

**LAW (LEGISLATIVE DRAFTING) DEPARTMENT****(Group-II)****NOTIFICATION****Jaipur, August 24, 1995**

No. F. 2 (30) Vidhi/92.— In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Go-Vanshiya Pashu (Vadh Ka Pratished Aur Asthayee Pravrajan Ya Niryat Ka Viniyaman ) Adhinyam, 1995 (1995 Ka Adhinyam Sankhya 23):-

(Authorised English Translation)

**THE RAJASTHAN BOVINE ANIMAL (PROHIBITION OF  
SLAUGHTER AND REGULATION OF TEMPORARY  
MIGRATION OR EXPORT) ACT, 1995**

**(Act No. 23 of 1995)**(Received the assent of the President on the 17<sup>th</sup> day of August, 1995)

An

Act

*to provide for prohibition of slaughter of cow and its progeny and also to regulate temporary migration or export thereof from Rajasthan.*

Be it enacted by the Rajasthan State Legislature in the Forty-sixth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

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

- (a) “beef” means flesh of bovine animal;
- (b) <sup>1</sup>“bovine animal” means cow, calf, heifer, bull or bullock but does not include buffalo and its progeny.
- (c) “bull” means an uncastrated male above the age of three years belonging to the species of bovine animal;
- (d) “bullock” means a castrated male above the age of three years belonging to the species of bovine animal;
- (e) “calf” means a castrated or uncastrated male of the age of three years and below belonging to the species of bovine animal;

<sup>1</sup> In clause 2(b) of the Act, definition of Bovine Animal substituted by The Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) (Amendment) Act, 2018 dated 05.12.2019 instead of “bovine animal” means and includes cow, calf, heifer, bull or bullock.

- (f) “Code” means the Code of Criminal Procedure, 1973 (2 of 1974);
- (g) “Competent Authority” means Collector of a District and includes any other officer who may be authorised in this behalf by the State Government by notification in the Official Gazette to exercise the powers and perform the functions of the Competent Authority under this Act or the rules made thereunder for such area or areas and for such period as may be specified in the notification;
- (h) “cow” means a female above the age of three years belonging to the species of bovine animal;
- (i) “Divisional Commissioner” means a Commissioner appointed by the State Government under Section 17 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956);
- (j) “export” means to take out of the State of Rajasthan to any other place out of the State of Rajasthan;
- (k) “famine and scarcity affected area” shall mean an area affected by famine or scarcity in respect of which a declaration has been made by the State Government under an appropriate law by a notification in the Official Gazette;
- (l) “heifer” means a female of the age of three years and below belonging to the species of bovine animal;
- (m) “slaughter” means intentional killing by any method and for any purpose whatsoever;
- (n) “transporter” means and includes, –
- (a) in the case of a goods carriage as defined in the Motor Vehicles Act, 1988 (59 of 1988),--
- (i) the owner, if the booking is undertaken under his instruction or with his knowledge;
- (ii) the person for the time being incharge of the vehicle;
- (iii) the person for the time being incharge of booking of goods or livestock;
- (iv) the Managing Director, Executive Director, General Manager or Chief Executive or any other person incharge of business, as the case may be, (where the owner is a company) when the bookings are undertaken under his instruction or with his knowledge;
- (v) the partner, in the case of a partnership firm, if the booking is undertaken under his instruction or with his knowledge;
- (b) in the case of Railway Goods Train,–

- (i) the person for the time being incharge of booking of goods and livestock at a Railway Station; and/or
- (ii) the person who prepares Railway Receipts at a Railway Station;
- (c) the consignee to whom the livestock is to be delivered ; and
- (d) in any other case, the person carrying or accompanying the livestock.

**3. Prohibition of slaughter of bovine animal.**—Notwithstanding anything contained in any law for the time being in force or in any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to offered for slaughter any bovine animal.

**4. Prohibition of possession, sale or transport of beef and beef products.**— Notwithstanding anything contained in any other law for the time being in force, no person shall possess, sale or transport for sale or cause to be sold or transported beef or beef products in any form.

**5. Prohibition of export of bovine animal for the purpose of slaughter and regulation of temporary migration or export for other purposes.** – (1) No person shall export and cause to be exported any bovine animal himself or through his agent, servant or other person acting in his behalf from any place within the State to any place outside the State for the purposes of slaughter or with the knowledge that it may be or is likely to be slaughtered.

(2) Notwithstanding anything contained in subsection (1) temporary migration of bovine animal from the famine and scarcity affected areas, of Rajasthan may be allowed by the Competent Authority to other States in India for grazing purposes under a valid permit in the manner prescribed and hereinafter laid down.

(3) Any person residing in any famine and scarcity affected area and desiring migration of any bovine animal shall apply to the Competent Authority having jurisdiction over such area stating the circumstance necessitating the proposed migration together with the number of bovine animals and name of the State or States to which migration is proposed and the period for which the permit is required.

(4) The Competent Authority after satisfying itself about the genuineness of the request of the applicant referred in sub-section (3), may grant him a permit in the prescribed form and manner which among other things may provide for affixing of identification mark before such temporary migration of bovine animal is allowed out of the State and in no case the period of said migration shall extend beyond the month of August next following the date of grant of the permit.

(5) On return from temporary migration the applicant referred to in sub-section (3), shall inform the Competent Authority in writing about the number of

bovine animal brought back by him together with the explanation for variations, if any.

(6) If any person does not bring back such bovine animal into the State and also within the period specified in the permit he shall be deemed to have contravened the provision of sub-section (1).

(7) The Competent Authority may issue special permit in the prescribed manner for export of bovine animal from Rajasthan for agricultural or dairy farming purposes or for participation in a cattle fair, and before granting such permission the Competent Authority shall also ensure that such export in no way reduces the number of such bovine animal below the level of actual requirement of the local area.

(8) Any applicant referred to in sub-section (3) or any person seeking special permit under sub-section (7), aggrieved by an order of the Competent Authority made under sub-section (4), sub-section (6) or sub-section (7) may make an application, within thirty days from the date of the order, to the divisional commissioner and the Divisional commissioner may upon such application or suo-motu call for and 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 such order shall be final and conclusive and shall not be called in question in any civil court.

**6. Transporter to be abettor.**—Whenever the bovine animals are transported by any means of transport in furtherance of the object of commission of any offence under this Act, the transporter shall be guilty of abetment of the said offence and shall be liable for the same punishment as is provided under section 8 of the Act for person committing the said offence.

**“<sup>1</sup>6-A. Confiscation of the means of conveyance.**- (1) Whenever an offence punishable under this Act is committed, any means of conveyance used in the commission of such offence shall be liable to confiscation.

(2) Where any means of conveyance referred to in sub-section (1) is seized in connection with the commission of any offence punishable under this Act, a report of such seizure shall, 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 means of conveyance was seized, may, if satisfied that the said means of conveyance was used for commission of offence under this Act, order confiscation of the said means of conveyance:

Provided that before ordering confiscation of the said means of conveyance a reasonable opportunity of being heard shall be afforded to the owner of the said means of conveyance and if such owner satisfies the Competent Authority that he had no reason to believe that such offence was being or likely to be committed and

<sup>1</sup> 6-A inserted in clause 6 of the Act, by The Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) (Amendment) Act, 2018, dated 05.12.2019.

he had exercised due care in the prevention of the commission of such an offence, the Competent Authority may not confiscate the said means of conveyance:

Provided further that where such means of conveyance is owned by the Central Government or any State Government or any of their undertaking, no order of confiscation of such means of conveyance shall be passed by the Competent Authority and the matter shall be referred to the State Government by the Competent Authority for making such orders regarding means of conveyance as the State Government may deem fit:

Provided also that before ordering confiscation under this sub-section, the owner of the means of conveyance referred to in sub-section (1), may be given an option to pay, in lieu of confiscation, a fine not exceeding the market price of such means of conveyance:

Provided also that an owner of a means of conveyance shall not be given option under the preceding proviso, if he had been given option under that proviso at an earlier occasion.

(3) Whenever any means of conveyance as referred to in sub-section (1) is seized in connection with commission of an offence under this Act, the Competent Authority shall have, and notwithstanding anything contained in any law for the time being in force, any Court, Tribunal or other authority shall not have, jurisdiction to make order with regard to the possession, delivery, disposal or release of such means of conveyance.

(4) Where the Competent Authority is of the opinion that it is expedient in public interest or for the benefit of its owner that the means of conveyance, as referred to in sub-section (1), seized for commission of offence under this Act be sold by public auction, he may at any time direct it to be sold.

(5) 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.”.

#### **7. Custody and disposal of bovine animal seized.—**

(1) Whenever as a result of search or seizure or as a result of inspection or otherwise the bovine animals are seized, the custody of the seized bovine animals pending final disposal of the case may be entrusted by an order of the Competent Authority to any recognized voluntary agency working for the welfare of such animals or to a Gaushala or a Gosadan governed under the provisions of the Rajasthan Gaushala Act, 1960 (Act 24 of 1960):

Provided that where there is no such voluntary agency or Gaushala or a Gosadan in any local area, the Competent Authority may entrust the custody of bovine animals to any such agency, Gaushala or Gosadan outside the area or to any other suitable person, who volunteers to maintain such animal.

(2) Whenever any case is finally disposed of, further orders regarding custody or permanent entrustment of bovine animal shall be made by the

Competent Authority subject to such terms and conditions as may be deemed proper.

(3) Any person aggrieved by an order made under sub-section (1) or sub-section (2) may, within thirty days from the date of the said order, appeal against it to the Divisional Commissioner.

(4) On such appeal the Divisional Commissioner may after giving an opportunity to the appellant and the Competent Authority or any other officer authorized by him in this behalf to be heard, direct the order to be stayed pending disposal of the appeal or may modify, after or annul the order and make any further orders that may be just.

(5) Whenever any bovine animal is seized under this Act the Competent Authority or the Divisional Commissioner shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any other court, Tribunal or other Authority shall not have jurisdiction to make orders with regard to possession, delivery, disposal or release of such animal.

**8. Penalty.**—(1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 shall, on conviction, be punished with a rigorous imprisonment for a term which shall not be less than one year but may extend to ten years and with fine which may extend to ten thousand rupees.

(2) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 4 or section 5 shall, on conviction, be punished with rigorous imprisonment for a term which shall not be less than six months but may extend to five years and with fine which may be extend to five thousand rupees.

**9. Punishment for causing hurt.**—(1) Whoever causes bodily pain, disease or infirmity to any bovine animal is said to cause hurt.

(2) Whoever intentionally causes hurt to a bovine animal shall, on conviction, be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees.

(3) Whoever abets the commission of an offence under sub-section (2), shall be guilty of abetment of the said offence and shall be liable for the same punishment as is provided for the said offence.

**10. Punishment for intentionally injuring any bovine animal.**—(1) Whoever intentionally causes grievous injuries to a bovine animal shall, on conviction, be punished with rigorous imprisonment for a term which shall not be less than one year but may extend to seven years and with fine which may extend to seven thousand rupees.

**Explanation.**—For the purpose of this section grievous injury shall include,—

- (i) emasculation (in the case of bull),
- (ii) permanent privation of sight of either eye,
- (iii) permanent privation of the hearing of either ear,
- (iv) privation of any member or joint,

- (v) fracture or dislocation of a bone or tooth,
- (vi) any hurt that endangers life or which causes the sufferer severe bodily pain and ultimately renders unfit or unserviceable.

(2) Whoever abets the commission of an offence under sub-section (1) shall be guilty of abetment of the said offence and shall be liable for the same punishment as is provided for the said offence.

**11. Burden of proof.**— 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.

**12. Power to enter and inspect places.**—(1) For the purpose of this Act the Competent Authority or any person authorised in writing in that behalf by the Competent Authority (hereinafter in this section referred to as “the authorised person”) shall have power to enter and inspect any place where the Competent Authority or the authorised person has reason to believe that an offence under this Act has been, or is likely to be committed.

(2) Every person in occupation of such place shall allow the Competent Authority or the authorised person such access to that place as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the Competent Authority or the authorised person.

(3) For the purpose of enforcing the provisions of this Act, the Competent Authority or the authorised person, in exercising the powers of entry upon, and inspection of, any place under this section, follow, as far as may be, the provisions of section 100 of the Code, relating to search or inspection of a place by a Police Officer.

**12-A. Power of arrest and seizure.**— The Competent Authority or any person authorized in writing in that behalf by the Competent Authority may –

- (i) arrest or cause to be arrested any person who in his presence commits an offence punishable under this Act and, without unnecessary delay, shall make over or cause to be made over any person so arrested to a police officer who shall proceed against such person as per law;
- (ii) seize or cause to be seized any means of conveyance being used in commission of an offence punishable under this Act and, without unnecessary delay, shall make or cause to be made a report of seizure to the competent Authority.”

<sup>1</sup> 12-A inserted in clause 12 of the Act, by The Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) (Amendment) Act, 2018 dated 05.12.2019.

**13. Person exercising powers under this Act deemed to be public servant.**— 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, 1860 (45 of 1860).

**14. Protection of persons acting in good faith.**— No suit, prosecution or other legal proceedings shall be instituted against any person for anything which in good faith is done or intended to be done under this Act or rules made thereunder.

**15. Power to make rules.**— The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

**16. Amendment of Rajasthan Act No. 4 of 1950.**— As from the commencement of this Act section 2 and section 3 of the Rajasthan Preservation of Certain Animals Act, 1950 (Rajasthan Act No. 4 of 1950), hereinafter referred as aforesaid Act, shall stand deleted.

**17. Savings.**— The deletion of section 2 and section 3 of the aforesaid Act shall not—

(i) affect any fine penalty or punishment imposed or suffered in respect of any offence committed against the provisions of these sections of the aforesaid Act;

(ii) affect any investigation or legal proceedings pending in respect of incurring of any liability, imposing of any fine, penalty or punishment or any remedy available on the date of commencement of this Act;

(iii) affect the previous operation of these sections or anything duly done or suffered thereunder;

and any such investigation, legal proceedings or remedy may be initiated, continued or enforced and any such fine, penalty or punishment may be imposed as if these sections have not been so deleted.

जे. पी. बंसल,

Secretary to the Government.