

THE COW PROTECTION BILL, 2019

Bill No. 61 of 2019

By

SHRI NISHIKANT DUBEY, M.P.

A

BILL

*to constitute an Authority to ensure stabilization of population of cows (*Bos indicus*) and to suggest such measures to comply with articles 37 and 48 of the Constitution, to ban the slaughter of cows and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Cow Protection Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

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

Definitions.

(a) "Authority" means the National Cow Protection Authority constituted under section 3;

(b) "cow protection" means total ban in any form of injury or slaughter or enforced
10 starvation of the breed of Indian cow (*Bos indicus*);

(c) "Gowshalas" means health compliant hygienic comfortable shelters for Indian cow; and

(d) "prescribed" means prescribed by the rules made under this Act.

Constitution
of National
Cow
Protection
Authority.

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority, to be known as the National Cow Protection Authority consisting of the following members, namely,—

(a) Secretary, Department of Animal Husbandry in the Ministry of Agriculture-Chairperson, *ex-officio*; and

(b) five persons of eminence in the fields of agricultural economics, animal welfare and ancient Indian history or culture—Members.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the function of the Authority.

(3) The salary and allowances payable to and other terms of conditions of service of members, officers and staff of the Authority shall be such as may be prescribed.

Meetings of
the Authority.

4. The Authority shall meet at such time and place and shall observe such rules of procedure with regard to transaction of business at its meetings as may be prescribed by the Central Government.

Functions of
the Authority.

5. (1) The Authority shall discharge such functions as may be necessary to ensure stabilization of the cow population in the country and formulate a comprehensive policy for the purpose within one year after its constitution.

(2) Without prejudice to the provisions contained in sub-section (1), the functions of the Authority shall include—

(a) undertaking of a baseline study to collect data about cow population and to formulate a Qualitative Cow Dignity Index (CDI) as may be prescribed which shall be completed within one year of setting up of the Authority;

(b) formulation of schemes to provide for healthy *Bos Indicus* cows and calves;

(c) providing funds to help incentivise adoption of cow and setting up of Gowshalas;

(d) making recommendation to the Central Government, deterrent penalties including death penalty, to those who commit offences against cows and not follow the policies framed by the Authority;

(e) framing syllabus for awareness about importance of cow protection and development all over the country; and

(f) conducting awareness campaigns about medical imperatives for improving health of *Bos Indicus* cows and progeny.

Annual
Report and its
laying before
Parliament.

6. (1) The Authority shall prepare once every year an annual report in such form, as may be prescribed, giving the summary of its activities, including schemes it has undertaken and recommended to the Government during the previous year and statements of annual accounts of the Authority.

(2) A copy of the Report shall be forwarded to the Central Government and the Central Government shall lay the Report before each House of Parliament as soon as it is received and shall also lay the action taken thereon within a period of three months from the date of receipt of the report.

Central
Government
to provide
Funds.

7. The Central Government shall, from time to time, provide after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Prosecution
for offences.

8. The Central Government shall on the recommendation of the Authority prosecute any person within the framework of the Code of Criminal Procedure, 1973 on committing any offence prescribed by law.

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9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it be necessary or expedient for the removal of any difficulty:

Power to
remove
difficulty.

5 Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

10. (1) The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

10 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament or, as the case may be, 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 two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament or, as the case may be, the State Legislature agrees in making any modification in the rule or agrees that the rule
15 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.

STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution enjoins on the State to organize agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. Article 37 provides *inter-alia* that the State shall apply these principles (Directive Principles) in making laws. It is, therefore, proposed to enact a uniform central law to constitute an Authority to ensure stabilization of the cow population in the country and to ban the slaughter of cows.

The salient features of the Bill are—

(i) total ban in any form of injury or slaughter or enforced starvation of the breed of Indian cow (*Bos indicus*) as envisaged by Mahatma Gandhi as an imperative for free independent India;

(ii) provision of funds to help incentivise adoption of cow and setting up of Gowshalas; and

(iii) constitution of the National Cow Protection Authority to formulate a comprehensive policy for the stabilization of the cow population within one year after its constitution.

Hence this Bill.

NEW DELHI;
June 4, 2019.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the National Cow Protection Authority and appointment of officers and staff for this authority. Clause 7 requires the Central Government to provide, requisite funds for carrying out the purposes of this legislation. The Bill, if enacted, will involve expenditure, recurring and non-recurring, from the Consolidated Fund of India. However, it is not possible to assess the actual financial expenditure which is likely to be incurred at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

LOK SABHA

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(*Shri Nishikant Dubey, M.P.*)