

GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. IX OF 1977

THE MAHARASHTRA
ANIMAL PRESERVATION ACT, 1976

(As modified up to the 4th March, 2015)

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THE MAHARASHTRA ANIMAL PRESERVATION ACT, 1976

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SCHEDULE

MAHARASHTRA ACT No. IX OF 1977 ¹

[THE MAHARASHTRA ANIMAL PRESERVATION ACT, 1976]

[Received the assent of the President on the 16th day of February 1977; assent first published in the Maharashtra Government Gazette on the 1st day of March 1977 and the Amending Act of 1995 received the assent of the President on the 26th day of February, 2015 and assent first published in the Maharashtra Government Gazette on 4th March, 2015]

An Act to provide for the prohibition of slaughter [and preservation of cows, bulls and bullocks useful for milch, breeding, draught or agricultural purposes and for restriction on slaughter for the preservation of certain other animals suitable for the said purposes]²

WHEREAS it is expedient to provide for the prohibition of slaughter [and preservation of cows, bulls and bullocks useful for milch, breeding, draught or agricultural purposes and for restriction on slaughter for the preservation of certain other animals suitable for the said purposes]³ and to provide for matters connected therewith : It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows: -

Short title, extent, Commencement and application.

- 1.** (1) This Act may be called the Maharashtra Animal Preservation Act, 1976.
(2) It extends to the whole of the State of Maharashtra.
(3) It shall come into force on such date⁴ as the State Government may, by notification in the Official Gazette, appoint.
(4) It shall apply to cows, [bulls and bullocks]⁵ and to scheduled animals.

Declaration of state policy.

- 2.** It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in article 48 of the Constitution of India.

Definitions

- 3.** In this Act, unless the context otherwise requires,
- (a) "Competent authority " means a person or body of persons appointed by the State Government under section 4 to perform the functions of a competent authority under this Act;
- (b) " cow " includes a heifer or male or female calf of a cow;
- (c) "prescribed" means prescribed by rules made under this Act;
- (d) " Schedule " means the Schedule appended to this Act;
- (e) "Scheduled animal" means any animal specified in the Schedule; and the State Government may, by notification in the Official Gazette, add to the Schedule any species of animals, after considering the necessity for preservation of that species of animals; and the provisions of sub-section (3) of section 16, in so far as they relate to laying before, and modification by, the State Legislature, shall apply in relation to such notification as they apply to any rule made under that section.

1. For Statement of objects and Reasons, see Maharashtra Government Gazette, 1976, part V, Extraordinary, dated 6th December 1976, page 679.

2. substituted for the words `of cows and for the preservation of certain other animals suitable for milch, breeding, draught or agricultural purposes' by the Maharashtra Animal Preservation (Amendment) Act, 1995.

3. substituted for the words `of cows and for the preservation of certain other animals suitable for milch, breeding, draught or agricultural purposes' by the Maharashtra Animal Preservation (Amendment) Act, 1995.

4. 15th day of April, 1978, vide G.N.A. and C.D. No. SIT-1076/28233/3-ADF dated the 15th April, 1978

5. inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995.

Appointment of competent authority	<p>4. The State Government may, by notification in the Official Gazette, appoint one or more persons or one or more bodies of persons to perform the functions of a competent authority under this Act and specify the areas within which they shall perform such functions.</p>
Prohibition of slaughter of cows, bulls and bullocks ⁶	<p>5. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer for slaughter any cow, [bull or bullock]⁶ in any place in the State of Maharashtra.</p>
Prohibition on transport and export of cow, bull or bullock for slaughter	<p>[5A.] (1) No person shall transport or offer for transport or cause to be transported cow, bull or bullock 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, slaughtered.</p> <p>(2) No person shall export or cause to be exported outside the State of Maharashtra cow, bull or bullock for the purpose of slaughter either directly or through his agent or servant or any other person acting on his behalf, in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be slaughtered.</p>
Prohibition on sale, purchase, disposal in any other manner of cow, bull or bullock	<p>5B. No person shall purchase, sell or otherwise dispose of or offer to purchase, sell or otherwise dispose of any cow, bull or bullock for slaughter or knowing or having reason to believe that such cow, bull or bullock shall be slaughtered.</p>
Prohibition on possession of flesh of cow, bull or bullock	<p>5C. Notwithstanding anything contained in any other law for the time being in force no person shall have in his possession flesh of any cow, bull or bullock slaughtered in contravention of the provisions of this Act.</p>
Prohibition on possession of flesh of cow, bull or bullock slaughtered outside the State of Maharashtra	<p>5D. No person shall have in his possession flesh of any cow, bull or bullock slaughtered outside the State of Maharashtra.]⁷</p>
Restrictions on slaughter of scheduled animals	<p>6. (1) Notwithstanding anything contained in any law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered any scheduled animal in any place in the State of Maharashtra, unless he has obtained in respect of such animal a certificate in writing from the competent authority that the animal is fit for slaughter.</p> <p>(2) No certificate shall be granted under sub-section (1) , if in the opinion of the competent authority :</p> <p>(a) the scheduled animal, whether male or female, is or is likely to become economical for the purpose of draught or any kind of agricultural operations ;</p> <p>(b) the scheduled animal, if male, is or is likely to become economical for the purpose of breeding;</p> <p>(c) the scheduled animal, if female, is or is likely to become economical for the purpose of giving milk or bearing offspring.</p>

6. inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995.

7. Section 5A, 5B, 5C & 5D inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995

(3) The State Government may, on an application by any person aggrieved by an order passed by the competent authority refusing to grant him a certificate, made to it within sixty days from the date of receipt of such order, or at any time suo motu, call for and examine the records of the case for the purpose of satisfying itself as to the legality or propriety of any order passed by the competent authority under this section, and pass such order in reference thereto as it thinks fit.

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

(5) Subject to the provisions of sub-section (3), 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 (3), shall be final and shall not be called in question in any Court.

Scheduled animals to be slaughtered at specified places only

7. No scheduled animal in respect of which a certificate has been issued under section 6 shall be slaughtered in any place other than a place specified by such authority or officer as the State Government may appoint in that behalf.

[Power of entry, search, seizure and custody]⁸

8. (1) For the purposes of this Act, the competent authority or any person authorised in writing in that behalf by the competent authority (hereinafter in this section referred to as "the authorised person") shall have power to enter and inspect any place 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 place shall allow the competent authority or the authorised person such access to that place as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the competent authority or the authorised person.

[(3) Any Police Officer not below the rank of Sub-Inspector or any person authorised in this behalf by the State Government, may, with a view to securing compliance of the provisions of sections 5A, 5B, 5C or 5D, for satisfying himself that the provisions of the said sections have been complied with may,-

(a) enter, stop and search , or authorise any person to enter, stop and search any vehicle used or intended to be used for the export of cow, bull or bullock ;

(b) seize or authorise the seizure of cow, bull or bullock in respect of which he suspects that any provision of sections 5A, 5B, 5C or 5D has been, is being or is about to be contravened, along with the vehicles in which such cow, bull or bullock are found and thereafter take or authorise the taking of all measures necessary for securing the production of such cow, bull or bullock and the vehicles so seized, in a court and for their safe custody pending such production:

Provided that pending trial, seized cow, bull or bullock shall be handed over to the nearest *Gosadan, Goshala, Panjrapole, Hinsanivaran Sangh* or such other Animal Welfare Organizations willing to accept such custody and the accused shall be liable to pay for their maintenance for the period they remain in custody with any of the said institutions or organizations as per the orders of the court]

8. Substituted for the marginal Note "Power to enter and inspect places" by the Maharashtra Animal Preservation (Amendment) Act, 1995.

2 of 1974	(4) The provisions of section 100 of the Code of Criminal Procedure, 1973 relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.] ⁹	
[Penalty for contravene of section 5, 5A or 5B] ¹⁰	<p>9. Whoever contravenes [the provisions of section 5, 5A, or 5B]¹¹ shall, on conviction, be punished with imprisonment for a term which may extend to [five years]¹² or with fine which may extend to [ten thousand rupees]¹³ or with both.</p> <p>[Provided that except for special and adequate reasons to be recorded in the judgement of the court such imprisonment shall not be of less than six months and such fine shall not be less than one thousand rupees.]¹⁴</p>	
Penalty for contravention of sections 5C, 5D or 6.	<p>[9A. Whoever contravenes the provisions of sections 5C, 5D or 6 shall, on conviction, be punished with imprisonment for a term which may extend to one year or fine which may extend to two thousand rupees.</p>	
Burden of proof on accused	<p>9B. In any trial for an offence punishable under sections 9 or 9A for contravention of the provisions of this Act, the burden of proving that the slaughter, transport, export outside the State, sale, purchase or possession of flesh of cow, bull or bullock was not in contravention of the provisions of this Act, shall be on the accused]¹⁵</p>	
Offences under Act to be cognizable [and non-bailable] ¹⁶	<p>10. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 all offences under this Act shall be cognizable [and non-bailable] ¹⁶</p>	2 of 1974
Abetments and attempts	<p>11. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be deemed to have committed that offence and shall, on conviction, be punished with the punishment provided for such offence under section 9 [or Section 9A]¹⁷.</p>	
Persons exercising powers under this Act deemed to be public servants.	<p>12. 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.</p>	45 of 1860
Protection of persons acting in good faith under Act or rules	<p>13. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.</p>	
Exemptions under this Act.	<p>14. Subject to any conditions prescribed in this behalf, this Act shall not apply to:</p> <p>(a) any animal (other than cow, [bull and bullock]¹⁸) operated upon for vaccine, lymph or serum at any institution established, conducted or recognised by the State Government;</p>	

9. sub-section 3 and 4 inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995
10. substituted for the marginal Note "Penalties" by the Maharashtra Animal Preservation (Amendment) Act, 1995
11. substituted for the words `any of the provisions of this Act' by the Maharashtra Animal Preservation (Amendment) Act, 1995
12. substituted for the words `six months', by the Maharashtra Animal Preservation (Amendment) Act, 1995
13. substituted for the words `one thousand rupees' by the Maharashtra Animal Preservation (Amendment) Act, 1995
14. inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995
15. inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995
16. inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995
17. inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995
18. inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995

(b) any animal (other than cow, [bull and bullock]¹⁹) operated upon for any experimental or research purposes at the institution referred to in clause (a);

(c) any animal (other than cow, [bull and bullock]²⁰) or class thereof:

(i) slaughter of which is certified by a veterinary surgeon authorised in this behalf by the State Government to be necessary in the interest of the public health;

(ii) which are suffering from any disease which is certified by such veterinary surgeon as being contagious and dangerous to other animals :

Provided that no animal referred to in this section shall be slaughtered or cause to be slaughtered unless an authority in writing for such slaughter has been obtained from the competent authority.

Delegation
of Powers

15. The State Government may, by notification in the Official Gazette, delegate:

(a) to any local authority, its powers and functions under section 4 within the local area subject to the jurisdiction of such local authority;

(b) to any officer of the State Government, its powers and functions under sub-section (3) of section 6.

Power to
make rules

16. (1) The State Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for:

(a) the form of the Certificate under section 6;

(b) the amount of the fee to be paid for such certificate;

(c) the conditions subject to which this Act shall not apply to any scheduled animal under section 14; .

(d) any other matter which is or may be prescribed.

(3) Every rule made under this Act 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 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, from the date of publication of a notification in the Official Gazette of such decision 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.

Repeal and
savings.

17. On the commencement of this Act, the following Acts, that is to say,:

Bombay
LXXXI of
1948

(1) the Bombay Animal Preservation Act, 1948,

19. inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995

20. inserted by the Maharashtra Animal Preservation (Amendment) Act, 1995

- Bombay LXXII of 1954 (2) the Bombay Animal Preservation Act, 1954,
- C.P. and Berar LII of 1949 (3) the Central Provinces and Berar Animal Preservation Act, 1949 and
- Hyd. VII of 1950 (4) the Hyderabad (Slaughter of Animals) Act, 1950

shall stand repealed :

Provided that such repeal shall not affect,:

- (a) the previous operation of any Act so repealed, or anything duly done or suffered thereunder ;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any Act so repealed;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed;
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed :

Provided further that, subject to the preceding proviso, anything done or any action taken (including notifications, orders or certificates issued, appointments or rules made) under any Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force in the respective area accordingly, unless and until superseded by anything done or any action taken under this Act.

SCHEDULE

[Section 3(e)]

Bovines ([***]²¹ female buffaloes and buffalo calves)

21. the words "bulls, bullocks," were deleted by the Maharashtra Animal Preservation (Amendment) Act, 1995