

THE HARYANA GAUVANSH SANRAKSHAN AND GAUSAMVARDHAN ACT, 2015

HARYANA ACT NO. 20 OF 2015

19th November, 2015

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AN ACT to provide for Gauvansh Sanrakshan and Gausamvardhan and to establish institutions to accept, keep, maintain and care the infirm, injured, stray and uneconomic cows in the State of Haryana.

THE HARYANA GAUVANSH SANRAKSHAN AND GAUSAMVARDHAN ACT, 2015

19th November, 2015

Be it enacted by the Legislature of the State of Haryana in the Sixty-sixth Year of the Republic of India as follows:-

1. Short title.

This Act may be called the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015.

2. Prohibition of cow slaughter.

In this Act, unless the context otherwise requires,-

(a) "beef" means flesh of cow in any form including flesh of cow contained in sealed containers and imported in the State;

(b) "beef-products" means products prepared from beef;

(c) "cow" means and includes a bull, bullock, ox, heifer or calf and a disabled, diseased or barren cow;

(d) "competent authority" means the concerned Sub-divisional Magistrate and includes any other officer appointed by the Government for exercising the powers under this Act;

(e) "Department" means the Animal Husbandry Department of the Government;

(f) "export" means taking out of cow from the State to any other place;

(g) "Gauvansh" means cow or its progeny;

(h) "Gausamvardhan" means conservation and development of indigenous breeds of cow;

(i) "Government" means the Government of the State of Haryana in the administrative department;

(j) "indigenous breed" means the indigenous cow population which is recognized as a breed by Breed Registration Committee of Indian Council of Agricultural Research, New Delhi, from time to time;

(k) "prescribed" means prescribed by the rules made under this Act;

(l) "sanrakshan" means protection and conservation of Gauvansh;

(m) "slaughter" means killing by any method whatsoever and includes maiming and inflicting of physical injury which in the ordinary course may cause death;

(n) "State" means the State of Haryana.

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 the

State:

Provided that killing of a cow in an accident or self defence shall not be considered as slaughter under the Act.

4. Exceptions.

(1) Nothing contained in section 3 shall apply to the slaughter of a cow where a certificate has been issued in the prescribed form by the Registered Veterinary Practitioner of the department in the area for a cow,-

(a) whose suffering is such so as to render its destruction desirable; or

(b) who is suffering from any notified contagious or infectious disease; or

(c) who is subjected to experimentation in the interest of medical, veterinary and public health research.

(2) Where it is intended to slaughter a cow for the reasons specified in sub-section

(1) above, it shall be incumbent for a person doing so to first obtain the certificate in writing as mentioned under the said sub-section.

(3) The removal of skin and hide from dead cows, other than slaughtered cows, by the authorised contractor shall not be construed as cow slaughter:

Provided that the authorized contractor engaged in removal or transportation of skin and hide from the dead cows, other than slaughtered cows, shall obtain the authorization to this effect from the competent authority.

5. Restriction on export.

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 shall be or is likely to be slaughtered.

6. Permit for export.

(1) Any person desiring to export cow 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 and obtain permit, in such form, as may be prescribed.

(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.

(3) The fee for issuing permits shall be such, as may be prescribed.

(4) No permit for export of cows shall be issued for a State where cow slaughter is not banned by law.

7. Special permit.

(1) The Government shall have power to issue special permits for export of cow in case where it is of the opinion that it shall be in the public interest to do so.

(2) The fee for issuing special permits shall be such, as may be prescribed.

8. Prohibition of sale of beef.

Notwithstanding anything contained in any other law for the time being in force, no person shall directly or indirectly sell, keep, store, transport or offer for sale or cause to be sold beef or beef products except for such medicinal purposes and in such form as may be prescribed.

9. Gausamvardhan.

The Government shall make scheme, project or program for the conservation and up-gradation of indigenous breeds of cow and provide incentives on production, processing and marketing of milk or milk products obtained from indigenous breeds of cows.

10. Establishment of institution.

(1) The Government, or a local authority when so directed by the Government, shall establish an institution to accept, keep, maintain and care the infirm, injured, stray and uneconomic cows.

(2) The Government shall provide adequate financial and technical support to such institution.

11. Levy of charges of fee.

The State Government, or a local authority if so authorized by the Government, may levy such fee, as may be prescribed to accept, keep, maintain and care the infirm, injured, stray and uneconomic cows in the institution.

12. Establishment of laboratories for testing and analysis.

(1) The Government shall establish laboratories for differentiation of beef from that of the meat of other species of animals, testing and identification of various constituents of milk and milk products and testing and differentiation of A1 and A2 milk for providing incentives for wholesome production of milk and milk products.

Explanation.— For the purposes of this sub-section, A1 and A2 milk means the milk obtained from cows having A1 and A2 genetic variant of the beta-casein milk protein respectively.

(2) The analysis report of such laboratories established under sub-section (1) shall be used as evidence in any inquiry, trial or other proceedings under this Act.

13. Offences.

(1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or 4 shall be guilty of an offence punishable with rigorous imprisonment for a term which shall not be less than three years and may extend to ten years and fine which shall not be less than thirty thousand rupees and may extend to one lac rupees. In case of default in payment of fine, additional

imprisonment, which may extend to one year, may be imposed in lieu of the fine.

(2) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 5 shall be guilty of an offence punishable with rigorous imprisonment for a term which shall not be less than three years and may extend to seven years and fine which shall not be less than thirty thousand rupees and may extend to seventy thousand rupees. In case of default in payment of fine, additional imprisonment which may extend to one year may be imposed in lieu of the fine.

(3) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 8 shall be guilty of an offence punishable with rigorous imprisonment for a term which shall not be less than three years and may extend to five years and fine which shall not be less than thirty thousand rupees and may extend to fifty thousand rupees. In case of default in payment of fine, additional imprisonment which may extend to one year may be imposed in lieu of the fine.

14. Burden of proof.

In a trial for an offence punishable under section 13, the burden of proving that the slaughtered cow belonged to the class specified in clause (a), (b) or (c) of sub-section (1) of section 4, shall be on the accused.

15. Offences to be cognizable and non-bailable.

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), an offence punishable under section 13 shall be cognizable and non-bailable.

16. Power to enter, seize etc.

(1) Any police officer not below the rank of Sub Inspector or any person authorized in this behalf by the Government, with a view to secure compliance with the provisions of this Act or for satisfying himself that the provisions of this Act have been complied, may-

(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, alongwith 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;

(c) enter and search any premises used or intended to be used for the slaughter of cow and seize any documents regarding activities related to slaughter and export of cow;

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), relating to search shall, so far as may be, apply to search and seizure under this Act.

17. Confiscation of vehicles.

(1) 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.

(2) Where any vehicle referred to in sub-section (1) is confiscated in connection with the commission of any offence punishable under this Act, a report about the same, without unreasonable delay, be made by the person seizing it to the competent authority and whether or not a prosecution is instituted for commission of such offence, the competent authority, having jurisdiction over the area where the said vehicle was confiscated, may, if satisfied that the said vehicle was used for commission of offence under this Act, order confiscation of the said vehicle:

Provided that before ordering confiscation of the said vehicle, a reasonable opportunity of being heard shall be afforded to the owner of the said vehicle.

(3) Whenever any vehicle as referred to in sub-section (1) is confiscated in connection with commission of an offence under this Act then notwithstanding anything contained in any other law for the time being in force, no Court, Tribunal or other authority, except the competent authority, shall have jurisdiction to make order with regard to the possession, delivery, disposal, release of such vehicle.

(4) Where the competent authority is of the opinion that it is expedient in public interest that the vehicle, as referred to in sub-section (1), confiscated for commission of offence under this Act be sold by public auction, he may at any time direct it to be sold:

Provided that before giving such directions for sale of confiscated vehicle, a reasonable opportunity of being heard shall be afforded to the owner of the said vehicle.

(5) Any person aggrieved by an order made by the competent authority under sub-section (2) or sub-section (4) may, within a period of thirty days from the date of such order, prefer an appeal to the Deputy Commissioner of the district concerned.

(6) Any order of confiscation made by the competent authority shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

18. 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.

19. Power to make rules.

(1) The State Government may make rules for the purposes of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of foregoing powers, such rules may provide for,-

(a) the conditions and the circumstances under which a cow may be slaughtered under section 4;

- (b) the manner in which disease shall be notified under clause (b) of section 4;
- (c) the manner in which permission shall be obtained under section 4;
- (d) the form and contents of the certificate mentioned in section 4 and the authorities competent to grant it;
- (e) the form in which the permit is to be granted and the fee in respect of issuing such permit under sections 6 and 7;
- (f) the manner in which and conditions under which beef or beef products are to be sold under section 8;
- (g) the matters relating to the establishment, maintenance, management, supervision and control of institution referred to in section 10;
- (h) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority; and
- (i) any other matter which is to be and may be prescribed.

20. Repeal and savings.

- (1) The Punjab Prohibition of Cow Slaughter Act, 1955 (Punjab Act No.15 of 1956) as applicable to the State of Haryana is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the repealed Act and the rules made thereunder, shall be deemed to have been done or taken under this Act.
- (3) The Haryana Prohibition of Cow Slaughter Rules, 1972 framed under the said Act shall be deemed to have been framed under this Act till new rules are framed under this Act.