

मुख्य पोस्ट मास्टर जनरल डाक परिमंडल, के पत्र क्रमांक 22/153, दिनांक 10-1-06 द्वारा पूर्व भुगतान योजनान्तर्गत डाक व्यय की पूर्व अदायगी डाक द्वारा भेजे जाने के लिए अनुमत.



पंजी. क्रमांक भोपाल डिवीजन
म. प्र.-108-भोपाल-09-11.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 380]

भोपाल, बुधवार, दिनांक 21 जुलाई 2010—आषाढ़ 30, शक 1932

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 21 जुलाई 2010

क्र. 4074-274-इक्कीस-अ (प्र.)—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश गौवंश वध प्रतिषेध (संशोधन) विधेयक, 2010 (क्रमांक 16 सन् 2010) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL

No. 16 of 2010.

THE MADHYA PRADESH GOVANSH VADH PRATISHEDH (SANSHODHAN) VIDHEYAK, 2010.

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MADHYA PRADESH BILL

No. 16 of 2010.

THE MADHYA PRADESH GOVANSH VADH PRATISHEDH (SANSHODHAN)
VIDHEYAK, 2010

A Bill to amend the Madhya Pradesh Govansh Vadh Pratishedh Adhiniyam, 2004.

Be it enacted by the Madhya Pradesh Legislature in the Sixty first Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Madhya Pradesh Govansh Vadh Pratishedh (Sanshodhan) Adhiniyam, 2010.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

Substitution of long title.

2. In the Madhya Pradesh Govansh Vadh Pratishedh Adhiniyam, 2004 (No. 6 of 2004) (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—

“An Act to provide, in the interest of general public and to maintain communal harmony and peace, for prohibition of slaughter of cow progeny, and for preservation and conservation of cow progeny and for matters connected therewith or incidental thereto.”

Amendment of section 2.

3. In Section 2 of the principal Act, for clause (e), the following clauses shall be substituted, namely:—

“(e) “slaughter” means killing by any method whatsoever and includes maiming or inflicting of physical injury which in the ordinary course will cause death, or doing any act with the intention of causing unnatural death;

(ea) “transport” means to carry cow progeny from one place to another either by any vehicle or on foot, except when such transport is for bonafide agricultural or ancillary purposes;

(eb) “transporter” means and includes the person,—

(i) who is the owner of the vehicle carrying the cow progeny or beef, if the cow progeny or beef has been booked under his instruction or within his knowledge;

(ii) who for the time being in charge of the vehicle and his assistant, carrying the cow progeny or beef;

(iii) who is in charge of transport company, for the time being, transporting the cow progeny and beef, if booking has been undertaken under his instruction or within his knowledge;

(iv) who is the partner of a transport firm, if the booking has been undertaken under his instruction or within his knowledge;”

Substitution of section 4 and 5.

4. For Section 4 and 5 of the principal Act, the following Sections shall respectively be substituted, namely:—

Prohibition of slaughter of cow progeny.

“4. No person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter of any cow progeny by any means.

5. No. person shall have in his possession or shall transport beef of any cow progeny slaughtered in contravention of the provisions of this Act.” **Prohibition on possession and transport of beef.**
5. For section 6 of the principal Act, the following sections shall be substituted, namely:— **Substitution of section 6.**
- “ 6. No person including transporter shall transport or offer for transport or cause to be transported any cow progeny himself or by his agent, servant or by any other person acting in his behalf within the State or 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. **Prohibition on transport of cow progeny for slaughter.**
- 6A. (1) No person including transporter shall export or cause to be exported any cow progeny himself or by his agent, servant or by any other person acting in his behalf from any place of the State to any place out side the State without permit as provided in sub-section (2). **Prohibition of export of cow progeny and grant of permit.**
- (2) The Competent Authority may grant a permit within seven days on presenting application in this behalf, in such manner as may be prescribed for export of cow progeny from Madhya Pradesh for agricultural or dairy farming purposes or for participation in a cattle fair and like purposes except for the purpose of slaughter.
- (3) Any person seeking permit under sub-section (2) aggrieved by an order of the Competent Authority may make an application within thirty days from the date of receipt of the order to the Divisional Commissioner, and the Divisional Commissioner may upon such application call for the examine the record of the case for the purpose of satisfying himself as to the correctness, legality or propriety of any order and may pass such order as it may deem just and proper and the order passed by the Divisional Commissioner shall be final and shall not be called in question in any civil court.
- 6B. No person including transporter shall transport cow progeny via Madhya Pradesh State and if any person including transporter wants to transport any cow progeny from one State to other via Madhya Pradesh State, then he shall take transit permit from competent Authority in such manner as may be prescribed.” **Prohibition of transporting cow progeny via Madhya Pradesh and grant of transit permit.**
6. For Section 9 of the principal Act, the following section shall be substituted, namely:— **Substitution of Section 9.**
- “ 9. (1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of Section 4 shall be punished with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees. **Penalties.**
- (2) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of Section 5, 6, 6A and 6 B shall be punished with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than five thousand rupees.”
7. For Section 11 of the principal Act, the following sections shall be substituted, namely:— **Substitution of section 11.**
- “ 11. (1) For the purpose of enforcing the provisions of this Act, the Competent Authority of any person authorized by the Competent Authority in writing in this behalf shall have power to enter and inspect any premises within the local limits of his jurisdiction, where he has reason to believe that an offence under this Act has been, is being or is likely to be committed and shall take necessary action. **Power of entry, inspection, search and seizure.**

- (2) Every person in occupation of any such premises as is specified in sub-section (1) shall allow the Competent Authority or any person authorized by the Competent Authority in writing, such access to the premises as he may require for the aforesaid purpose, and shall answer any question put to him by the Competent Authority or the person authorized, as the case may be, to the best of his knowledge and belief.
- (3) Any police officer not below the rank of Head constable or any person authorized in this behalf by Competent Authority may, with a view to securing compliance of the provisions of Section 4, 5, 6 A, and 6B or for satisfying himself that the provisions of the said sections have been complied with.
- (a) stop, enter and search any vehicle used or intended to be used for the export of cow progeny or beef.—
- (b) seize or authorize the seizure of cow Progeny, in respect of which he suspects that any provision of Section 4, 5, 6, 6A and 6B has been, is being or is about to be contravened, along with the vehicle in which such cow progeny or beef are found and thereafter take or authorize the taking of all measures necessary for securing the production of the cow progeny and vehicle so seized, in a court and for their safe custody pending the trial.
- (4) The provision of Section 100 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.
- (5) In case of any violation of Section 4, 5, 6, 6A and 6B, the police shall be empowered to seize the vehicle, cow progeny and beef, and the District Magistrate shall confiscate such vehicles, cow progeny and beef in such manner as may be prescribed.
- 11A. (1) Any person aggrieved by an order of confiscation under sub-section (5) of Section 11 may, within thirty days of the order, or if fact of such order has not been communicated to him, within thirty days of date of knowledge of such order, prefer an appeal in writing with certified copy of order of confiscation, accompanied by such fee and payable in such manner as may be prescribed, to the Divisional Commissioner (hereinafter referred to as the Appellate Authority).

Appeal against
order of
confiscation.

Explanation.—The time requisite for obtaining certified copy or order of confiscation shall be excluded while computing period of thirty days referred to in this sub-section.

- (2) The Appellate Authority referred to in sub-section (1) shall, on presentation of memorandum of appeal, issue a notice for hearing of appeal to the officer effecting seizure and to any other person who in the opinion of the Appellate Authority, is likely to be adversely affected by the order of confiscation, and call for the record of the case:

Provided that no formal notice of appeal need be issued to the appellant, officer effecting seizure and any other person likely to be adversely affected as aforesaid, who may be informed in any other manner of date of hearing of appeal by the Appellate Authority.

- (3) The appellate Authority shall send intimation in writing of lodging of appeal to the District Collector.

- (4) The Appellate Authority may pass such orders of "interim" nature for custody or disposal (if necessary) of the subject matter of confiscation as may appear to be just or proper in the circumstances of the case.
- (5) The Appellate Authority, having regard to the nature of the case or the complexities involved, may permit parties to the appeal to be represented by their respective legal practitioners.
- (6) On the date fixed for hearing of the appeal or on such date to which the hearing may be adjourned, the Appellate Authority shall pursue the record and hear the parties to the appeal if present in person, or through any agent duly authorized in writing or through a legal practitioner, and shall thereafter proceed to pass an order of confirmation, reversal or modification of order of confiscation:

Provided that before passing any final order the Appellate Authority may if it is considered necessary for proper decision of appeal make further enquiry itself or cause it to be made by the District Collector and may also allow parties to file affidavits for asserting or refuting any fact that may arise for consideration and may allow proof of facts by affidavits.

- (7) The Appellate Authority may also pass such orders of consequential nature, as it may deem necessary.
- (8) Copy of final order or of order of consequential nature shall be sent to District Collector for compliance or for passing any appropriate order in conformity with the order of Appellate Authority.

11B. Any party to the appeal aggrieved by final order or by order of consequential nature passed by the Appellate Authority, may within thirty days of the order sought to be impugned submit an application for revision to the Court of Sessions within the Sessions division whereof the head quarters of the Appellate Authority are situate.

Revision before Court of Sessions against order of Appellate Authority.

Explanation.—In computing the period of thirty days under this section, the time requisite for obtaining certified copy of order of Appellate Authority shall be excluded."

8. After section 12 of the Principal Act, the following section shall be inserted, namely:—

Insertion of Section 12A.

" 12A. The State Government shall take necessary action for the purpose of feeding and maintenance of seized cow progeny in such manner as may be prescribed."

Maintenance of seized cow progeny.

9. After Section 13 of the Principal Act, the following section shall be inserted, namely:—

Insertion of Section 13A.

" 13A. Where any person is prosecuted for an offence under the provisions of this Act, the burden of proof that he had not committed the offence under the provisions of this Act, shall be on him, if the prosecution is in a position to produce the prima facie evidence against him at the first instance."

Burden of proof on accused.

STATEMENT OF OBJECTS AND REASONS

At present the Madhya Pradesh Govansh Vadh Pratishedh Adhiniyam, 2004 (No. 6 of 2004) is in force for the prohibition of slaughter of cow progeny. The aforesaid Act has not been able to fully achieve the desired objective on account of certain short comings.

2. In order to remove the short comings and to obviate difficulties in the implementation of the aforesaid Act and to enable the State Government to implement the different provisions strictly, it has been decided to amend the Act suitably.

3. The salient features of the proposed Bill are as under :—

- (i) Clause 3-The definitions of the words “Slaughter”, “transport” and “transporter” have been proposed to be added.
- (ii) Clause 4-Provisions of Section 4 and 5 has been revised.
- (iii) Clause 5-Provision of prohibition of transport and export of cow progeny is proposed. Provision for permit and transit permit has also been proposed.
- (iv) Clause 6-Deterrent punishment has been proposed in Section 9.
- (v) Clause 7-Necessary provision of search and seizure has been proposed in Section 11.
- (vi) Clause 9-Provision for burden of proof on accused has been proposed.

4. Other amendments are of minor nature.

5. Hence this Bill.

Bhopal :
Dated the 7th July, 2010.

AJAY VISHNOI
Member-in-Charge.