



The Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964

Act 35 of 1964

Keyword(s):

Animal, Cow, Slaughter

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**THE KARNATAKA PREVENTION OF COW SLAUGHTER
AND CATTLE PRESERVATION ACT, 1964**

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STATEMENTS OF OBJECTS AND REASONS

I

Act 35 of 1964.—The laws regulating preservation of animals in force in the State of Mysore are, the Mysore Prevention of Cow Slaughter Act, 1948, in force in the Mysore Area, and the Bombay Animal Preservation Act, 1954, in force in the Bombay Area. Under section 2 of the Mysore Act, “cow” is defined to include bull, bullock, buffalo, and calf, and section 3 of the Act imposes a ban on the slaughter of cows except when certified by a qualified veterinarian to be affected with rabies. In view of the decision of the Supreme Court in “Mohammed Hanif Quareshi vs. the State of Bihar” and of the decision of the Mysore High Court in “Quareshi and others vs. the State of Mysore”, it is considered necessary to have a uniform law for the whole State in conformity with those decisions.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A dated 20th November 1963 as No. 144 at page. 9.)

II

Amending Act 24 of 1966.—Section 16 of the Mysore Prevention of Cow Slaughter and Cattle Preservation Act, 1964, lays down that the Act shall not apply to any cow or animal operated upon for vaccine lymph, serum or for any experimental or research purpose, or any cow or animal, slaughter of which is certified by a Veterinary Officer to be necessary in the interest of the public health, or which is suffering from any disease which is certified by a Veterinary Officer as being contagious and dangerous to other animals. The Government of India have stated that the regulations for the Army contain provisions for the destruction of Army cattle when they have been certified by a Veterinary Officer as suffering from an incurable disease or injury. They have requested that in order to enable destruction of such animals suitable provision may be made in the Mysore Act.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 21st July 1966 as No. 122 at page. 3.)

III

Amending Act 26 of 1975.—Under clause (c) of section 16 of the Act a cow or animal belonging to the Central Government in the Ministry of Defence, slaughter of which is certified by a Veterinary Officer of the Indian Army to be necessary on the ground that it is suffering from incurable disease or injury is exempt from the provisions of the Act. It is considered that similar exemption should also be made applicable in the case of slaughter of a cow or animal certified by a Veterinary Officer authorised by State Government as one suffering from an incurable disease or injury.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 26th February 1973 as No. 178 at page. 3.)

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¹[KARNATAKA]¹ ACT No. 35 OF 1964

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-seventh day of August, 1964.)

THE ¹[KARNATAKA]¹ PREVENTION OF COW SLAUGHTER AND CATTLE PRESERVATION ACT, 1964.

(Received the assent of the President on the Fourteenth day of August, 1964.)

(As amended by Karnataka Acts 24 of 1966 , 26 of 1975)

An Act to provide for the prevention of slaughter of cows, calves of cows and calves of she-buffaloes and for the preservation of other cattle in the State.

WHEREAS it is expedient to provide for the prevention of slaughter of cows, calves of cows and calves of she-buffaloes and for the preservation of other cattle in the State;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Fifteenth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

1. Short title, extent and commencement.—(1) This Act may be called the ¹[Karnataka]¹ Prevention of Cow Slaughter and Cattle Preservation Act, 1964.

(2) It shall extend to the whole of the ¹[State of Karnataka]¹.

(3) It shall come into force at once.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

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

(i) “animal” means bull, bullock, buffalo-male or female, or calf of she-buffalo whether male or female;

(ii) “competent authority” means a person or a body of persons appointed to perform the functions of a competent authority under this Act;

(iii) “cow” includes calf of a cow, whether male or female;

(iv) “notification” means a notification published in the official Gazette; and

(v) “prescribed” means prescribed by rules made under this Act.

3. Appointment of competent authority.—The State Government may, by notification, appoint a person or a body of persons to perform the functions of a competent authority under this Act for such local area as may be specified in such notification.

4. Prohibition of slaughter of cow or calf of she-buffalo.—Notwithstanding 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 cow or calf of she-buffalo.

5. Prohibition against slaughter of animals without certificate from competent authority.—(1) Notwithstanding 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 any animal, other than a calf of she-buffalo, unless he has obtained in respect of such animal a certificate in writing from the competent authority appointed for the area that the animal is fit for slaughter.

(2) A certificate under sub-section (1) shall be granted by the competent authority, after it has, for reasons to be recorded in writing, certified that,—

(a) the animal is over the age of twelve years; or

(b) the animal has become permanently incapacitated for breeding, draught or giving milk due to injury, deformity or any other cause.

(3) No certificate under sub-section (1) shall be granted if the animal is suffering from any disease which makes its meat unwholesome for human consumption.

(4) A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed.

6. Power of revision.—(1) The State Government may, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed by a competent authority, granting or refusing to grant any certificate under section 5, call for and examine the records of the case and may pass such order in reference thereto as it thinks fit.

(2) Subject to the provisions of sub-section (1) any order passed by the competent authority granting or refusing to grant a certificate, and any order passed by the State Government under sub-section (1), shall be final and shall not be called in question in any court.

7. Slaughter to be in places specified.—No animal in respect of which a certificate has been granted under section 5, shall be slaughtered in any place other than a place specified by such authority or officer as the State Government may appoint in this behalf.

8. Restriction on transport of animal or cow for slaughter.—No person shall transport or offer for transport or cause to be transported any animal or cow from any place within the State to any place outside the State, for the purpose of its slaughter in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be, so slaughtered.

9. Prohibition of sale, purchase or disposal of cow or calf of she-buffalo 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, cows or calves of she-buffaloes for slaughter or knowing or having reason to believe that such cattle shall be slaughtered.

10. Power to enter and inspect.—(1) For the purposes of this Act, the competent authority or any person authorised in this behalf by the competent authority (hereinafter referred to as the “authorised person”) shall have power to enter and inspect any premises where the competent authority or the authorised person has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person in occupation of any such premises shall allow the competent authority or the authorised person 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 competent authority or by the authorised person.

11. Penalties.—Whoever contravenes any of the provisions of this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

12. Offences under the Act to be cognizable.—All offences under this Act, shall be cognizable.

13. 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 offence.

14. 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.

15. 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 rule made thereunder.

16. Exemptions.—Subject to such conditions as may be prescribed, this Act shall not apply to,—

(a) any cow or animal 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 cow or animal,—

(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 animals.

¹[(c) any cow or animal, slaughter of which is certified to be necessary on the ground that it is suffering from an incurable disease or injury,—

(i) in the case of a cow or animal 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 cow or animal, by a Veterinary Officer authorised by the State Government.]¹

1. Substituted by Act 26 of 1975 w.e.f. 5.6.1975

17. Delegation of powers.—The State Government may, by notification, delegate,—

(i) to any local authority, its powers and functions under section 3, within the local area subject to the jurisdiction of such local authority;

(ii) to any officer of the State Government its powers and functions under sub-section (1) of section 6.

18. Establishment of institutions for taking care of cows or other animals.—(1) The State Government may establish, or direct any local authority or society registered under the ¹[Karnataka] Societies Registration Act, 1960, or any association or body of persons to establish institutions at such places as may be deemed necessary for taking care of cows or other animals sent thereto.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) The State Government may provide by rules for the proper management of such institutions for the care of cows or other animals therein and also for the class or variety of cows or other animals 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 institutions.

19. 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 the certificate under section 5;

(c) the amount of the fee to be paid under section 5;

(d) the conditions subject to which this Act shall not apply to any animal under section 16;

(e) the management of Institutions established under section 18 and the fee to be levied for their maintenance; and

(f) 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.

20. Repeal.—The Bombay Animal Preservation Act, 1954 (Bombay Act LXXII of 1954), the Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bombay Act XXII of 1946) and the Mysore Prevention of Cow Slaughter Act, 1948 (Mysore Act L of 1948) are hereby repealed:

Provided that section 6 of the ¹[Karnataka]¹ General Clauses Act, 1899 (¹[Karnataka]¹ Act III of 1899) shall be applicable in respect of such repeal and sections 8 and 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

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