

KARNATAKA ACT NO. 01 OF 2021

THE KARNATAKA PREVENTION OF SLAUGHTER AND PRESERVATION OF CATTLE ACT, 2020

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STATEMENT OF OBJECTS AND REASONS

ACT 01 OF 2021.- It is considered necessary to repeal the Karnataka Prevention of cow slaughter and cattle preservation Act, 1964 (Karnataka Act 35 of 1964) to prohibit the slaughter of cattle 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.

[L.A. Bill No. 69 of 2020, File No. Samvyashae 86 Shasana 2020]

[Entry 15 of List II of the Seventh Schedule and Article 48 of the Constitution of India.]

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KARNATAKA ACT NO. 01 OF 2021

(First Published in the Karnataka Gazette Extra-ordinary on the 15th day of February, 2021)

THE KARNATAKA PREVENTION OF SLAUGHTER AND PRESERVATION OF CATTLE ACT, 2020

(Received the assent of the Governor on the 12th day of February, 2021)

An Act 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 seventy 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, 2020.

(2) It shall come into force on such date as the State Government may, by ¹[notification]¹, appoint.

1. This Act has come into force w.e.f. 25.02.2021 by Notification No.AHf261 AID 2015 (part-1) Dated 25.02.2021. (See the text notification at the end of the Act)

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 of all ages and he or she buffalo below the age of thirteen years;
- (3) "Competent authority" means the competent authority appointed under section 3;
- (4) "Gau Shala" means a shelter established for the protection and preservation of cattle registered as such with the department of Animal Husbandry and Fisheries under the State or Central Act;
- (5) "Notification" means a notification published in the official Gazette;
- (6) "Premises" means and includes any premises, vessel or vehicle;
- (7) "Prescribed" means prescribed by rules made under this Act; and
- (8) "Slaughter" means killing by any method whatsoever and includes maiming and infliction of physical injury which in the ordinary course will cause death.

3. Appointment of competent authority.- The State Government may, by notification, appoint the Tahasildar of a Revenue Taluk or an officer of the Department of Animal Husbandry and Fisheries not below the

rank of Veterinary Officer as 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. 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.

6. 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 Competent Authority 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.

7. 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.

8. 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 19.

(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 who 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) If 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) The confiscated cattle shall be handed over to an institution established under section 19 and shall not in any circumstances be handed over to the accused or sold in public auction.

9. Constitution of Special Court.- The Government may, for the purpose of speedy disposal of disputes under this Act by notification, designate any Court as the Special Court for one or more districts.

10. Appeals.- (1) Any person aggrieved by any order passed under section 8 may, within thirty 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, shall on conviction, be punished with imprisonment which shall not be less than three years but which may extend to seven years or with a fine which shall not be less than fifty thousand rupees per cattle but which may extend to five lakh rupees or with both. In the case of second and subsequent offence with a further fine which shall not be less than one lakh rupees but which may extend to ten lakh rupees along with imprisonment which may extend to seven years.

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

(3) Whoever contravenes any of the provisions of the rules made under this Act shall on conviction, be punished with imprisonment which shall not be less than three years but which may extend to five years and with fine which may extend to fifty thousand.

13. Offences under the Act to be cognizable.- (1) All offences under this Act, shall be cognizable.

14. Forfeiture of materials used for offence.- If accused is convicted, on conviction Court shall forfeit the confiscated cattle, vehicle, premises and materials to the State Government.

15. 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 an offence.

16. 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, 1860.

17. 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.

18. 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 any officer not below the rank of Veterinary Officer of the State Government.
- (d) Buffalo above the age of thirteen years with certification of the competent authority.

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

19. 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 (Karnataka Act 17 of 1960), or any Central Act or any association or organization to establish an institution including Gau Shalas 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 institution.

20. 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 6;
- (c) the conditions subject to which this Act shall not apply to any cattle under section 18; and
- (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.

21. Power to remove difficulty.- 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 appears to be necessary or expedient for removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

22. 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.

The above translation of ಕರ್ನಾಟಕ ಜಾನುವಾರು ಹತ್ಯೆ ಪ್ರತಿಬಂಧಕ ಮತ್ತು ಸಂರಕ್ಷಣಾ ಅಧಿನಿಯಮ, 2020 (2021 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 01) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

VAJUBHAI VALA
GOVERNOR OF KARNATAKA

By order and in the name of
the Governor of Karnataka

(K. DWARAKANATH BABU)
Secretary to Government
Department of Parliamentary Affairs
and Legislation.

GOVERNMENT OF KARNATAKA

No.AHf261 AID 2015 (part-1)

Karnataka Government Secretariat
Vikasa Soudha
Bengaluru Dated: 25.02.2021

NOTIFICATION

In exercise of the powers conferred by Sub Section (2) of Section 1 of the Karnataka Prevention of Slaughter & Preservation of Cattle Act, 2020 (Karnataka Act No: 01 of 2021,) the Government of Karnataka hereby appoints 25th day of February 2021 to be the date on which all the provisions of the said Act shall come into force.

By order and in the name of the
Governor of Karnataka

(B.N. Praveen)

Under Secretary to Government
Animal Husbandry and Fisheries Department
(Animal Husbandry-B)