

Himachal Pradesh Prohibition Of Cow Slaughter Act, 1979

(Act No. 11 Of 1979)

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For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 24th March, 1979, p.1014.

Received the assent of the Governor, Himachal Pradesh on 8th June, 1979 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 16th June, 1979, pp. 1926-1929.

An Act to prohibit the slaughter of cow and its progeny in Himachal Pradesh.

Amended, repealed or otherwise affected by,-

H.P. Act No.18 of 2010 Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh, dated 20th August, 2010, pp. 3758 and 3762. assented to by the Governor on the 14th September, 2010, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 17th September, 2010, pp. 4865-4874.

Himachal Pradesh Prohibition Of Cow Slaughter Act, 1979

(Act No. 11 Of 1979)

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirtieth Year of the Republic of India as follows:-

1. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 24th March, 1979, p.1014.

2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh, dated 20th August, 2010, pp. 3758 and 3762.

1. Short title, extent and commencement.-

(1) This Act may be called the Himachal Pradesh Prohibition of Cow Slaughter Act, 1979.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force atonce.

2. Definition.-

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 Himachal Pradesh;

(b) "beef products" include extraction from beef;

(c) "cow" includes a bull, bull. ck, ox, heifer or calf;

Clause (cc) inserted vide H.P. Act No. 18 of 2010 [(cc) "export" means taking of cow outside the territorial jurisdiction of Himachal Pradesh;]

(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 Himachal Pradesh; and

(g) "uneconomic cow" includes stray, unprotected, infirm, disabled, diseased or barren cow.

3. Prohibition of 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 Himachal Pradesh:

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

4. Exceptions.-

(I) 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.

Section 4A to 4C inserted vide H.P. Act No. 18 of 2010 [4 A. 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 knowledge that it may be or likely to be slaughtered.

4 B. Permit for 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 export permit is required shall not be slaughtered.

(2) The officer appointed under sub-section (1), after satisfying himself about the genuineness of the request of the applicant, shall grant and issue him a permit for export of cows specified in the application on payment of such fee and in such form as may be prescribed.

4 C. Special permits.- The Government shall have the power to issue special permits for export of cows in cases where it is of the opinion that it is in the public interest to do so.]

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 uneconomical cows.

7. Levy 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 provisions of Substituted for words and figures "section 3 or 5" vide H.P. Act No. 18 of 2010. [sections 3, 4A, 4B or 5 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 Substituted for words "five thousand" vide H.P. Act No. 18 of 2010. [twenty 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) 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 clauses (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, 1973 (2 of 1974) an offence punishable under sub-section (1) of section 8 shall be cognizable and non- bailable.

Sections 9A and 9B inserted vide H.P. Act No. 18 of 2010 [9 A. Power to enter and seizure etc.- Any Police Officer not below the rank of Head Constable or any person authorized in this behalf by the Government may, with a view to assure and for satisfying himself that the provisions of this Act have 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 for the export of cows;

(b) seize or authorize seizure of cows and vehicle in which such cows are found if he suspects that any of the provision of this Act has been, is being or about to be contravened, and thereafter, take or authorize the taking of all measures necessary for securing the production of cows and vehicles seized, in the court for their safe custody; and

(c) the provisions of section 100 of the Code of Criminal Procedures, 1973(2 of 1974), relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

9 B. 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.].

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 clause

(b) of sub-section (I) of section 4;

(c) the manner in which permission shall be obtained under sub- section (2) of section 4;

(d) the forms and contents of the certificate mentioned in sub- clause (a) of sub-section (I) of section 4 and ,the authorities competent to grant it;

Clause (dd) inserted vide H.P. Act ,No. 18 of 2010 [(did) the form in which the permit under section 4 B is to be granted and fee to be charged in respect of such permit;]

(e) the manner in which and 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 which are to be and may be prescribed.

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. Repeal and savings.-

(1) The Punjab Prohibition of Cow Slaughter Act, 1955 (15 of 1956) in its application to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organization Act, 1966 (31 of 1966) is hereby repealed.

(2) Notwithstanding such repeal anything done, action taken, rules made or notification issued in exercise of the powers conferred by or under the provisions of this Act, shall be deemed to have been done, taken, made or issued in exercise of the powers conferred by or under this Act, as if this Act was in force on the day on which such thing was done, action taken, rules made or notification issued.