

**THE HIMACHAL PRADESH PROHIBITION OF COW SLAUGHTER
ACT, 1979**

ARRANGEMENT OF SECTIONS

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**THE HIMACHAL PRADESH PROHIBITION OF COW SLAUGHTER
ACT, 1979**

(ACT No. 11 OF 1979)¹

(Received the assent of the Governor, Himachal Pradesh on 8-6-1979 and was published in R.H.P. Extra., dt. 16-6-1979, p. 1927-1929).

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

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

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;

¹ . For statement of Objects and Reasons, see R.H.P. Extra, dated 24-3-1979, P.1015.

- (b) "beef products" include extraction from beef;
- (c) "cow" includes a bull, bull. ck, ox, heifer or calf;
- (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.-(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.

5. Prohibition of sale of beef.-Except as herein excepted and notwithstanding anything contained in any other 1 w 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 section 3 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 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.

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;
- (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-organisation 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.

RULES

Under

THE HIMACHAL PRADESH PROHIBITION OF COW SLAUGHTER ACT, 1979

THE HIMACHAL PRADESH PROHIBITION OF COW SLAUGHTER RULES, 1980.

GOVERNMENT OF HIMACHAL PRADESH

ANIMAL HUSBANDRY DEPARTMENT.

NOTIFICATION

Shimla-171002, the 18th September, 1980.

No. Pashupalan-KA (3)-1/79.- Authoritative English Text of "The Himachal Pradesh Go-badh Nishaid Niyam, 1980" notified in Hindi vide Notification No. Pashupalan -Ka-(3) - 1/79, dated the 19th August, 1980 and published in R.H.P. dated 6th September, 1980, p. 78-980)

In exercise of the powers conferred by section 10 of the Himachal Pradesh Prohibition of Cow Slaughter Act, 1979 (Act No. 11 of 1979), the Governor, Himachal Pradesh is pleased to make the following rules:-

1. Short title and Commencement.-(1) These rules may be called The Himachal Pradesh Prohibition of Cow-Slaughter Rules, 1980.

(2) They shall come into force at once.

2. Definitions.-In these rules unless there is anything repugnant to the subject or context:-

(a) "Act" means the Himachal Pradesh Prohibition of Cow Slaughter Act, 1979 (11 of 1979);

- (b) "Form" means a form appended to these Rules;
- (c) "Licensing Authority" means the District Magistrate or any other officer authorised by him to perform the functions of the Licensing Authority under these rules;
- (d) "Competent Authority" means the District Animal Husbandry Officer or the Veterinary Assistant Surgeon of the area;
- (e) "Medical Purposes" means the use of beef or beef products in the diet of patients or for medicines as may be notified by the State Government;
- (f) "Local Authority" includes Gram Panchayat, Panchayat Samiti, Municipal Committee, Notified Area Committee and Cantonment Board; and
- (g) Other words and expressions used in these rules but not defined here shall have the meanings assigned to them under the Act.

3. Exceptions [Section 4 (1) (a) and 10 (2) (a)]. - (1) Any person intending to slaughter or to cause to be slaughtered or intending to offer or to cause to be offered for slaughter a cow, shall apply in Form 'A' to the competent Authority of the area, in which the cow is to be slaughtered, for the issue of certificate that the cow is fit for slaughter.

(2) On receipt of the application, the competent Authority shall fix a date for the production of the cow for examination at a place to be specified for the purpose and give intimation thereof to the applicant.

(3) After examining the cow the .Competent Authority shall either issues a certificate in form '0' or refuse to issue the same for slaughter of diseased animal. [Section 4 (1) (a) and (b)]. In either case it shall record its reasons on the application.

4. (1) Any person whose cow is suffering or is believed to be suffering from a contagious or an infectious disease and which is incurable shall make an application in Form 'C' to the nearest Competent Authority available, with a view to having it ascertained whether the cow is really suffering from such a disease.

(2) The Competent Authority shall examine the animal on the date and at the place previously fixed and intimate to the applicant, and, if he is satisfied that the animal is suffering from any of the contagious or infectious diseases and is incurable he shall issue a certificate in form '0' for its slaughter. In every case he will record his findings on the application.

(3) After the certificate in Form 'D' has been obtained the owner of such cow, may slaughter it or cause it to be slaughtered either on his own land or at a place reserved for this purpose by the local authority under intimation to the Competent Authority, as per Form's'.

5. Disposal of carcass [Section 10 (h) 7].-The carcass of such a cow will either be buried deep on the owner's land or at a place reserved for this

purpose by the local authority.

6. Slaughter for experimentation [Section 4 (;) (c)].-The slaughter of cow which is subjected to experimentation in the interest of medical and public health research, shall, when done without a certificate under the Act, be in accordance with the following conditions:-

- (a) the State Government or the District Magistrate shall be intimated of the time, date and place of slaughter at least seven days before the day of slaughter; and
- (b) a register shall be maintained giving particulars of the cow slaughtered, the date and place of its slaughter and the experimental or research work undertaken;

Provided that the State Government may in public interest exempt any person from the requirements of clause (a).

7. Prohibition of sale of beef (Section 5).-No person shall sell or transport or offer for sale or transport or cause to be sold or transported beef or beef products except under and in accordance with the terms of a licence in Form-'F'.

8. Procedure for obtaining licence (Section' 5).- (1) Any person desirous of obtaining licence in Form 'F' or having that licence renewed shall make an application in writing enclosing therewith a treasury challan of Rs. 25 deposited in Himachal Pradesh Government Treasury/ or in a Scheduled Bank under "Head I to-Animal Husbandry other Receipts" to the Licensing Authority and the licence shall be granted or renewed, as the case may be, unless the authority for reasons to be recorded, refuses the same.

(2) The case of refusal to grant or renewal of the licence, the fee deposited by the applicant shall be refunded to him.

9 Terms of licence (Section 5).- (1) Subject to the provisions herein after contained licence shall remain in force upto the end of the year in which it is granted or renewed.

(2) A licence shall terminate on the death of the licence holder, or, if granted to a firm or company, on the winding up or transfer of business of such firm or company'

10. Cancellation of a licence (Section 5).-The licensing Authority may, after allowing the licensee an opportunity of showing cause against the proposed action, and for reasons to be recorded in writing cancel the licence.

11. Reception and maintenance of Uneconomic cows (Section 6).-The Government Gosadan ready established in Himachal Pradesh at Khajjian in District Kangra will take up the functions of reception, maintenance and care of uneconomic cows sent to this institution by the individual or private farms or others. These shall be charged a reception fee of Rupee one per cow from all persons.

FORM-'A'
(APPLICATION FOR THE CERTIFICATE OF COMPETENT AUTHORITY)

[(See rules 3 (1))]

To

The..... ..

(Competent Authority)

Sir,

I here by request you to examine my(here describe the colour of the animal and approximate age etc.) which is over the age of 15 years or has become permanently unfit and un-serviceable for the purposes' of breeding*/draught** and any kind of agricultural operation and issue me a certificate for the slaughter of the said...as required under rule 3 of the Himachal Pradesh Probation of Cow Slaughter Rules, 1980.

Yours faithfully,

.....

(Signature of applicant)

Address... ..

Dated..... ..

* In the case of bulls.

* * In the case of bullocks.

(To be recorded by the Competent Authority)

Date and place fixed for the production of the Animal..... Applicant intimated by on

Date on which and the place where the animal was examined..... Rejected/certified fit for slaughter for the following reasons:-

Competent Authority
(Give designation)

District.

Dated.....

FORM-'B'
(CERTIFICATE OF FITNESS FOR SLAUGHTER)

[See rule 3 (3)]

It is hereby certified that the.....(here describe the colour of the animal, etc.) is over the age of 15 years or it has become permanently unfit and unserviceable for the purpose of draught and any kind of agricultural operation*/breeding**. It is further certified that the permanent unfitness or unserviceability has not been caused deliberately. The said animal may be slaughtered at (place).

Competent Authority
(Give the designation of the
Competent Authority).
District

Date.....

* In the case of bulls

** In the case of bullocks.

FORM-'C'
(APPLICATION FOR CERTIFICATE OF DISEASE)

(See Rule 4)

To

.....

(Competent Authority)

Sir,

I request you to examine my(here describe the colour of the animal and approximate age) which is suspected to be suffering from a notified contagious or infectious disease and to issue me a certificate for the slaughter of the said.....as required under the Himachal Pradesh Prohibition of Cow Slaughter Rules, 1980.

Yours faithfully,

Signature.....

Dated.....

Address.....

(To be recorded by the Competent Authority)

Date and place fixed for the examination of animal.....

Applicant intimated by..... on.....

Date on which and the Place where the animal was examined.....

The Animal is/is not suffering from.....

My reason for the finding are.....

Competent Authority
(Give designation)

Dated.....

District

FORM-'D'

(CERTIFICATE OF DISEASE)

[See Rule 4 (3)]

I.....Competent Authority ofhaving examined
hereby certify that there are reasonable grounds for confirming that the
is suffering from a notified contagious disease and may be slaughtered.

Competent Authority
(Give designation)

Dated.....

District.....

FORM-'E'

(INFORMATION OF SLAUGHTFR)

[See Rule 4 (3)]

To

.....

(Competent Authority)

Sir,

This is to intimate that thehas been slaughtered on at.....within
the premises of under the certificate issued by the District Animal Husbandry
Officer/Veterinary Assistant Surgeon.....

Signature & Address of slaughterer
or owner.

Dated.

FORM-'F'

**(LICENCE TO SELL OR TRANSPORT BEEF AND BEEF PRODUCTS
FOR MEDICINAL PURPOSE)**

[See Rule (7)]

Book No.

Serial No.

Shri.....Son of Shriresident/proprietor
of is permitted to sell or transport or offer for sale or transport or cause to be
sold or transported beef and beef products within the limits of.....for
medicinal purposes during the period from to December 31, 198.

Signature and designation
of Licensing Authority.

Date of Issue.....

Renewed for the period upto.....

Signature and Designation
Licensing Authority.

(R.H.P. dated 28-3-1981. p. 463-65)
