

Maharashtra Animal Preservation Act, 1976

[Dated : October 03, 2024]

[16th February, 1977]

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

An Act to provide for the prohibition of slaughter of cows and for the preservation of certain other animals suitable for milch, breeding, draught or agricultural purposes.

Whereas it is expedient to provide for the prohibition of slaughter of cows and for the preservation of certain other animals suitable for milch, breeding, draught or agricultural purposes and to provide for matters connected therewith; It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows-

1. Short title, extent, commencement and application—(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 date as the State Government may, by notification in the *Official Gazette*, appoint.

(4) It shall apply to cows and to scheduled animals.

2. Declaration of State policy—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.

3. Definitions—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 specifies 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 the section.

4. Appointment of competent authority—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 function of a competent authority under this Act and specify the areas within which they shall perform such functions.

5. Prohibition of slaughter of cows—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; in any place in the State of Maharashtra.

6. Restrictions on slaughter of scheduled animals—(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.

(2) No certificate shall be granted under sub-section (1), if in the opinion of the competent authority,-

(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;

(b) the scheduled animal, if male, is or is likely to become economical for the purpose of breeding;

(c) the scheduled animal, if female, is or is likely to become economical for the purpose of giving milk or bearing offspring.

(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.

7. Scheduled animals to be slaughtered at specified places only—No scheduled animal in respect of which a certificate had 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.

8. Power to enter and inspect places—(1) For the purposes of this Act, the competent authority or any person authorized 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 place where the competent authority or the authorized 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.

9. 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.

10. Offences under Act to be cognizable—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be cognizable.

11. Abetments and attempts—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.

12. Persons exercising powers under this 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.

13. Protection of persons acting in good faith under Act or rules—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.

14. Exemptions under this Act—Subject to any conditions prescribed in this behalf, this Act shall not apply to,-

(a) any animal (other than cow) operated upon for vaccine, lymph or serum any institution established, conducted or recognised by the State Government;

(b) any animal (other than cow) operated upon for any experimental or research purposes at the institution referred to in clause (a):

(c) any animal (other than cow) or class there of, -

(i) slaughter of which is certified by a veterinary surgeon authorized 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.

15. Delegation of powers—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.

16. Power to make rules—(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.

17. Repeal and savings—On the commencement of this Act, the following Acts, that is to say,-

- (1) the Bombay Animal Preservation Act, 1948,
- (2) the Bombay Animal Preservation Act, 1954,
- (3) the Central Provinces and Berar Animal Preservation Act, 1949, and
- (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 notification, 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 (bulls, bullocks, female buffaloes and buffalocalves).

Notifications

G.N., A. & C.D., No. SIT-1076-28233/3-ADF, dated 13th April, 1978 (M.G., Part IV-B, page 627)—In exercise of the powers conferred by sub-section (3) of section 1 of the Maharashtra Animal Preservation Act, 1976 (Maharashtra IX of 1977), the Government of Maharashtra hereby appoints the Fifteenth day of April 1978, to be the date on which the said Act shall come into force.

G.N., A. & C.D., No. SIT-1076-28233/3-ADF, dated 14th April, 1978 (M.G., Part IV-B, page 630)—In exercise of the powers conferred by section (4) of the Maharashtra Animal Preservation Act, 1976 (Maharashtra IX of 1977), and in supersession of all previous notifications or orders deemed to have been issued under that section under section 17 of the said Act, the Government of Maharashtra hereby appoints the Officers specified in column 1 of the Schedule appended hereto to perform the functions of a competent authority under the said Act, and specifies the areas, respectively, mentioned against them in column 2 of the said Schedule, to be the areas within which they shall perform such functions.

Schedule

Sr. No.	Name of the District/Tahsil		Name of the competent authority	Jurisdiction of the competent authority
1	2		3	4
Thane District				

1.	Thane	..	..	Veterinary Officer i/c Veterinary Dispensary.	Jurisdiction, of the Veterinary Dispensary or District Animal as fixed by the Husbandry Officer for his institution.
2	Bhivandi	..	..	Veterinary Officer, under Principal Veterinary Officer.	Do.
3.	Vasai	..	..	Veterinary Officer i/c Veterinary Dispensary.	Do.
4.	Palghar	..	..	Do.	Do.
5.	Dahanu	..	..	Do.	Do.
6.	Jawahar	..	..	Do.	Do.

7.	Mokhada	..	..	Do.	Do.
8.	Wada	..	..	Do.	Do.
9.	Shahapur	..	..	Do.	Do.
10	Murbad	..	..	Do.	Do.
11.	Kalyan	..	..	Do.	Do.
12.	Ulhasnagar	..	..	Do.	Do.
13.	Talasari	..	..	Do.	Do.
Kulaba District					
1.	Alibag	..	..	Do.	Do.
2.	Uran	..	..	Do.	Do.
3.	Panvel	..	..	Do.	Do.

4.	Karjat (Matheran)	..	..	Do.	Do.
5.	Khalapur (Khopoli)	..	..	Do.	Do.
6.	Pen	..	..	Do.	Do.
7.	Subhagaon	..	..	Veterinary Officer i/c Veterinary Dispensary.	Jurisdiction of the Veterinary Dispensary or District Animal as fixed by the Husbandry Officer for his institution.
8.	Roha	..	..	Do.	Do.
9.	Mangaon	..	..	Do.	Do.
10.	Mahad	..	..	Do.	Do.
11.	Poladpur	..	..	Do.	Do.

12.	Mhasala	..	..	Do.	Do.
13.	Shrivardhan	..	..	Do.	Do.
14.	Murud	..	..	Do.	DO.
15.	Pali	..	..	Do.	Do.
Ratnagiri District					
1.	Ratnagiri	..	..	Veterinary Officer i/c Veterinary Dispensary.	Jurisdiction of the Veterinary Dispensary or District Animal as fixed by the Husbandry Officer for his institution.
2.	Chiplun	..	..	Veterinary Officer under Principal Veterinary Officer.	Do.

3.	Guhaghar	..	..	Do.	Do.
4.	Dapoli	..	..	Do.	Do.
5.	Mandangad	..	..	Do.	Do.
6.	Khed	..	..	Do.	Do.
7.	Sangamneshwar	..		Do.	Do.
8.	Lanja	..	..	Do.	Do.
9.	Rajapur	..	..	Do.	Do.
10.	Kankavali	..	..	Do.	Do.
11.	Kudal	..	..	Do.	Do.
12.	Sawantwadi	..	..	Do.	Do.
13.	Vengurl	..	..	Do.	Do.

14.	Malwan	..	..	Do.	Do.
15.	Devgad	..	..	Do.	Do.
Nashik District					
1.	Nashik City	..	..	Veterinary Officer under principal Veterinary Officer.	Jurisdiction of the Veterinary Dispensary or as fixed by the District Animal Husbandry Officer for his institution.
2	Nashik Road and Deolali	..	..	Officer i/c Veterinary Hospital (Nashik Road).	Do.
3	Malegaon	..	..	Do.	Do.
4	Yeola	..	..	Do.	Do.

5.	Peint	..	..	Veterinary Officer i/c Veterinary Dispensary.	Do.
6.	Dindori	..	..	Do.	Do.
7.	Surgana	..	..	Do.	Do.
8.	Kalwan	..	..	Veterinary Officer i/c Veterinary Dispensary.	Jurisdiction of the Veterinary Dispensary or as fixed by the District Animal Husbandry Officer for his institution.
9.	Baglan (Satana)	..	..	Do.	Do.
10	Chandor (Chandwad)	..	..	Do.	Do.
11	Nandagon (Manmad)	..	..	Do.	Do.

12	Niphad	..	..	Do.	Do.
13	Sinnar	..	..	Do.	Do.
14	Igatpuri	..	..	Do.	Do.

The Bombay Animal Preservation Act, 1948 (Bombay 81 of 1948)

G.N., A. & F.D., No. APS. 1054-D (B), dated 11th May, 1954 (B.G., Part IV-B, page 681)—In exercise of the powers conferred by sub-section (3) of section 1 of Bombay Animal Preservation Act, 1948 (Bombay 81 of 1948), the Government of Bombay is pleased to direct that sections 2 to 14 (both inclusive) of the said-Act shall come into force in the area within the limits of the Municipal Borough of Kalyan on the 1st June, 1954.

G.N., A.A.H.D.D. & F.D. No. SLT 1000/CR-51 /B/ADF-3, dated 18th September, 2000 (M.G. Part IV-B, page 1240)—In exercise of the powers conferred by clause(e) of section 3 of the Maharashtra Animal Preservation Act, 1976 (Maharashtra IX of 1977) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby amends the Schedule appended to the said Act as follows, namely:-

In the schedule appended to the said Act, the words, "Ovines (Sheeps) and Caprines (Goats)" shall be added at the end.

G.N., A. & F.D., No. APS. 1054-D (c), dated 11th May, 1954 (B.G., Part IV-B, page 681)—In exercise of the powers conferred by section 4 of the Bombay Animal

Preservation Act, 1984 (Bombay 81 of 1948), the Government of Bombay is pleased to appoint the Veterinary Officer, Kalyan, to be Veterinary Officer for the area within the limits of the Municipal Borough of Kalyan and to assign to him the powers to grant certificates of fitness for slaughter of animals, under section 5 of the Act.

G.N., A. & F.D., No. 1629/6449-D, dated 24th February, 1953 (B.G., Part IV-B, page 379)—In exercise of the powers conferred by clause (ii) of section 12 of the Bombay Animal Preservation Act, 1948 (Bombay 81 of 1948), the Government of Bombay is pleased to delegate to the Director of Veterinary Services, Bombay State, its powers and functions under subsections (3) and (4) of section 5 of the said Act.
