

The Odisha Gazette

EXTRAORDINARY

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ORISSA ACT 5 OF 1961

AN ACT TO PROHIBIT AND PREVENT THE SLAUGHTER OF COW AND ITS PROGENY IN THE STATE OF ORISSA

Be it enacted by the Legislature of the State of Orissa in the Eleventh Year of the Republic of India as follows:

1. Short title, extent and commencement : (1) This Act may be called the Orissa Prevention of Cow Slaughter Act, 1960.

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

(3) It shall come into force at once

2. Definitions: In this Act, unless there is anything repugnant in the subject or context:

(a) "**Competent authority**" means the person or persons appointed in this behalf by the Government by Notification 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;

(b) "**Cow**" includes heifer or calf;

(c) "**Government**" means the State Government of Orissa;

(d) "**Prescribed**" means prescribed by rules made under this Act;

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

(f) "**Uneconomic cow**" includes an infirm cow or a cow which is permanently disabled or diseased.

3. Prohibition of cow slaughter: (1) Notwithstanding anything contained in

* published vide Orissa Gazette Ext.dtd. 28. 2. 1961, O. A. No. 5 of 1961.

For Statement of Objects and Reasons , see Orissa Gazette Ext., No. 660, dtd 8. 12. 1959 and for Report of the Select Committee ,see ibid No. 243, dtd. 29. 2. 1960.

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

- (a) the bull or bullock is over the age of fourteen 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 anykind 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 . Any person aggrieved by the order of the competent authority under this section may, within fifteen days of the date of the order, appeal against it to the Government or to such other authority as may be prescribed, who may pass such orders thereon as they may deem fit.

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

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

4. Section 3 not to apply to diseased, under -experimentation cows,bulls or bullocks : (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 to 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.

(5) Establishment of institution : There may be established by the Government or by any local authority, wherever so directed by the Government, institutions as may be necessary for taking care of uneconomic cows.

6. Levy of charges or fees: (1) The Government or a local authority, as the case may be, may levy such charges or fees as may be prescribed for keeping uneconomic cows in the institutions.

(2) The owner of the uneconomic cow shall be liable to pay the said charges or fees in the prescribed manner.

(3) Dues payable under this Section shall, without prejudice to any other mode of recovery be recoverable as arrears of land revenue.

7. Penalty: (1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of Section 3 shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Whoever fails to lodge information in accordance with the provisions of Sub-section (2) of Section 4 shall be guilty of an offence punishable with fine which may extend to two hundred rupees or with both.

(3) Where in any trial of an offence punishable under Sub-section (1) or Sub-section (2) the accused pleads that the slaughtered cow, bull or bullock belonged to the class specified in Clause (a) of Sub-section (1) of Section 4, the burden of proving the said fact shall be on the accused.

8. Offences to be cognizable: Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1998), an offence punishable under Sub-section (1) of Section 7 shall be cognizable.

9. Power to make rules : (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for :

- (a) the conditions and the circumstances under which cows, bulls and bullocks are to be slaughtered under Sub-section (1) of Section 4;
- (b) form of certificate, and the procedure for disposal of the applications and appeals under Section 3;
- (c) the manner in which the information shall be notified under Clause (a) of Sub-section (1) of Section 4;
- (d) the manner in which the information shall be lodged under Sub-section (2) of Section 4;
- (e) the matters relating to the establishment, maintenance, management, supervision and control of institutions referred to in Section 5;
- (f) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority; and
- (g) any other matter which is to be or may be prescribed.