

MADHYA PRADESH GOVANSH VADH PRATISHEDH ADHINIYAM, 2004*[Act No.6 of 2004]*

[Received the assent of the Governor on the 26th March, 2004; assent first published in the “Madhya Pradesh Gazette (Extra-ordinary)” dated the 29th March, 2004.]

{An Act to provide, in the interest of general public and to maintain communal harmony and peace, for prohibition of slaughter of cow progeny, and for preservation and conservation of cow progeny and for matters connected therewith or incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the Fifty-fifth Year of the Republic of India as follows:

1. Short title, extent and commencement.

(1) This Act may be called the Madhya Pradesh Govansh Vadh Pratishedh Adhiniyam, 2004 (Act No.6 of 2004)

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

(3) It shall come into force from the date of its publication in the Madhya Pradesh Gazette.

2. Definitions.

In this Act, unless the context otherwise requires—

(a) “beef” means flesh of cow progeny, whose slaughter is prohibited under this Act;

(b) “cow progeny” means cows, bulls, bullocks and calves of cows, prog

(c) “Competent Authority” means a person appointed by the State Government by notification to perform in any local area specified therein, the functions of a competent authority under this Act;

(d) “institution” means any charitable institution registered under any enactment for the time being in force, established for the purpose of keeping, breeding and maintaining cow progeny or for the purpose of reception, protection, care, management and treatment of infirm, aged and diseased cow progeny;

2[(e) “slaughter” means killing by any method whatsoever and includes maiming or inflicting of physical injury which in the ordinary course will cause death or doing any act with the intention of causing unnatural death:

(ea) “transport” means to carry cow progeny from one place to another either by any vehicle or, on foot, except when such transport is for bona-fide agricultural or ancillary purposes,

(eb) “transporter” means and includes the person,

- (i) who is the owner of the vehicle carrying the cow progeny or beef, if the cow progeny or beef has been booked under his instruction or within his knowledge;
- (ii) who for the time being in charge of the vehicle and his assistant, carrying the cow progeny or beef;
- (iii) who is in charge of transport company, for the time being, transporting the cow progeny and beef, if booking has been undertaken under his instruction or within his knowledge;
- (iv) who is the partner of a transport firm, if the booking has been undertaken under his instruction or within his knowledge;]

[* Published in Madhya Pradesh Rajpatra (Asadharan) dated 29-03-2004 at pp. 198-198 (7), 1. Subs. by MP. Act No. 43 of 2011, 2. Subs. by M.P. Act No. 43 of 2011.]

(f) **“Veterinary Officer”** means a person appointed as a Veterinary Officer under Section 3;

(g) **“Vehicle”** means any mechanically or manually driven conveyance used on land, water or air.

3, Appointment of Veterinary Officer

The Commissioner-cum-Director of Veterinary Services, Madhya Pradesh, may, by a general or special order, appoint for the purposes of this Act, any person, or class of persons, to be the Veterinary Officer for a local area specified in the order.

4. Prohibition of slaughter of cow progeny.

No person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter of any cow progeny by any means.

5. Prohibition on possession and transport of beef.

No person shall have in his possession or shall transport beef of any cow progeny slaughtered in contravention of the provisions of this Act.]

6. Prohibition on transport of cow progeny for slaughter.

No person including transporter shall transport or offer for transport or cause to be transported any cow progeny himself or by his agent, servant or by any other person acting in his behalf within the State or outside the State for the purpose of its slaughter in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be so slaughtered.

6A. Prohibition of export of cow progeny and grant of permit.

(1) No person including transporter shall export or cause to be exported any cow progeny himself or by his agent, servant or by any other person acting in his behalf from any place of the State to any place outside the State without permit as provided in subsection (2).

(2) The Competent Authority may grant a permit within seven days on presenting application in this behalf, in such manner as may be prescribed for export of cow progeny from Madhya Pradesh for agricultural or dairy farming purposes or for participation in a cattle fair and like purposes except for the purpose of slaughter.

(3) Any person seeking permit under sub-section (2) aggrieved by an order of the Competent Authority may make an application within thirty days from the date of receipt of the order to the Divisional Commissioner, and the Divisional Commissioner may upon such application call for the examine the record of the case for the purpose of satisfying himself as to the correctness, legality or propriety of any order and may pass such order as it may deem just and proper and the order passed by the Divisional Commissioner shall be final and shall not be called in question in any civil court.

6B. Prohibition of transporting cow progeny via Madhya Pradesh and grant of transit permit.

No person including transporter shall transport cow progeny via Madhya Pradesh State and if any person including transporter wants to transport any cow progeny from one State to other via Madhya Pradesh State, then he shall take transit permit from Competent Authority in such manner as may be prescribed.]

1.Subs. by M.P. Act No. 43 of 2011. 2. Subs. by M.P. Act No.4 of 2011.)

7. Strengthening of institutions.

The State Government shall take necessary steps for strengthening of institutions which are engaged in welfare activities of cow progeny.

8. Levy of charges.

The person in charge of institution may levy such charges as may be prescribed, for care and maintenance of infirm, aged and diseased cow progeny from their owners.

9. Penalties.

- (1)** Whoever contravenes or attempts to contravene or abets the contravention of the provisions of Section 4 shall be punished with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees,
- (2)** Whoever contravenes or attempts to contravene or abets the contravention of the provisions of Sections 5, 6, 6A and 6B shall be punished with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than five thousand rupees.

10. Offences to be cognizable and non-bailable.

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974) all offences under this Act shall be cognizable and non-bailable. 2

11. Power of entry, inspection, search and seizure.

(1) For the purpose of enforcing the provisions of this Act, the Competent Authority of any person authorized by the Competent Authority 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, is being or is likely to be committed and shall take necessary action.

(2) Every person in occupation of any such premises as is specified in subsection (1) shall allow the Competent Authority or any person authorized by the Competent Authority in writing, such access to the premises as he may require for the aforesaid purpose, and shall answer any question put to him by the Competent Authority or the person authorized, as the case may be, to the best of his knowledge and belief.

(3) Any police officer not below the rank of Head constable or any person authorized in this behalf by Competent Authority may, with a view to securing compliance of the provisions of Sections 4, 5, 6A and 6B or for satisfying himself that the provisions of the said sections have been complied with.

(a), stop, enter and search any vehicle used or intended to be used for the export of cow progeny or beef;

(b) seize or authorize the seizure of cow progeny, in respect of which he suspects that any provision of Sections 4, 5, 6, 6A and 6B has been, is being or is about to be contravened, along with the vehicle in which such cow progeny or beef are found and thereafter take or authorize the taking of all measures necessary for securing the production of the cow progeny and vehicle so seized, in a court and for their safe custody pending the trial.

(4) The provision of Section 100 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this Section.

(5) In case of any violation of Sections 4, 5, 6, 6A and 6B, the police shall be empowered to seize the vehicle, cow progeny and beef, and the District Magistrate shall confiscate such vehicles, cow progeny and beef in such manner as may be prescribed.

11A. Appeal against order of confiscation.

(1) Any person aggrieved by an order of confiscation under sub-section (5) of Section 11 may, within thirty days of the order, or if fact of such order has not been communicated to him, within thirty days of date of knowledge of such order, prefer an appeal in writing with certified copy of order of confiscation, accompanied by such fee and payable in such manner as may be prescribed, to the Divisional Commissioner (hereinafter referred to as the Appellate Authority).

*** Explanation.**

The time requisite for obtaining certified copy or order of confiscation shall be excluded while computing period of thirty days referred to in this sub-section.

(2) The Appellate Authority referred to in sub-section (1) shall, on presentation of memorandum of appeal, issue a notice for hearing of appeal to the officer effecting seizure and to any other person who in the opinion of the Appellate Authority, is likely to be adversely affected by the order of confiscation, and call for the record of the case:

Provided that no formal notice of appeal need be issued to the appellant, officer effecting seizure and any other person likely to be adversely affected as aforesaid, who may be informed in any other manner of date of hearing of appeal by the Appellate Authority.

(3) The Appellate Authority shall send intimation in writing of lodging of appeal to the District Collector.

(4) The Appellate Authority may pass such orders of "interim" nature for custody or disposal (if necessary) of the subject matter of confiscation as may appear to be just or proper in the circumstances of the case.

(5) The Appellate Authority, having regard to the nature of the case or the complexities involved, may permit parties to the appeal to be represented by their respective legal practitioners.

(6) On the date fixed for hearing of the appeal or on such date to which the hearing may be adjourned, the Appellate Authority shall pursue the record and hear the parties to the appeal if present in person, or through any agent duly authorized in writing or through a legal practitioner, and shall thereafter proceed to pass an order of confirmation, reversal or modification of order of confiscation –

Provided that before passing any final order the Appellate Authority may if it is considered necessary for proper decision of appeal make further enquiry itself Or cause it to be made by the District Collector and may also allow parties to file affidavits for asserting or refuting any fact that may arise for consideration and may allow proof of facts by affidavits.

(7) The Appellate Authority may also pass such orders of consequential nature, as it may deem necessary.

(8) Copy of final order or of order of consequential nature shall be sent to District Collector for compliance or for passing any appropriate order in conformity with the order of Appellate Authority.

11B. Revision before Court of Sessions against order of Appellate ' Authority

Any party to the appeal aggrieved by final order or by order of consequential nature passed by the Appellate Authority, may within thirty days of the order sought to be impugned submit an application for revision to the Court of Sessions within the Sessions division whereof the head quarters of the Appellate Authority are situate.

Explanation.

In computing the period of thirty days under this section, the time requisite for obtaining certified copy of order of Appellate Authority shall be excluded,]

12. Rehabilitation.

The State Government shall, after coming into force of this Act, make rules for the economic rehabilitation of such person, if any, to be directly affected.

1[12A. Maintenance of seized cow progeny.

The State Government shall take necessary action for the purpose of feeding and maintenance of seized cow progeny in such manner as may be prescribed.] (1 Ins. by M.P. Act No. 43 of 2011.)

13. Protection of action taken in good faith.

No suit, prosecution or other legal proceedings shall be instituted against any person for anything which' 3 in good faith done or intended to be done under this Act or the rules made thereunder.

1[13A. Burden of proof on accused.

Where any person is prosecuted for an offence under the provisions of this Act, the burden of proof that he had not committed the offence under the Provisions of this Act, shall be on him, if the prosecution is in a position to produce the prima facie evidence against him at the first instance.] (1. Ins. by M.P. Act No. 43 of 2011)

14. Officers exercising powers under this Act deemed to be public servants.

All Competent Authorities, Veterinary Officers and other persons exercising powers under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (Act No.45 of 1860).

15. Act to have overriding effect.

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

16. Power to remove difficulty.

If any difficulty arises in giving effect to the provisions of this Act, the State government may make such provisions or give such directions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

17. Power to make Rules.

(1) The State Government may, by notification, make Rules for carrying out the provisions of this Act which shall have effect from date of its publication or from such other date as may be specified in this behalf Published.

(2) The Rules made under this Act shall, as soon as Possible after they are laid on the table of the Legislative Assembly.

18. Repeal and savings.

The Madhya Pradesh Govansh Vadh Pratishedh Adhyadesh, 2004 (No.1 of 2004) is hereby repealed: Provided that the repealed Shall not effect —

- (i) the previous operation of any law so repealed or anything done or suffered thereunder; or
- (ii) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (iii) any investigation legal Proceeding or remedy in respect of any penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, Act and any such penalty, forfeiture or punishment may be imposed as if this Act had not been Passed.

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