prevent any untoward incident related to cow challan/slaughter.
 10. FARD should do cow census every year for identification of cows and its owners and data should be preserved digitally.
 11. There should be provisions made for compulsory digital tag in the ear of the cows.

12. The cows/bulls who play a great role in the life of farmers; it becomes necessary that they are to be beneficiaries of some Kalia/Peetha scheme of Govt which are launched for the benefiting farmers.
13. Govt should run the cow protection/prevention of slaughter/stopping of challan in PPP mode as it is done in case of Aahar scheme.
14. The companies are to be encouraged to extend their CSR activities as animals are also part of the society and contribute positively throughout their lifetime.
15. FARD and HUD Ministries should act jointly to make the Orissa Prevention of Cow Slaughter Act successful by making the project viable and profitable.
16. The Gosalas need to get subsidized grain, insurance, incentives, fodder, medicines, tax benefit to donors etc under the schemes of State Govt/Union Govt.
17. The Gosalas need to be encouraged to initiate grass cultivation, Gobar gas production, vegetable cultivation using the slurry of cow dung under schemes of Govt.
18. SHG groups and mission shakti groups which are operative in rural areas need to be brought under some Govt schemes to run Gosalas in a viable manner.
19. All the private Dairy firms need to undertake to take care of their old cows from whom they have milched enough and earned profit by opening shelters houses in their firms by contributing some % of profit and some % from the co-operative societies who supply milk to the private firms.
20. Some formula of opening shelter homes is also applicable to OMFED which is Govt run and first set example for private firms.
21. Like schemes for BPL segment (1 rupee rice), Biju Pakka ghar yojana, Biju health insurance, Biju free mediclaim upto Rs 5 lakhs etc; scheme needs to be declared for the prevention of cow slaughter/challan in Odisha and betterment of Gosalas in the state of Odisha.
22. As Odisha is an agricultural state and Govt is worried about farmers and so as cows and its progeny are necessary parties in agriculture; the suggestions are to be implemented.
23. Adoption of Gosalas by corporate/co-operative sector and celebrities need to be encouraged by FARD and HUD as it is done in case of needy villages.
24. There is a new trend developed in the state of odisha ie inhouse cow slaughter. The inhouse cow slaughter is done which is broad daylight violation of Orissa Prevention of cow slaughter Act. The owner who keeps the cows takes full advantage of incapacitated law enforcement agencies and gets involved both in challan and slaughter of cows which become uneconomic.
25. The only way to stop inhouse cow slaughter in state of Odisha is by fixing responsibility/accountability on the owner as well as the concerned local Police Station.
26. It has to be mandatory that the cow owners to be registered in the local Municipalites, NAC, Bock, Panchayat and any birth, death and sale of the cow and its progeny needs to be diarised in local PS with videography of the incident.
27. Any death of cow needs to be followed by Veterinary Doctor's certificate before it is disposed of and the veterinary hospitals need to keep records.
28. The local PS has to be empowered to detain and ask any herdsman moving on the road with videography.

29. Now another trend developed in mining and forest areas like Joda, Sukinda where mining mafias have shifted to cow mafias after mining scam came into Hon'ble Supreme Court's radar.
30. Odisha Police and its officials need to be well equipped to verify the container which carries prohibited materials to ascertain the age of the cows/bulls along with veterinary doctor's fitness certificate to be killed in camera (videography) which will be produced in court.
31. As per my RTI information in last two decades no certificate has been issued by veterinary department/doctor for any cow to be slaughtered in the state of Odisha. Then it is strange that how the cow slaughter is going on in Odisha and specifically in the gallis of Cuttak City (Oriya bazaar, Buxi Bazar, Samaj office galli, interior of Alisha Bazar, Tulsipur area near Cantonment PS and others)
32. Several representations have been made in this context to CMC but no action in last 5 years.
33. People are investing in cows now for flesh trade not for milk as there is no accountability fixed on the cow owners to prove their genuineness in case of death of cows/bulls/baby calves(male) or missing report is filed because the owners have themselves involved in the crime.
34. It is suggested to make it mandatory that the owners of cows are made accountable for the death, missing etc and such incidents are diarised in local PS.
35. There should be Narco-analysis test conducted for the persons involved caught in cow challa , transport, slaughter etc
36. The forest department needs to be empowered to prevent cow challan through forest as now cow trafficking is done inside the forest in large numbers.
37. You are suggested that the Govt should take necessary steps for amendment / reformulation of rules/guidelines like State of Andhra Pradesh, Assam, Bihar, Goa, Chattisgarh, Delhi, Gujarat, Haryana, Jammu and Kashmir and other states (internet generated copy enclosed) for the benefit of cow progeny and farmers in the state of Odisha.
38. FARD, HOME and HUD departments should update all the schemes/benefits/amendments made in the field of Orissa Prevention of cow slaughter Act and protection of cows and particularly uneconomic/draught cattle in the state of Odisha in their website.

Enclosures

1. Copy of Hon'ble H C order
 2. Photographs of cow challan
 3. Copy of affidavit filed by opp parties 1,2 and 4
 4. Copy of rejoinder filed by petitioner
 5. Internet generated copy of the amendments of cow protection Acts by different states
- Yours faithfully

COW SLAUGHTER LEGISLATIONS STATEWISE

Andhra Pradesh

The Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act, 1977

- Prohibition of slaughter of cow (heifer, or a calf, whether male or female of a cow) or calf of she buffalo which states that notwithstanding anything in any other law for the time being in force or any custom, or usage to the contrary, no person shall slaughter or cause to be slaughtered, or offer or cause to be offered for slaughter or otherwise intentionally kill or offer or cause to be offered for killing any cow or calf, whether male or female, of a she buffalo (Sec 5)
- Fit for slaughter certificate” given by competent authority is required for every person who slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any animal other than a calf, whether male or female, of a she-buffalo. (Sec 6(1))
- New Insertion- Exception- No certificate if in the opinion of the competent authority the animal is or is likely to become economical for the purpose of,--
 - breeding, or
 - drought or any kind of agricultural operations; or
 - giving milk or bearing off-spring.

A certificate under this Sec shall be granted in such form and on payment of such fee as may be prescribed.

- Power to enter and inspect (Sec 9): A) The competent authority or any person authorised in this behalf by the competent authority shall have power to enter and inspect any premises where the competent authority or the authorised person has reason to believe that an offence under this Act has been or is likely to be committed. B) Every person in occupation of any such premises shall allow the competent authority or the authorised person such an access to the premises as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the competent authority or by the authorised person
- Penalty for all provisions: Imprisonment for a term which may extend to six months, OR with fine which may extend to one thousand rupees, OR with both. (Sec 10)
- New Insertion- Abettments and Attempts- Whoever abets any offence punishable under this Act or attempts to commit any such offence, shall be punished with the punishment provided in this Act for such offence. (Sec 12)
- Offences are cognizable. (Sec 11)
- Persons who acted or intended to act in good faith: no suit, prosecution or other legal proceeding shall be instituted against the competent authority or any person exercising powers under this Act, (Sec 14)
- New Insertion- “Exemptions” as to non application of this Act on certain conditions- (Sec 15)
 - any animal operated upon for vaccine, lymph, serum or any experimental or research purpose at an institution established, conducted or recognised by the Government; or
 - any cow or animal—
 - slaughter of which is in interests of public health certified by a Veterinary Officer authorised by the Government

i) which is suffering from any contagious and dangerous disease ii) which is certified by a Veterinary Officer authorised by the Government. The entire act may be read here: [Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act, 1977](#)

Assam

The Assam Cattle Preservation Act, 1951 (Later amended to Assam Cattle Preservation (Amendment) Act, 1962)

- Cattle which are specified in schedule (Bulls, Bullocks, Cows, Calves. Male and female buffaloes, Buffalo calves. (Sec 3)
 - "Fit for Slaughter Certificate" is needed from Veterinary Officer till then no person can slaughter the cattle. (Sec 5(1))
 - Certificate will be issued when the cattle-(Sec 5(2))
 - over fourteen years of age; or
 - become permanently incapacitated from work or breeding due to injury, deformity or any incurable disease.
 - Prohibition of slaughter of cattle in places not prescribed for the purpose as no cattle in respect of which a certificate has been issued under section 5 shall be slaughtered in any place other than a place prescribed in this behalf.(Sec 6)
 - Power to enter and inspect premises(Sec 7)à For the purpose of enforcing the provisions of this Act, the veterinary officer or any person authorized by 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 likely to be committed.
 - Penalty- Imprisonment up to maximum of 6 months or fine which may extend up to Rs 1,000 or (Sec 8)
 - It states that it is a cognizable(Sec 9)
 - It protects the persons acting in good faith(Sec 12)
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- Exemption by State Government- The slaughter of any cattle for any religious, economical medical research or any other purposes subjected to such conditions as it may think fit. (Sec 13)

Exception- But operation of this Act will not be applicable to slaughter of any cattle on the occasion of "Id-ul-Zuha" festival on such conditions as the State Government may specify regarding privacy.(Proviso Sec 13)[Assam Cattle Preservation Act, 1951 Assam Cattle Preservation \(Amendment\) Act, 1962](#)

Bihar

The Bihar Preservation and Improvement of Animals Act, 1955

- Prohibition of slaughter of cow, calf, bull, bullock or she-buffalo unless expressly given permission by the authorities.(Sec 3)
- Authorities can only permit this:
- When the bull or bullock is over 25 years of age and permanently incapable of breeding or yielding milk or

- A female buffalo over 25 years of age or permanently incapable of breeding or yielding milk.
- Exception: State Government may, by general or special order and subject to such conditions as it may think fit to impose, allow the slaughter of any such animal for any medicinal or research purpose.
- The law also bans the export of cows, calves, bulls and bullocks from Bihar, for any purpose. (Sec 4 A)
- Penalty:

Contravening Section 3 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. (Sec 4)

- Person contravening ban on export be arrested without any warrant by a police officer not below the rank of Assistant Sub-Inspector. Anyone violating the law can be punished with imprisonment up to maximum of 6 months or fine of up to 1,000 or both. The crime is treated as **cognizable offence**. (Sec 4 B)
- Whoever sells or transfer, or attempts to sell or transfer, in any manner to another person any animal which he knows, or has reason to believe to be infertile shall, be punished with time which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to construction to one hundred rupees.
- Power to enter and inspect land, premises, à Subject to such rules as may be prescribed, a Veterinary Officer or any officer or person authorized by him in this behalf shall have power to enter into and inspect any land, premises, yard, building, or any vessel or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.
- State Government servant or any person acting in good faith is protected. (Sec 35)

It is a cognizable offence. (Sec 36) The entire act may be read here: [Bihar Preservation and Improvement of Animals Act, 1955](#)

Chhattisgarh

The Chhattisgarh Agricultural Cattle Preservation Act, 2004, (amended in 2011)

- Slaughter of agricultural animals (cow, calves, bulls, bullocks, male and female buffaloes), possession of beef and transport of agricultural cattle for the purpose of slaughter is prohibited. (s.4,5 and 6)
- The vehicle in which the agricultural cattle is transported with the knowledge that it will be or is likely to be slaughtered shall be seized and not released at least six months from the date of seizure or till the final judgment of the court (whichever is earlier)
- 8 & 9 à The State government shall take necessary steps for strengthening of institutions which are engaged in welfare activities for Agricultural cattle. Additionally these institutions are allowed to levy charges for the care and maintenance of the agricultural cattle that are seized and in the custody of the goshala/gosadan/gorakshansansthan.
- Burden of Proof: Burden to prove that the slaughter, transport or sale of agricultural cattle was not in contravention of the act shall be on the accused.
- Penalty for Slaughter of cow, possession of beef and transport of agricultural cattle for slaughter: Imprisonment which may extend to a term of 7 years OR with a fine which may extend to Rs.50,000 OR with both.

Protection of action taken in good faith: No suit or other legal proceedings shall be instituted against any person for anything which is done or intended to be done in good faith under the Act or rules

made under the act. The entire act and its amendment may be read here: [Chhattisgarh Agricultural Cattle Preservation Act 2004 Chhattisgarh Agricultural Cattle Preservation \(Amendment\) Act, 2011](#)

Daman and Diu

The Goa, Daman & Diu Prevention of Cow Slaughter Act, 1978

- Prohibition of the slaughter of cows in Goa, Daman and Diu, (exception-accident or in self defense.) (Sec 2 (b) includes cow, heifer or calf).(Sec 3)
- Exceptions to above-(Sec 4)
- when it is suffering and the concerned Veterinary Officer or such other officer of the Animal Husbandry Department as may be prescribed approves destruction to end its suffering, or
- when the cow has an contagious or infectious disease or
- when it is being subjected to experimentation in the interest of public and medical health research by a certified medical practitioner of the Animal Husbandry department.
- Prior permission from veterinary officer is required to end its suffering, or when the cow has an infectious disease. (Sec 4(2))
- Prohibition on the sale of beef in any form (exception legally authorized for medical purpose).(Sec 5)
- Penalty-
- Anyone violating the law(Sec 3 and Sec 5) can be punished with imprisonment up to 2 years or fine up to1,000 or (Sec 8(1)).

Contravention of Sec 4(2) will be punishable with imprisonment of maximum one year or fine of Rs. 200 or both.(Sec 8(2)). The entire act may be read here: [The Goa, Daman and Diu Cow Slaughter Act](#)

Delhi

The Delhi Agricultural Cattle Preservation Act, 1994

o Prohibition on slaughter of agricultural cattle. (Sec 4) o The transport or export of cattle for slaughter is also prohibited. No person can export any agricultural cattle directly or through his agent or servant or some other person acting on his behalf in contravention of this Act provisions or even if he has knowledge that it will be slaughtered. (Sec 5) o Exception-If person want to export then prior permission is required from Veterinary officer with full information regarding age, sex and state where it is to be exported and why to be exported with the declaration that it won't be slaughtered and also it can't be exported to state where cow slaughter is not banned. (Sec 5(3)) o Prohibition on sale, purchase disposal in any other manner of agricultural cattle.(Sec 7) o Prohibition on possession of flesh of Agricultural Cattle slaughtered outside Delhi.(Sec 9) o Power of entry, search and seizure.(Sec 11) • For the purpose of enforcing the provisions of this Act the Competent Authority or the Veterinary Officer in writing in this behalf, shall have power to enter and inspect any premises within

o Penalty- • Anyone violating the law (Sec 4, 5 or 7) can be punished with imprisonment up to 5 years AND a fine up toRs. 10,000, provided that except on special and adequate reasons minimum imprisonment should not be for less than 6 months and fine not less than Rs.1,000. (Sec 12) • If Sec 9 is contravened then he shall be punished with imprisonment which may extend to Rs 1000 or fine which may extend to Rs. 2000.(Sec 13) o Protection to the person who acted in good faith.(Sec 17) o The crime is treated as a cognizable and non-bailable offence. (Sec 15) o It protects person acting in good faith.(Sec 17)

Goa

The Goa , Daman & Diu Prevention of Cow Slaughter Act, 1978

*Same as Daman and Diu (mentioned above) Goa Animal Preservation Act 1955- The Goa Animal Preservation (Amendment) Act, 2003- The Goa Animal Preservation (Amendment) Act, 2010- This is also followed in the State.

- Prohibition of sale of beef- (Sec 7)àNo person shall sell or offer for sale or cause to be sold beef or beef products in any form in contravention of sections, 4, 5 and 6 except imported beef from neighbouring States under hygienic condition examined by a competent authority and in respect of which a certificate has been granted.
- Penalties-Imprisonment for a term which may extend to three years.
- Power to enter, search and seize property without warrant(Sec 6)àThe competent authority or any person authorized, if he has reason to believe that there is possibility of any offence he may himself enter into at all reasonable times and search any premises and can also break open any door and remove any obstacle to such entry.

New Insertion through Goa Animal Preservation (Amendment) Act, 2010

- Custody of seized property-(Sec 6(A))

If immediately possession or custody can't be taken, then the competent authority or any person authorized, may serve on the owner or person in possession of such property, an order prohibiting him from removing, parting with and/or otherwise dealing with property except with the previous written permission.

- It is cognizable offence and non bailable offence.
- Power to arrest without warrant-(sec 9(A))
- The Competent Authority or any person authorized can arrest without warrant if there is reasonable suspicion for accused person under this Act.
- If any arrest is made then without any unnecessary delay and subject to the provisions of this Act send the arrested person to the Officer-in-charge of the nearest Police Station.
- When any arrested person is then Officer shall prepare a formal arrest report and produce the arrested person before the Magistrate.
- No Police officer shall detain in custody a person arrested without a warrant for a period exceeding twenty-four hours without obtaining the orders of the Magistrate.
- Exemption-(Sec 13)- Subject to such conditions as may be prescribed in this behalf, this Act shall not apply to-
 - any animal (other than cow) operated upon for vaccine, lymph or serum at any institution established, conducted or recognized by the Government;
 - any animal (other than cow) operated upon for any experimental or research purposes at the institution referred to in clause (a);
 - any animal (other than cow) after certified by veterinary surgeon-
 - slaughter to be necessary in the interest of the public health;
 - which is suffering from any contagious and dangerous disease;

The provisions of this Act shall be in addition to, and not in derogation of the provisions of the Goa, Daman and Diu Prevention of Cow Slaughter Act, 1978 (Act 13 of 1978).(Sec 15). The entire act may be read here:[The Goa, Daman and Diu Cow Slaughter Act, 1978](#)

Gujarat

The Gujarat Animal Preservation Act, 1954, (amended in 2011 and subsequently in 2017)

KEY PROVISIONS

- 6B (1) inserted à Prohibition against i)selling, ii) keeping, iii)storing, iv) transporting, v)offering or vi) exposing or vii) buying beef or beef products.
- 6A(1) inserted à Prohibition against transportation of cows with the knowledge that is going to be slaughtered or likely to be slaughtered.
- 6A (3) & S. 6B (2) à The vehicle in which the cows or beef and beef products are being transported will be seized by an authority as the State Government appoints.
- Penalties for contravention of 6A and 6Bà imprisonment which may extend to a term 3 years AND a fine which may extend to Rs.10,000.
- 8 à Slaughter of cows, calf of the cow, a bull and a bullock [animals under s. 5 (1A)]: Imprisonment for a term of minimum 3 years and maximum 7 years AND a fine which may extend to Rs.50,000. (as per the 2011 amendment)
- Exemptions: 1. Any animal operated upon for vaccine, lymph, serum or for any experimental or research purposes at an established institution that is recognized by the State government. [s.13(1)] 2. Authorization by Veterinary Surgeon authorized by State Government. [s. 13(2)(i)] 3. Suffering from any disease which is certified by the Veterinary Surgeon as being contagious and dangerous to other animals. [s.13 (2)(ii)]
- Protection of persons acting in good faith: No suit or other legal proceedings shall be instituted against any person for anything which is done or intended to be done in good faith under the Act or rules made under the act.
- The Gujarat Animal Preservation (Amendment) Act, 2017
- The penalty for slaughter of cows, calves, bovines, bulls and bullocks has been increased to a minimum of 10 years and a maximum of life imprisonment AND a fine of Rs.5,00,000.
- The penalty for illegal transportation of cows for slaughter and sale and storage of beef has been increased to a minimum of 7 year imprisonment to maximum of 10 year imprisonment AND a minimum fine of Rs1,00,000 which may extend to Rs5,00,000.
- The vehicle used for transportation shall be permanently confiscated.

All offences involving bovine transportation and beef transportation are cognizable and non bailable offences. The entire act and its amendment may be read here: [Gujarat Animal Preservation Act, 1954 Gujarat Animal Preservation \(Amendment\) Act, 2011](#)

Haryana

The Haryana Gauvansh Sanrakshan And Gausamvardhan Act, 2015

- Prohibits cow slaughter (exception killed in accident or self defence)(Sec 3)
- Exceptions but for this certificate is necessary from concerned authority.(Sec 4)

- A) when it is suffering and the Registered Veterinary Practitioner of the department approves destruction to end its suffering, or
- B) when the cow has an contagious or infectious disease or
- C) When it is being subjected to experimentation in the interest of public and medical health research.
- Removal of skin and hide from dead cows other than slaughtered cows by authorized person is not cow slaughter if authorization from competent authority has been taken.
- Restriction on export.(Sec 5)
- Exception to restriction on export-If person want to export then prior permission is required from Veterinary officer with full information regarding age, sex and state where it is to be exported and why to be exported with the declaration that it won't be slaughtered and also it can't be exported to state where cow slaughter is not banned. The fee will be taken for issuing of permits.
- Special permit by Government to export cows if it is in public interest to do so.(Sec 7)
- Prohibition of sale, keep, transport or offer to sale beef or beef products directly or indirectly except for medical purposes or as in prescribed form.(Sec 8)
- Penalty-
- Contravention or attempts to do or even abetment to contravene the provisions of Sec 3 or Sec 4 can be punished with rigorous imprisonment for a term which may not be less than 3 years and can extent up to 10 years and fine not less than 30000 and may extend to 100000. If not able to pay the fine the imprisonment may extend to one year.(Sec 13(1)).
- Anyone contravening or attempts to do or even abetment to contravene the provisions of Sec 5 can be punished with rigorous imprisonment for a term which may not be less than 3 years and can extent up to 7 years and fine not less than 30000 and may extend to 70000. If not able to pay the fine the imprisonment may extend to one year. (Sec 13(2)).
- Anyone contravening or attempts to do or even abetment to contravene the provisions of Sec 5 can be punished with rigorous imprisonment for a term which may not be less than 3 years and can extent up to 5 years and fine not less than 30000 and may extend to 50000. If not able to pay the fine the imprisonment may extend to one year
- The crime is treated as **acognizable** and non-bailable(Sec 15)
- Power to enter, sieze etc.(Sec 16)
- Any police officer not below the rank of Sub Inspector or any person authorized in this behalf by the Government, to (a)enter, stop and search any vehicle used or intended to be used for the export of cows; (b)seize cow in respect of which he suspects that any provision of this Act has been, is being or is about to be contravened, c)the vehicle in which such cow is found, and thereafter take all measures necessary for securing the production of the cow so seized, in a court and for the safe custody pending such production;
- Confiscation of vehicles.-(Sec 17)
- Whenever an offence punishable under this Act has been committed, any vehicle used in the commission of such offence shall be liable to be confiscated by a police officer not below the rank of Sub-Inspector or any person authorized in this behalf by the Government.
- It protects the action taken in good faith.(Sec 18)

Himachal Pradesh

The Himachal Pradesh Prohibition of Cow Slaughter Act, 1979

- Prohibition of slaughter of any cow” (*accident or self defence is an exception*)(Sec 3)
- Exception- After taking permission from concerned Veterinary Officer or such other officer of the Animal Husbandry Department on conditions-(Sec 4)
 - when it is *suffering*
 - when the cow has an *contagious or infectious disease* or
 - when it is being subjected to *experimentation in the interest of public and medical health research*
- “Prohibition of the sale of beef” in any form (legal authorization for medical purpose is an exception) (Sec 5)
- Penalty- Violation of the law (Sec 3 or Sec 5) can be punished with imprisonment up to a maximum of *5 years* or fine up to *5,000* or with *both*. (Sec 8(1))
- The crime is to be treated as cognizable and *non-bailable*(Sec 9)

The entire act may be read here: [Himachal Pradesh Prohibition of Cow Slaughter Act, 1979](#)

Jammu and Kashmir

The Ranbir Penal Code, 1989 (1932 A.D.) governs the slaughter of cattle in **Jammu and Kashmir**

- Voluntary slaughter of any bovine animal such as ox, bull, cow or calf shall be punished with imprisonment of either description which may extend to 10 years and shall also be liable to fine. (Bovine animal doesn’t involve gond.) (Sec 298 (A))
- Possession of flesh of killed or slaughtered animals punishable with imprisonment up to 1 year and fine up to Rs 500.(Sec 298(b)).

Committing mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.(Sec 429)

Karnataka

The Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964

The above act is followed but in between came two bills which were withdrawn later. They are Karnataka Prevention of Cow Slaughter and Preservation (Amendment) Bill, 2010 and 2012 and withdrawn in 2013.

- Prohibition of slaughter of cow or calf of she-buffalo.(Sec 4)
- ‘Fit for Slaughter Certificate’ from competent authority is required and notwithstanding any law, custom, or usage to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any animal, other than a calf of she-buffalo till then.(Sec 5(1))
- Conditions for certificate:
 - the animal is over the age of twelve years; or
 - the animal has become permanently incapacitated for breeding, draught or giving milk due to injury, deformity or any other cause.
- Restriction in providing certificate if the animal is suffering from any disease which makes its meat unwholesome for human consumption.
- Restriction on transport of animal or cow for slaughter.(Sec 8)

- Prohibition of sale, purchase or disposal of cow or calf of she-buffalo for slaughter(Sec 9)

No person shall purchase, sell or otherwise dispose of or offer to purchase, sell or otherwise dispose of or cause to be purchased, sold or otherwise disposed of, cows or calves of she-buffaloes for slaughter or knowing or having reason to believe that such cattle shall be slaughtered.

- Power to enter and inspect-(Sec 10)
- The competent authority or any person authorized in this behalf by the competent authority (hereinafter referred to as the “authorized person”) shall have power to enter and inspect any premises where the competent authority or the authorized person has reason to believe that an offence under this Act has been or is likely to be committed.
- Penalty- Imprisonment up to maximum of 6 months or fine of up to Rs 1,000 or both. (Sec 11)
- It is a cognizable(Sec 12)
- Protects competent authority or any person who acted or intended to act in good faith and thus no suit, prosecution or other legal proceedings shall be instituted against them.(Sec 15)
- Exemptions-(Sec 16)
- any cow or animal operated upon for vaccine lymph, serum or for any experimental or research purpose at an institution established, conducted or recognized by the State Government; or
- any cow or animal whose slaughter is certified by a Veterinary Officer authorised by the State Government,
- to be necessary in the interest of the public health;

which is suffering from any contagious and dangerous disease affecting other animals The entire act may be read here: [Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964](#)

[Madhya Pradesh](#)

Madhya Pradesh Gauvansh Pratishedh Adhiniyam, 2010

- Slaughter of cow progeny, and transport of agricultural cattle (s.6) for slaughter is prohibited.
- The export of cow progeny is not allowed without permit and the fulfillment of permit requirements that are laid down in the act.
- Penalty for slaughter of cows: Imprisonment which is a minimum of 1 year and a maximum of 7 years AND a fine which is not less than Rs.5,000.
- Penalty for contravention of S. 5, 6, 6A and 6B: Imprisonment for a term which may extend to 1 year AND a fine which may extend to Rs.5000
- Protection of action taken in good faith: No suit or other legal proceedings shall be instituted against any person for anything which is done or intended to be done in good faith under the Act or rules made under the act.

The entire act and its amendment may be read here: [Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968](#)[Madhya Pradesh Cow Progeny Slaughter Prohibition \(Amendment\) Act 2011-12-31-594](#)

[Maharashtra](#)

Maharashtra Animal Preservation Act, 1976 (amended in 1995)

- Slaughter of cow (cow, bull, bullock, heifer, calf) is prohibited.
- Exception: Fit for Slaughter certificate in accordance with S.6 of the Act.
- Prohibition on transport and export of cow, bull or bullock for slaughter: No person can transport or export a cow for the purpose of slaughter with the knowledge that it will be or is likely to be slaughtered.
- Exemptions: any animal except cow operated for vaccine, lymph or serum, for any experimental or research purposes.
- Prohibition on sale, purchase, disposal in any other manner of cow, bull or bullock.
- Prohibition on possession of flesh of cow, bull or bullock AND prohibition on possession of flesh of cow slaughtered outside of Maharashtra.
- Power to enter and inspect premises: Competent Authority or any person authorized in writing shall have the power to enter and inspect premises.
- Any Police Officer not below the rank of Sub-Inspector or any person authorized by the State Government can enter, stop or search any vehicle (and cow) used or intended to be used for the export of cow, bull or bullock.
- Seize or authorize seizure of cow, bull or bullock in accordance with S. 5A, 5B, 5C or 5D. Also, seizure of the vehicle in which the cow is found.
- Penalty for slaughter of cow, transport and export of cow and sale/purchase/disposal of cow: Imprisonment which may extend to 5 years OR a fine which may extend to Rs.10,000 OR The imprisonment should not be less than 6 months and the fine must not be less than Rs.1000 except for special and adequate reasons to be recorded in the judgment.
- Penalty for possession of the flesh of cow, possession of flesh of cow slaughtered outside of Maharashtra or for slaughter in contravention to Fit for slaughter provision: Imprisonment which may extend to 1 year OR a fine which may extend to Rs.2000.
- Burden of Proof: Burden for proving that slaughter, transport, export outside the State, sale, purchase or possession of flesh of cow, bull or bullock was not in contravention with the act is on the accused.
- Protection of persons acting in good faith: No suit or other legal proceedings shall be instituted against any person for anything which is done or intended to be done in good faith under the Act or rules made under the act.
- Offenses are cognizable and non bailable

NOTE: The Bombay High Court has declared Section 5D (incriminating possession of flesh of any cow, bull or bullock slaughtered outside the State of Maharashtra) and Section 9B (casting negative burden on the accused) of the Maharashtra Animal Preservation (Amendment) Act, 1995 as violative of Article 21 of the Constitution of India. Thus, declaring these 2 amendments unconstitutional.

[Ref: <http://www.livelaw.in/beef-ban-bombay-hc-declares-sections-5d-9b-maharashtra-animal-preservation-act-unconstitutional>] The entire act and its amendment may be read here: [Maharashtra Animal Preservation Act, 1976](#) [Maharashtra Animal Preservation \(Amendment\) Act, 1995](#)

Odisha (Orissa)

The Orissa Prevention of Cow Slaughter Act, 1960

KEY PROVISIONS

- Slaughter of a cow (calf and heifer included), a bull and bullock is prohibited.

- Exception: 1. Fit for slaughter certificate. A bull or bullock of over 14 years can be slaughtered after obtaining a certificate. 2. i) In case of a bull à permanently unfit and unserviceable for the purpose of breeding and, ii) in case of a bullock à permanently unfit and of unserviceable for the purposes of draught and any kind of agricultural operation. (s.3) 3. Cows with a) contagious disease or infectious disease and b) subjected to experimentation in the interest of public and medical research.
- Penalty: Imprisonment which may extend to 2 years or/and a fine which may extend to Rs.1000.

Offence is cognizable. The entire act and another relevant act may be read here: [Orissa Prevention of Cow Slaughter Act, 1960](#) [Orissa Freedom of Religion Act, 1967](#)

Punjab

The Punjab Prohibition of Cow Slaughter Act, 1955

- KEY PROVISIONS
- Slaughter of cow, bull, bullock, ox, heifer and calf is prohibited.
- Exception: 1. Slaughter in case the suffering renders the destruction desirable according to the Veterinary Officer. Contagious or infectious disease 3. Experimentation in the interest of medical and public health research by a certified practitioner.
- 5 à The sale of beef or beef products is prohibited except for prescribed medical purposes.
- Penalty for cow slaughter as well as sale of beef: Imprisonment which may extend to 5 years or/and a fine which may extend to Rs.2000
- The Punjab Prohibition of Cow Slaughter (Amendment) Act, 1981
- Inserted S. 4A which prohibited the export of cows for the purpose of slaughter. Except when a permit is granted by an authorized officer (in accordance with S.4B)
- Inserted S. 9A which permits the seizure of vehicles in which the cows are found as well as the cows
- Protection of persons acting in good faith: No suit or other legal proceedings shall be instituted against any person for anything which is done or intended to be done in good faith under the Act or rules made under the act.
- The Punjab Prohibition of Cow Slaughter (Amendment) Act, 2011
- Penalty for non compliance of permit requirement for the export of cows à imprisonment for a term which may extend to 2 years or/and a fine which may extend to Rs.1000 (for contravention of S.4B)
- Penalty (slaughter, sale of beef, export of cow without permit): Imprisonment which may extend to 10 years AND/OR a fine which may extend to Rs.10,000.

Offences are cognizable and non-bailable. The entire act and its amendments may be read here: [Punjab Prohibition of Cow Slaughter Act, 1955](#) [Punjab Prohibition of Cow Slaughter \(Amendment\) Act, 1981](#) [Punjab Prohibition of Cow Slaughter \(Amendment\) Act, 2011](#)

Pondicherry

The Pondicherry Prevention of Cow Slaughter Act, 1968

- Slaughter of cow, bull or bullock is prohibited except when a fit to slaughter certificate is furnished.
- Exceptions: 1. A bull or bullock over the age of 15 can be slaughtered after the competent authority has issued a fit to slaughter certificate. 2. i) In case of a bull à permanently unfit and unserviceable for the purpose of breeding and, ii) in case of a bullock à permanently unfit and of unserviceable for the

purposes of draught and any kind of agricultural operation. 3. Cows with a) contagious disease or infectious disease and b) subjected to experimentation in the interest of public and medical research.

- 5 à The sale or transport of beef is prohibited except for prescribed medical purposes.
- Penalty (for slaughter and sale of beef): Imprisonment which may extend to a term of 2 years or/and a fine which may extend to Rs.1000.
- Offences to be cognizable and non-bailable

The entire act may be read here: [Pondicherry Prevention of Cow Slaughter Act, 1968](#)

Rajasthan

The Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995

- Slaughter of bovine animals is prohibited. 2. Possession, sale and transport of beef and beef products is prohibited. 3. The export of bovine animals with the knowledge of slaughter or in the likelihood of slaughter is prohibited.
- Abetmentà The transporter by means of transport in furtherance of the object of commission of any offences in the act will be guilty of abetment and liable for the same punishment as provided in S.8.
- Penalty for slaughter: Imprisonment for a term of a minimum of 1 year and a maximum of 10 years AND a fine which may extend to Rs.10,000.
- Penalty for sale, transport and export of cows/beef/beef product or abetment: Imprisonment for a term of a minimum of 6 months and a maximum of 5 years AND a fine which may extend to Rs.5000.
- Power to enter and inspect: Competent Authority or any person authorized in writing shall have the power to enter and inspect premises.
- Protection of persons acting in good faith: No suit or other legal proceedings shall be instituted against any person for anything which is done or intended to be done in good faith under the Act or rules made under the act

Burden of Proof: To lie on the accused. The entire act may be read here: [The Rajasthan Bovine Animal Act 1995](#)

Tamil Nadu

The Tamil Nadu Animal Preservation Act,1958

- Slaughter of cow, calf, bull, bullock is prohibited except when a fit to slaughter certificate has been obtained from a competent authority.
- Exceptions/Qualifications: 1. The “animal” is over 10 years and is unfit for breeding. 2. The animal has become permanently incapacitated for work or breeding due to injury, deformity or any incurable disease. 3. Slaughter for religious, medicinal, research, teaching purposes or to relieve the animal of its suffering caused by injury or disease by an order of the government.
- Penalty for slaughter: Imprisonment which may extend to 3 years or/and a fine which may extend to Rs.1000
- Power to enter and inspect premises: Competent Authority or any person authorized in writing shall have the power to enter and inspect premises.

Protection of persons acting in good faith: No suit or other legal proceedings shall be instituted against any person for anything which is done or intended to be done in good faith under the Act or rules made under the act. The entire act may be read here: [Tamil Nadu Animal Preservation Act, 1958](#)

Uttar Pradesh

The Uttar Pradesh Prevention of Cow Slaughter Act, 1955 (Amended in 1979 and subsequently in 2002)

- Slaughter of cow (heifer or calf), bull or bullock is prohibited entirely. The sale or transfer of beef is also prohibited. (exception: beef products for consumption for a bona fide passenger in an aircraft or railway train can be served or sold.)

The Uttar Pradesh Prevention of Cow Slaughter (Amendment) Act, 1979

- Section 5A inserted → Transport of cow, bull, bullock for slaughter is prohibited except when a permit is issued by an authorized officer in accordance with the terms and conditions provided.

The Uttar Pradesh Prevention of Cow Slaughter (Amendment) Act, 2002

- Establishment of Institution Section 6 inserted → An institution may be established for taking care of cows, bulls or bullocks by the State government or local authority (when directed by the State government or a society registered under the Societies Registration Act, 1860)
- Penalty for cow slaughter, sale of beef and transport of cows for slaughter: Imprisonment which may extend to 7 years and a fine which may extend to Rs.10,000.
- Penalty for Attempt to commit cow slaughter, sale of beef and transport of cows for slaughter: Imprisonment which may extend to one half of the longest term of imprisonment provided for that offence and and with such fine as is provided for that offence)
- Offences are cognizable and non-bailable

The entire act and its amendments may be read here: [Uttar Pradesh Prevention of Cow Slaughter Act, 1955](#) [Uttar Pradesh Prevention of Cow Slaughter \(Amendment\) Act, 1979](#) [Uttar Pradesh Prevention of Cow Slaughter \(Amendment\) Act, 2002](#)

Uttarakhand

The Uttarakhand Protection of Cow Progeny Act, 2007 (amended in 2015)

o Slaughter of cow or cow progeny (cow, bullock, bull, heifer or calf) is prohibited. The possession, sale or transport of beef and beef products is also prohibited (s.5).
o Transport of cow progeny (whose slaughter is punishable) is prohibited except when a permit is issued by an authorized officer in accordance with the terms and conditions provided.
o Exception: a) if the cow is incurable and in intolerable pain, b) has a contagious/infectious disease and are a danger to livestock as well as human beings. A certificate stating the same must be procured from the Veterinary Officer.
o Establishment of Institution: The State government or NGO may establish institutions for taking care of uneconomic cow progeny.
o Penalty for cow slaughter, sale or possession of beef: Imprisonment which may extend to up to 10 years but not less than 3 years AND a fine which may extend to Rs.10,000 but not

less than Rs.5,000 o Penalty for transport of cow progeny in contravention to terms and conditions: Imprisonment which may extend up to 3 years AND a fine of Rs.2000 which may extend to Rs.2500 o Offences are cognizable and non-bailable. The entire act may be read here: [Uttarakhan Protection of Cow Progeny Act, 2007](#) [Uttarakhand Protection of Cow Progeny \(Amendment\) Act, 2015](#)

[Poschim Bongo \(West Bengal\)](#)

West Bengal Animal Slaughter Control Act, 1950 (amended in 1979)

- Cow Slaughter is only allowed when a “Fit to Slaughter” certificate (issued by the Veterinary Officer) is furnished in the case that a) The animal is over 14 years of age and unfit for working or breeding, b) The animal is permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease.
- Exemptions: for any religious, medicinal or research purposes.
- Power to enter premises and inspect premises: The president of a municipality or a Panchayat Samiti or a Veterinary Surgeon (or a person authorized by him) shall have the power to enter and inspect premises.
- Penalty for contravention of provisions: Imprisonment which may extend to 6 months OR with a fine which may extend to Rs.1,000 OR

Protection of person acting in good faith: No suit or other legal proceedings shall be instituted against any person for anything which is done or intended to be done in good faith under the Act or rules made under the act. The entire act and its amendment may be read here: [West Bengal Animal Slaughter Control Act, 1950](#) [West Bengal Animal Slaughter Control \(Amendment\) Act, 1979](#)

By deviously making a legitimate economic activity a crime, that is, by making transportation, sale and possession of beef a serious offence, these laws have effectively criminalised the consumption of beef in the pretext of banning cow slaughter.

There is no constitutional mandate to prohibit beef consumption, not on its transportation, sale or purchase.

The Directive Principles of State Policy encapsulated in Article 48 of the constitution that encourages states to “take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle” and is limited in its scope. First, it only relates to prohibiting slaughter of cattle and no other acts. Second, the purpose of such prohibition is only to “organise agriculture and animal husbandry on modern and scientific lines” and does not propose a blanket ban. The demand for a complete ban on cow slaughter and beef consumption has always been from a section of the upper caste Hindus; one that was rejected during the constituent assembly debates.

So it's a step by step criminalisation. Once the consumption of beef is criminalised, the consumers of beef become cast as criminals; mainly Muslims but also Dalits, Christians and Adivasis. Beef eating has historically been the dividing line between caste Hindus and 'others', between cow worshippers and beef eaters.

Transportation of Cattle Criminalised

Jharkand: Transportation, sale or possession of beef and even abettment and attempt to commit the offence carries a minimum rigorous imprisonment of one year and upto a maximum of ten years

Rajasthan: “Offence” invites imprisonment upto five years

Uttar Pradesh: Transportation or sale of beef/cattle carries a rigorous punishment of upto seven years and merely attempting to commit the offence can entail upto three and a half years in prison

Uttarakhand: Transportation carries a a minimum of three and a maximum of seven years of rigorous imprisonment

Gujarat: Transportation carries upto three years of imprisonment is imposed for sale, transportation and even possession of beef

Haryana: sale of beef entails a minimum rigorous imprisonment of three years and upto five years

Goa and Punjab: Transportation and sale invites s two years of imprisonment for possession of beef

Delhi, Maharashtra and Madhya Pradesh the offence is punishable by one year of imprisonment.

Private Parties (Unlawfully) Empowered

“...Sections 16 and 17 of the 2015 cow protection laws (in many states –see detailed explainer below) empowers private parties, to help enforce the state’s draconian cattle laws. Similar is the case for Maharashtra and Gujarat. And Haryana Gau Seva Ayog, established to oversee implementation of cow protection laws in the state, has members that run cow vigilante groups, with several accusations of vigilante attacks.

STFs to Check Cattle Smuggling

Media Reports reveal that, in September 2016, the Haryana Police constituted Special Task Forces (STF) in the districts of Haryana to check cattle smuggling across the state. These STFs have been deployed on the borders of Haryana State adjoining western & southern Uttar Pradesh and on major highways – the GT Road connecting Sonipat, Panipat, Karnal and Kurukshetra; the Maneser-Palwal Expressway, connecting Gurugram, Mewat and Palwal; NH-2 connecting Palwal with Mathura and Agra; and NH-8 connecting Gurugram, Rewari and parts of Rajasthan border. Instances of killings by GRD have been reported from these areas.

Section 4 – Appointment of competent authority: The Government may, by notification, appoint a person or a body of persons to perform the functions of a competent authority under this Act for such local area as may be specified in such notification.

Burden of Proof

In many states the presumption is of guilt where the onus of proving innocence is on the accused and the offence has been made non-bailable. Where possession is prohibited, it has been made a

crime per se, irrespective of the amount possessed and whether it is intended for sale or not. Provisions regarding slaughter tend to be even stricter and more draconian.

States With No Lynching

States like Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Kerala and Sikkim where there is no specific legislation prohibiting slaughter, no incidents of lynching or the like have been reported.

States where the prohibition (both complete or partial) is restricted to only the slaughter of cattle, the number of incidents reported was only 12. In comparison, a staggering 63 cases or 84% of the 75 incidents occurred in states where acts in addition to slaughter, like transportation, sale, purchase and possession of beef, are also criminalised.