



KARNATAKA LEGISLATIVE ASSEMBLY
THIRTEENTH LEGISLATIVE ASSEMBLY
FIFTH SESSION

THE KARNATAKA PREVENTION OF SLAUGHTER AND PRESERVATION OF
CATTLE BILL, 2010

(L.A. Bill No. 04 of 2010)

A Bill to provide for a comprehensive legislation for the prevention of slaughter and preservation of cattle in the State of Karnataka.

Whereas it is expedient to provide a comprehensive legislation for the prevention of slaughter and preservation of cattle in the State of Karnataka;

Be it enacted by the Karnataka State Legislature in the sixty first year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2010.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.- In this Act, unless the context otherwise requires,-

(1) "Beef" means flesh of the cattle in any form;

(2) "Cattle" means cow, calf of a cow and bull, bullock, buffalo male or female and calf of she buffalo;

(3) "Competent authority" means the competent authority appointed under section 3;

(4) "Notification" means a notification published in the official Gazette;

(5) "Premises" means and includes any premises, vessel or vehicle;

(6) "Prescribed" means prescribed by rules made under this Act.

3. Appointment of competent authority.- The State Government may, by notification, appoint the Tahasildar of a Revenue Taluk or an officer of the Animal Husbandry Department not below the rank of Assistant Director to perform the functions of the competent authority under this Act for such local area as may be specified in such notification.

4. Prohibition of slaughter of cattle.- Notwithstanding anything contained in 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 or otherwise intentionally kill or offer or cause to be offered for killing any cattle.

5. Prohibition of sale, usage and possession of beef.- Notwithstanding anything contrary contained in any law, no person shall possess, sell or transport or cause to be transported, the beef or beef products.

6. Restriction on transport of cattle.- No person shall transport or offer for transport or cause to be transported by whatever means any cattle from any place within the State to any other place within the State for slaughter:

Provided that the transport of any cattle, in the manner prescribed by the State Government or Central Government, for bona-fide agricultural or animal husbandry purpose shall not be construed as an offence under this section.

7. Restriction on transport of cattle outside the State.- (1) No person shall transport or offer to transport or cause to be transported by whatever means cattle from any place within the State to outside the State for the purpose of slaughter:

Provided that the Taluk Magistrate may issue permit for transport of cattle for bona-fide agricultural or animal husbandry purposes:

Provided further that the cattle shall be transported in the manner prescribed by the Central Government by rules governing the transport of cattle under the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960).

(2) The permit issued under sub-section (1) shall be in such form and in such manner, and subject to payment of such fee as may be prescribed.

8. Prohibition of sale, purchase or disposal of cattle for slaughter.- 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, cattle for slaughter or knowing or having reason to believe that such cattle shall be slaughtered.

9. Power of search and seizure.- (1) Where a Police Officer not below the rank of Sub-Inspector or a Competent Authority has reason to believe that an offence under this Act has been committed has power to inspect and seize such cattle and premises and materials used or intended to be used for the commission of such offence.

(2) Every person in occupation of any such premises shall allow the competent authority or an Officer not below the rank of Sub-Inspector such access to the premises as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any questions put to him by the police Officer not below the rank of Sub-Inspector or the competent authority.

(3) After the seizure under sub-section (1), he shall report such seizure, without unreasonable delay before the Sub-Divisional Magistrate for confiscation.

(4) On receipt of the report, records relating to premises and materials used or intended to be used in the commission of the offence, the Sub-Divisional Magistrate may on his being satisfied that an offence has been committed or intended to be committed under this Act, may release the materials including vehicle except cattle on production of a Bank guarantee equal to the value as estimated by him pending disposal of the criminal proceedings instituted in respect of the alleged offence and on the execution of Bank guarantee by the owner thereof of a bond for the production of the property so released as and when so required before the magistrate having jurisdiction to try the offence on account of which the seizure had been made and order for handing over the cattle to an institution established under section 18.

(5) On receipt of report of such seizure records relating to premises and materials used or intended to be used in the commission of the offence, the Sub-

Divisional Magistrate may on his being satisfied that an offence has been committed or intended to be committed under this Act, whether a prosecution is instituted for such offence or not pass such orders confiscating the same:

Provided that no such order shall be made without giving an opportunity of being heard to the person committed the offence.

(6) While making an order for confiscation under sub-section (5), the Sub-Divisional Magistrate may also order that such of the properties to which the order of confiscation relates which in his opinion cannot be preserved or are not fit for human consumption be destroyed.

(7) The Sub-Divisional Magistrate in his opinion feels that it is expedient in the public interest so to do, may sell the confiscated premises in public auction.

(8) When any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses, relating thereto, shall, where the order of confiscation is made under sub-section (5) is set aside or annulled by the appellate court be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

(9) When such order of confiscation passed under sub-section (5) has become final and the appellate court confirms such order in respect of the whole or any portion of such property, such property or portion thereof, as the case may be shall vest in the State Government.

(10) The confiscated cattle shall be handed over to an institution established under section 18 and shall not in any circumstances be handed over to the accused or sold in public auction.

10. Appeals.- (1) Any person aggrieved by any order passed under section 9 may, within 30 days from the date of receipt of such order appeal to the Sessions Judge having jurisdiction over the area in which the property to which such order relates has been seized.

(2) The Sessions judge may after giving the persons affected a reasonable opportunity of being heard, pass such order as it deems fit.

11. Bar of jurisdiction in certain cases.- Whenever any cattle and premises and materials used or intended to be used for the commission of such offence and detained under the provisions of this Act, the Sub-Divisional Magistrate or the Sessions Judge hearing an appeal under section 10 shall have and any other officer or court, tribunal or authority shall not have jurisdiction to make orders with regard to the custody, possession, delivery, disposal or distribution of such property.

12. Penalties.- (1) Whoever contravenes the provisions of section 4 of this Act, shall, on conviction, be punished with imprisonment which shall not be less than one year but which may extend to seven years or with a fine which shall not be less than twentyfive thousand rupees but which may extend to fifty thousand rupees or with both. In the case of second and subsequent offence with a further fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees along with penalty of imprisonment.

(2) Whoever contravenes any of the provisions other than section 4 of the Act, shall, on conviction, be punished with imprisonment which shall not be less than One year but which may extend to three years or with fine which shall not be less than Ten thousand rupees but which may extend to twenty five thousand rupees or with both.

13. Offences under the Act to be cognizable.- All offences under this Act, shall be cognizable and non-bailable and triable by the court of Judicial Magistrate First Class.

14. Abetment.- 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.

15. Persons exercising powers under the Act deemed to be public servants.- All persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

16. Protection of persons acting in good faith.- No suit, prosecution or other legal proceedings shall be instituted against the competent authority or any person exercising powers under this Act for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

17. Exemptions.- (1) Subject to such conditions as may be prescribed, this Act shall not apply to,-

(a) any cattle operated upon for vaccine lymph, serum or for any experimental or research purpose at an institution established, conducted or recognised by the State Government; or

(b) any cattle,-

(i) slaughter of which is certified by a Veterinary Officer authorised by the State Government, to be necessary in the interest of the public health;

(ii) which is suffering from any disease which is certified by a Veterinary Officer authorised by the State Government as being contagious and dangerous to other cattle;

(c) any cattle, slaughter of which is certified to be necessary on the ground that it is suffering from an incurable disease as terminally ill,-

(i) in the case of a cattle belonging to the Central Government in the Ministry of Defence, by a Veterinary Officer of the Indian Army;

(ii) in the case of any other cattle, by a Assistant Director of Veterinary Science of the State Government.

(2) Any cattle slaughtered under sub-section (1), shall be disposed of under the supervision of the veterinary officer not below the rank of Assistant Director, the Department of Animal Husbandry in such manner as may be prescribed.

18. Establishment of institutions for taking care of cattle.- (1) The State Government may establish, or direct any local authority or permit society registered under the Karnataka Societies Registration Act, 1960, or any association or organization to establish institutions at such places as may be deemed necessary for taking care of the cattle to be sent thereto.

(2) The State Government may provide by rules for the proper management of such institutions for the care of cattle therein and provide support for the class or variety of cows or other cattle that may be admitted herein.

(3) The State Government or subject to the previous sanction of the State Government, the local authority, society or body of persons or association establishing an institution under sub-section (1), may levy such fees as may be prescribed for the maintenance of such institutions.

19. Power to make rules.- (1) The State Government may, by notification, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

- (a) the powers and duties of competent authority, in addition to those provided in this Act;
- (b) the form of permits for transportation of cattle under sub-section (2) of section 7;
- (c) the conditions subject to which this Act shall not apply to any cattle under section 17;
- (d) any other matter which is to be or may be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty 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, both Houses agree in making any modification in the rule or both Houses agree 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 any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

20. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the official Gazette make provisions not inconsistent with the provisions of this Act as it appear to be necessary or expedient for removing the difficulty:

21. Repeal and savings.- The Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964 (Karnataka Act 35 of 1964) is hereby repealed:

Provided that the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall be applicable in respect of the repeal of the said enactment and sections 8 and 24 of the said Act shall be applicable as if the said enactment had been repealed and re-enacted by this Act.

STATEMENT OF OBJECTS AND REASONS

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It is considered necessary to replace the Karnataka Prevention of cow slaughter and cattle preservation Act, 1964 (Karnataka Act 35 of 1964) to prohibit the slaughter of cows and calves of she-buffaloes, bull, bullock, buffalo male or female and for the preservation and improvement of the breeds of cattle and to endeavour to organize agriculture and animal husbandry in terms of Article 48 of the constitution of India, by enacting a comprehensive legislation.

The Bill provides for stringent punishment for violation of the Act, and also provides for powers to search and seizure of any premises which includes Vessel or Vehicle.

Hence the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed Legislative measure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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- (1) **Clause 7:** Sub clause (2) of clause 7 empowers the State Government to prescribe by rules the form of permits and fees for transportation of cattle.
- (2) **Clause 17:** Sub-clause (1) of clause 17 empowers the State Government to prescribe by rules the conditions subject to which exemptions may be granted from the provisions of this Act.
Sub clause (2) of clause 17 empowers the State Government to prescribe by rules manner of disposal of the cattle slaughtered.
- (3) **Clause 18:** Sub-clause (3) of clause 18 empowers the State Government to prescribe by rules the fee that may be levied by State Government or a local authority, society or body of persons or association establishing an institution under sub-section(1).
- (4) **Clause 19:** Sub-clause (2) item (d) of clause 18 empowers the State Government to make rules after previous publication to carryout the purpose of the provisions of this, Act.

The above delegation of Legislative power is normal in character.

REVUNAYAKA BELAMAGI
Minister for Animal Husbandry

S.B. PATIL
Secretary
Karnataka Legislative Assembly