

THE PUDUCHERRY PREVENTION OF COW SLAUGHTER ACT, 1968
(No. 6 of 1968)

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THE PUDUCHERRY PREVENTION OF COW SLAUGHTER
ACT, 1968.

(Act No. 6 of 1968)

4th May, 1968.

AN ACT

to prohibit and prevent the slaughter of cow and its progeny in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Nineteenth Year of the Republic of India as follows: -

Short title, extent and commencement.

1. (1) This Act may be called the Puducherry Prevention of Cow Slaughter Act, 1968.
- (2) It extends to the whole of the Union territory of Puducherry.

¹[(3) It shall come into force on such date as the Government may, by notification in the Official Gazette appoint.]

1. The Act came into force from 1st July, 1969 *Vide* Extraordinary Gazette No.69 dated 26th July, 1969.

Definitions.

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

(a) "beef" means flesh of cow and of such bull or bullock, whose slaughter is prohibited under this Act, but does not include such flesh contained in sealed containers and imported as such into the Union territory;

(b) "competent authority" means the person or persons appointed in this behalf by the Government by notification in the Official Gazette to exercise the powers and perform the functions of a 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;

(c) "cow" includes a heifer or calf;

(d) "Government" means the Administrator of the Union territory appointed under article 239 of the Constitution;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "slaughter" means killing by any method whatsoever and includes maiming and inflicting of physical injury which in the ordinary course will cause death;

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

(h) "union territory" means the Union territory of Puducherry.

Slaughtering prohibited except on a certificate of the competent authority.

3. (1) Except as hereinafter provided, no person shall slaughter or cause to be slaughtered, or offer or cause to be offered for slaughter --

(a) a cow, or

(b) a bull or bullock, unless he had obtained in respect thereof a certificate in writing from the competent authority of the area in which the bull or bullock is to be slaughtered, certifying that it is fit for slaughter,

in any place in the Union territory notwithstanding anything contained in any other law for the time being in force or an usage or custom to the contrary.

(2) No bull or bullock in respect of which a certificate has been issued under clause (b) of sub-section (1) shall be slaughtered at any place other than the place specified in the certificate.

(3) A certificate under clause (b) of sub-section (1) shall be issued by the competent authority only after it has, for reasons to be recorded in writing, certified that ---

(a) the bull or bullock is over the age of fifteen years, or

(b) in the case of a bull, it has become permanently unfit and unserviceable for the purpose of breeding and, in the case of a bullock, it has become permanently unfit and unserviceable for the purposes of draught and any kind of agricultural operation:

Provided that the permanent unfitness or unserviceability has not been caused deliberately.

(4) The competent authority shall, before issuing the certificate under sub-section (3) or refusing to issue the same, record its order in writing.

(5) The Government may, at any time for the purposes of satisfying itself as to the legality or propriety of the action taken by the competent authority under this section, call for and examine the record of any case and may pass such orders thereon as it may deem fit.

(6) Subject to the provisions herein contained, any action taken by the competent authority under this section shall be final and conclusive and shall not be called in question.

Section 3 not to apply to diseased or under experimentation cows, bulls or bullocks.

4. (1) Nothing in section 3 shall apply to the slaughter of a cow, bull or bullock,---

(a) which is suffering from any contagious or infectious disease notified as such by the Government, or

(b) which is subjected to experimentation in the interest of medical and public health research, where the slaughtering is done in accordance with the conditions and circumstances as may be prescribed.

(2) Where a cow, bull or bullock is slaughtered for the reasons stated in clause (a) of sub-section (1), the person who slaughters or causes to be slaughtered such cow, bull or bullock shall, within twenty-four hours of the slaughter, lodge information of the same at the nearest Police Station or before such officer or authority as may be prescribed.

(3) The carcass of the cow, bull or bullock slaughtered under clause (a) of sub-section (1) shall be buried or disposed of in such manner as may be prescribed.

Prohibition on sale of beef.

5. Notwithstanding anything contained in any other law for the time being in force or in any contract, no person shall sell or transport or offer for sale or transport or cause to be sold or transported beef or beef products in any form except for such medicinal purposes as may be prescribed.

Establishment of institutions.

6. There shall be established by the Government or by any local authority, if so directed by the Government, institutions as may be necessary for taking care of uneconomic cows.

Levy of charges or fees.

7. The Government or the local authority, as the case may be, may levy such fees as may be prescribed for keeping uneconomic cows in the institution established under section 6.

Penalty.

8. (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 two year or with fine which may extend to one 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 punishable under sub-section (1) or sub-section (2), the burden of proving that the slaughtered cow belonged to the class specified in class (a) of sub-section (1) of section 4 shall be on the accused.

Offences to be cognizable and non-bailable.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), an offence punishable under sub-section (1) of section 8 shall be cognizable and non-bailable.

Power to make rules.

10. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

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

(a) the form of certificate and the procedure for disposal of the applications under section 3.

(b) the conditions and the circumstances under which cows, bulls or bullocks are to be slaughtered under sub-section (1) of section 4;

(c) the manner in which diseases shall be notified under sub-section (1) (a) of section 4;

(d) the manner in which the information shall be lodged under sub-section (2) of section 4;

(e) the manner in which the carcass shall be buried or disposed of under sub-section (3) of section 4;

(f) the manner in which and conditions under which beef or beef-products are to be sold under section 5;

(g) the matters relating to the establishment, maintenance, management, supervision and control of institutions referred to in section 6;

(h) the fees to be charged for keeping uneconomic cows in the institutions under section 7;

(i) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority; and

(j) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall, as soon as possible after they are made, be laid before the Legislative Assembly, Puducherry while it is in session for a total period of 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 sessions aforesaid, the Legislative Assembly makes any modification in the rules or decides that the rule should not be made the rule shall thereafter have effect only in such modified form or be or 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.

STATEMENT OF OBJECTS AND REASONS ACT NO.6 OF 1968

Article 48 of the Constitution lays down that the State shall endeavour to organise agriculture and animal husbandry on modern lines and shall in particular take steps for preserving and improving the breeds and prohibiting the slaughter of cow and calves and other milch and draught cattle.

A number of States have enacted legislation for the prevention of slaughter of cows, bulls and bullocks. The Government of India have also drawn the attention of this Administration to the directive principles embodied in Article 48 of the Constitution and to take necessary steps to implement the directive principles. It is, therefore, proposed to enact a legislation for the prevention of slaughter of cows, bulls and bullocks in this Union territory on the lines of the Uttar Pradesh Prevention of Cow Slaughter Act and the present Bills seeks to achieve the above object.

NOTES ON CLAUSES

Clause 1. This is a title clause and defines the jurisdiction of the Act. The Government is empowered to fix the date of enforcement of the Act.

Clause 2. This clause defines the various terms occurring in the bill.

Clause 3. (1) This clause prohibits the slaughter of cows, and provides that bulls and bullocks can be slaughtered only after obtaining the certificate from competent authority.

(2) This sub-clause lays down that bulls and bullocks can be slaughtered only at the place indicated in the certificate.

(3) This sub-clause prescribes the conditions under which bulls and bullocks can be slaughtered.

(4) This sub-clause prescribes that the competent authority should record its order in writing before issuing the certificate or refusing to issue the certificate.

(5) This sub-clause empowers the Government to call for and examine the record of any case and to pass orders as it may deem fit.

(6) This sub-clause lays down that the action taken by the competent authority under this section is final and shall not be called in question.

Clause 4. (1) This clause lays down that the provisions of section 3 will not apply to the slaughter of diseased, or under experimentation cows, bulls or bullocks.

(2) This sub-clause lays down that the person who slaughters diseased cows, bulls or bullocks should inform the competent authority of the same.

(3) This sub-clause prescribes the manner under which the carcass of the cow, bull or bullock slaughtered under this section may be buried or disposed.

Clause 5. This clause prohibits the sale or transport of beef or beef products except for medicinal purposes.

Clause 6. This clause prescribes that institutions for taking care of uneconomic cows be established by Government or by any local authority if so directed by Government.

Clause 7. This clause empowers the Government or the local authority, as the case may be, to levy fees for keeping uneconomic cows in the institution.

Clause 8. (1) This clause prescribes the penalties that can be inflicted upon persons who contravene the provisions of section 3 or 5 of the Act.

(2) This sub-clause prescribes the penalties that can be inflicted upon persons who contravene the provisions of sub-section (2) of section 4.

(3) This sub-clause lays down that in a trial under this Act, the accused has to prove that the slaughtered cow was suffering from contagious or infectious disease.

Clause 9. This clause lays down that offences punishable under sub-section (1) of section 8 shall be cognizable and non-bailable.

Clause 10. This clause empowers the Government to make rules for carrying out the purposes of the Act.
