

Bill No. I of 2015

**THE COW AND OTHER MILCH ANIMALS (PROHIBITION OF
SLAUGHTER, CRUELTY AND OTHER PROVISIONS)
BILL, 2015**

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BILL

to provide for the prohibition of slaughter of cow and its progeny and other milch animals for consumption of meat or its export or for any other purpose and prevent cruelty and infliction of trauma, pain or suffering on animals and for humane approach towards them through welfare measures and the well being of animals and for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Sixty-sixth year of the Republic of India as follows:—

1. (1) This Act may be called the Cow and other Milch Animals (Prohibition of Slaughter, Cruelty and other Provisions) Act, 2015.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and for different provisions of this Act.

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

Definitions.

10 (a) "animal" includes all domestic animals such as cow and its progeny, buffalo, goat, sheep, camel, horse etc. and captive animals or performing animals and stray animals;

(b) "appropriate government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(c) "local authority" includes a municipal committee, corporation, council by whatever name called, district board, cantonment board or any authority for the time being entrusted by law with the control and administration of any matters within a specified local area;

(d) "owner" used with reference to an animal includes not only the owner of the animal but also any other person for the time being in possession or custody of the animal whether with or without the consent of the owner;

(e) "performing animal" means an animal which is used at or for the purpose of any entertainment, display, sport, cinematograph film and animal shows like equine events, dog shows, etc.;

(f) "*phooka or doomdev*" includes any process of introducing air or any substance into the female organ of a milch animal with intention of drawing off from the animal any secretion of milk;

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

(h) "society" means a society established for animal welfare and for the prevention of cruelty, pain or suffering to animals and recognised by the appropriate Government under this Act;

(i) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not to which the general public have access;

(j) "welfare organization" means an animal welfare organization which is registered with and recognised by the appropriate Government.

Prohibition of slaughter of cow and its progeny and other milch animals.

3. (1) Notwithstanding anything contained in any other law for the time being in force or contrary to food habits or religious belief, the slaughter of cow and its progeny and all other milch animals is hereby prohibited in any manner whatsoever.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Duties of persons having charge of animals or otherwise.

4. (1) It shall be the duty of every person having the care or charge of any animal, whether as owner or otherwise, to ensure the welfare and well being of such animal and to prevent the infliction of trauma, pain or suffering upon such animal and in particular shall ensure that the animal in his care or under his charge,—

(a) does not face thirst, hunger and malnutrition;

(b) does not face discomfort due to vagaries of nature and environment;

(c) does not suffer from pain, injury and disease;

(d) is free to express normal behaviour including reproduction of the species; and

(e) is free from fear and distress.

(2) It shall be the duty of the general public not to inflict injury and pain to any animal in any manner whatsoever and bring to the notice of the Board or society or welfare organization about any injured, ill or incurably ill animal in the street for taking care of such animal;

(3) The practice of *phooka or doomdev* or by whatever name called and giving injection of octocin or any other medicine to a milch animal for drawing secretion of milk from such animal is hereby prohibited.

(4) Whoever contravenes the provisions of sub-section (3) shall be guilty of an offence under this Act.

5. (I) Whoever,—

(i) Kills or slaughter a cow or its progeny or any other milch animal either for consumption of its meat or to export its meat or for any other purpose including rituals shall be punishable with imprisonment for a term which shall not be less than five years but may extend to ten years and also with fine which may extend to two lakh rupee;

(ii) Beats, kicks, overrides, overdrives, overloads, tortures or otherwise treats any animal so as to subject it to trauma, pain or suffering or employs the animal in any work or labour or for any purpose without adequate rest, food or water or the animal by reason of its age or any disease, infirmity, wound, sore or other cause is unfit to be so employed or wilfully administers any injurious drug or injurious substance to any animal or keeps any animal chained or tethered with a short or heavy chain or cord, or hobbles the legs of the animal or confines in a cage or other receptacle or mutilates an animal in any manner including ear cropping, tail docking, defanging, declawing, branding, piercing in any manner shall be punishable with imprisonment which shall not be less than two years but may extend to five years and also with fine which may extend to rupee one lakh.

(iii) Being the owner of an animal,—

(a) neglects to exercise or cause to be exercised or keeps the animal habitually chained up or in close confinement; or

(b) fails to provide such animal with sufficient food, drinking water or shelter; or

(c) abandons the animal in circumstances which render it likely that it will suffer trauma, pain or suffering by reason of relocation, starvation, thirst, injury or illness; or

(d) wilfully or negligently permits any animal to go at large in any street or permits any diseased or disabled or injured animal to die in any street;

shall be punishable with imprisonment which shall not be less than one year but may extend to three years and also with fine which may extend to fifty thousand rupee;

(iv) Solely with a view to provide entertainment,—

(a) confines or causes to be confined any animal including tying of an animal as a bait so as to make it an object of prey for any other animal; or

(b) incites any animal to fight any other animal or any human being or organizes or participates or acts in the management of animal fighting; or

(c) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting; or

(d) organizes, participates, promotes or in any manner is associated with any sport or activity involving the use of animals where such animals are subjected to cruelty either during the sport or activity itself or while in training;

shall be punishable with imprisonment which shall not be less than three years but may extend to five years and also with fine which may extend to two lakh rupee.

(v) Skins or roasts or kills for superstition or extracts parts of any live animal through a procedure that causes pain and suffering, for the purpose of getting skins, oils or other animal products or dynamites or electrifies stream, river or other waterbody or a fence for catching or killing an animal shall be punishable with imprisonment which shall not be less than two years but may extend to five years and also with fine which may extend to one lakh rupee;

(vi) Performs upon any cow or other milch animal the operation *phooka* or *doomdev* or any other operation including injection of octacin or of any substance to

improve lactation which is injurious to the health or the animal, or permits such operation being performed upon any such animal in his possession or under his control shall be punishable with imprisonment which may extend to one year and also with fine which may extend to fifty thousand rupee.

(2) Nothing in this section shall apply to,— 5

(a) the dehorning of, nose roping castration of any animal provided it is performed by a Veterinary surgeon in such manner as may be prescribed;

(b) the extermination or destruction of an incurable ill animal in such manner as may be prescribed.

Offences by Companies. **6.** Where an offence against this Act or rules framed thereunder has been committed by a company, every person who, at the time the offence was committed, was incharge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: 10

Provided that nothing contained in this section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. 15

Recognition of Societies, Welfare Organizations etc. **7.** The appropriate Government shall recognize societies, Gaushalas, welfare organization etc. for the treatment and care of animals and work as a bridge between the appropriate Government, local authority and other authorities concerned with the animals in such manner as may be prescribed. 20

Miscellaneous provisions. **8.** (1) No person shall carry on the business of breeding or selling of any animal other than in the manner prescribed by the rules made under this Act.

(2) No person or institution shall perform an experiment on animals unless permitted by the appropriate Government in such manner as may be prescribed. 25

(3) Any Police Officer above the rank of head constable or any person authorized by the appropriate Government in this behalf, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest magistrate or by such veterinary officer as may be prescribed, and such Police Officer or authorized person may, while seizing the animal, require the person incharge thereof to accompany it to the place of examination. 30

(4) The appropriate Government shall, by general or special order, authorise the detention of animals in respect of which offences against this Act have been committed in any Infirmaries, Society, Gaushalas, Animal Welfare Organization, etc. pending its production before a magistrate and the cost of transporting the animal thereto and of the maintenance and treatment at such places shall be payable by the owner of the animal and any amount payable by an owner may be recovered in the same manner as an arrear of land revenue. 35

(5) Where in any proceedings for an offence against this Act it is established that a person has in his possession, custody or control, an animal which is injured or wounded or mutilated or being experimented upon or which has been killed or has in his possession the skin of an animal or any part of the animal, it shall be presumed that such person has treated the animal with cruelty until the contrary is proved and the burden of proving which shall lie on the accused. 40

Cognizability of offences. **9.** Notwithstanding anything contained in the Code of Criminal Procedure 1973, an offence under this Act shall be a cognizable offence within the meaning of that code. 45 2 of 1974.

Act to have overriding effect. **10.** The provisions of this Act and of any rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any act or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act.

Operation of other laws not barred.

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45 of 1860

12. Every person authorized by appropriate Government under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 and no suit, prosecution or other legal proceeding shall lie against him in respect of anything in good faith done or intended to be done under this Act.

Person authorized to be public servant and indemnity provision.

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

Central Government to provide funds.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Our Country till recently had the largest number of animals in the world and it is one of the largest producer of milk in the world. But the number of animals is going down rapidly alongwith milch animals. As such there is a mismatch between the production of milk and per capita consumption of milk in the country. Whereas the population of the country is increasing manifold the population of milch animals is on the decline. This mismatch has resulted in short supply of milk and its prices have increased manifold in the recent past making this commodity out of the reach of the poor people and the worst sufferers are children who are not getting milk resulting in their malnutrition. Taking advantage of shortage of milk in the country the unscrupulous and anti social people are producing synthetic milk on a very large scale and endangering the health and the lives of the unsuspecting people. This situation has to be tackled on priority and one way to do this is to impose a blanket ban on the slaughter of milch animals in the country which are slaughtered to consume their meat and also to export the meat to earn foreign exchange at the cost of poor children who are not getting milk essential for their health.

From the ancient times cow is called *Gaumata* and is worshipped particularly by the Hindus in the country. Not only the cows milk is consumed by the people and more so by the children even the cows urine is used for medicinal purposes in various parts of the Country. Its progeny when grows as bull helps the farmers in cultivating their fields and grow cereals for the human consumption and the industry. Cowduing is used to make manure in rural India. Since cow is worshipped there is a long pending demand of most of the Hindus in the country to impose a blanket ban on the slaughter of cows and its progeny in the country. Religious leaders sadhus, saints and various political parties have consistently demanded ban on slaughter of cow and its progeny. Hence, it has become necessary to ban the slaughter of cows and its progeny throughout the country showing respect to the sentiments of majority of the people.

Of late, cruelty against animals in the country has risen manifold. People do not hesitate kicking and inflicting injuries on animals and more so on stray animals. Even the owners of milch animals after extracting their milk leave them to roam on the streets and roads and these hungry animals can be seen searching food in garbage and loitering on the roads causing road accidents in which they too are hurt and wounded. In this Bill various forms of cruelty have been elaborated. Cruelty against animals must be stopped with a heavy hand by imposing tough penalties and fines on the offenders and humane approach should be adopted towards the animals.

Hence, this Bill.

RAJ KUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 13 of the Bill makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. It is not possible to quantify the amount at this juncture but if, the Bill is enacted, it will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

A sum of rupees twenty five thousand crore may also involve as non recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

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to provide for the prohibition of slaughter of cow and its progeny and other milch animals for consumption of meat or its export or for any other purpose and prevent cruelty and infliction of trauma, pain or suffering on animals and for humane approach towards them through welfare measures and the well being of animals and for matters connected therewith or incidental thereto.

(Shri Rajkumar Dhoot, M.P.)