



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(s). OF 2026
(Arising out of SLP(C) No(s).4663 of 2026)

NISHA

...APPELLANT(S)

VERSUS

MUNICIPAL COUNCIL SANGRUR & ORS.

...RESPONDENT(S)

J U D G M E N T

SANJAY KAROL, J.

1. Leave Granted.

2. The appellant, Nisha, being the widow of the deceased Vijay Kumar, is aggrieved by the judgment dated 12th November 2025 passed by the Division Bench of the High Court of Punjab and Haryana at Chandigarh in LPA No. 1926 of 2019. This order set aside the findings of the learned Single Judge dated 27th May 2019 in CWP No. 17331 of 2010 (titled *Vijay vs. State of Punjab & Ors*), which had granted compensation to the tune of Rs. 29,32,000/- with 6% interest per annum to be calculated from 1st September 2012. The reversal of the judgment is on the ground that the present case involves "disputed questions of fact" and as such, the writ petition itself was not maintainable. Hence, this appeal.

3. The short facts as can be understood from the record are that – on 21st September, 2007, Vijay was hit by a stray bull while walking on the road, sustaining a head injury and becoming unconscious.

4. The incident was reported to the Police, and a DDR entry was recorded. During the lifetime of the deceased, a claim was set up with the authorities, which did not yield any fruitful result. Post his death, his wife filed a Writ Petition before the High Court seeking adequate compensation. The learned Single Judge assessed and awarded compensation by applying the principles governing the grant of compensation under the Motor Vehicles Act¹, 1988 on the basis of the income of the deceased/claimants; age and other relevant factors.

However, the Division Bench, solely on the ground that disputed questions of fact could not have been adjudicated under Article 226 jurisdiction, quashed and set aside the judgment of the learned Single Judge, and granted liberty to the claimants to seek appropriate remedy before the Civil Court having competent jurisdiction.

5. Heard learned counsel for the parties. The main argument urged by the appellant is that the incident pertains to the year 2007 and that, at this point in time, it would be extremely unjust, unfair and inequitable to ask the claimant to pursue the remedies before the Civil Court, particularly when no disputed questions of fact arise. On the other hand, the respondents submit that none of the facts required to establish any liability on the Municipal Council have been proven. Also, the principles enunciated under the provisions of the MVA are impermissible to be applied for determination of compensation payable, if any.

6. On the first blush, the reasoning of the Division Bench is appealing, but a closer examination of the facts leads us to think otherwise. The Writ Petition

¹ MVA

before the High Court was filed in the year 2010, and it was finally decided on 27th May 2019. The impugned judgment is dated 12th November 2025. Now, after such a long time, even if there is legal merit in the statement that a claim should have been filed before the competent Civil Court, where does that leave the claimants? The simple answer is, remediless.

7. On that short ground alone, i.e., the efflux of time, the impugned judgment warrants interference and, in the interest of justice, adjudication on merits.

8. A perusal of the record reveals that the deceased had *vide* application dated 2nd March 2010 approached the Deputy Commissioner, Sangrur, seeking compensation to the tune of Rs.1 crore. The said request for compensation was not considered favourably by the above-named authority solely on account of the fact that the respondent '*does not receive any fund which can be given as compensation*'. Noteworthy, here is the factum that the incident was never questioned or denied in any manner. However, after this application, the deceased sent a legal notice and, receiving no reply thereto, filed the subject Writ Petition. Prior thereto, even an FIR reporting the incident was lodged. Hence, all facts are undisputed.

9. Well, we may observe that what has happened in this case is not unique or unheard of. It is commonplace to see reports in newspapers regarding *Bovine related incidents and accidents*. So, while this case presents a particular instance before us, we are of the view that the larger issue of these incidents must also be addressed. What is the mechanism in place to deal with the loss of animal life in incidents of vehicular accidents, and what is the status of enforcement thereof? Further, when such incidents lead to injury or loss of human life, how is the family of the deceased or the injured themselves compensated?

10. Despite development by leaps and bounds, India is still, primarily, an agrarian economy, and the backbone of our progress is in the villages and the toiling day and night of our farmers. Bovines, cows, bulls, and other animals are indispensable features of this economy. In fact, not just of the economy, but of the overall village environment, and development of all living beings, more so, the humans. Right from the inception of our Constitutional Republic, this reality has been given due recognition. Article 48 of the Constitution of India implores us to organise agriculture and animal husbandry on modern methods as also prevent the slaughter of cows and calves. By virtue of being a Directive Principle of State Policy, it imposes a duty on the State to make policies to further its objective. Granted that the present case and other cases of motor accidents are not ‘*slaughter*’ within the literal sense of the term, but the end result is that either they or humans lose their lives and hence, it is a serious problem that calls for attention. After all, they are not meant to be natural speed breakers, placed *willy-nilly* on the National Highways, roads and streets.

11. It is not only these animals but also the humans that at times meet the most painful of ends while driving merrily along for no other reason but the fact that all of a sudden, an animal comes in front of the vehicle leading to a collision. Sometimes, the same may happen as it did in this case, without there being a vehicle in the equation. It may be that another animal provoked them, or sometimes, *sans* any immediate provocation, the animal may choose to attack a bystander or a pedestrian, severely injuring them or even killing them, for example, by impaling them with their horns. Just for illustration, the statistics as available from the year 2018-20 reveal the following:

As per 2019 census, total population of stray dog and stray cattle in the country was 203.31 lakh².

State/UT-wise Number of Persons Killed by Animals during 2018-2020

² <https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1806254®=48&lang=2>

S.NO.	STATE/UT	2018	2019	2020
1.	Andhra Pradesh	31	25	32
2.	Arunachal Pradesh	2	1	1
3.	Assam	77	90	100
4.	Bihar	10	15	11
5.	Chhattisgarh	91	109	95
6.	Goa	3	0	1
7.	Gujarat	42	61	55
8.	Haryana	25	35	23
9.	Himachal Pradesh	9	33	9
10.	Jharkhand	57	41	41
11.	Karnataka	53	61	59
12.	Kerala	24	30	32
13.	Madhya Pradesh	78	102	103
14.	Maharashtra	150	180	163
15.	Manipur	0	0	0
16.	Meghalaya	1	2	1
17.	Mizoram	1	0	0
18.	Nagaland	0	0	0
19.	Odisha	79	112	94
20.	Punjab	16	34	42
21.	Rajasthan	75	136	65
22.	Sikkim	0	1	0
23.	Tamil Nadu	60	80	112
24.	Telangana	15	12	24
25.	Tripura	0	3	1
26.	Uttar Pradesh	138	169	162
27.	Uttarakhand	24	13	22
28.	West Bengal	67	77	55
TOTAL STATE(S)		1128	1422	1303
29.	A & N Islands	0	0	1
30.	Chandigarh	0	0	0
31.	D&N Haveli and Daman&Diu	0	0	0
32.	Delhi UT	2	3	0
33.	Jammu & Kashmir	0	0	1
34.	Ladakh	-	-	0
35.	Lakshadweep	0	0	0
36.	Puducherry	0	0	0
TOTAL UT(S)		2	3	2
TOTAL (ALL INDIA)³		1130	1425	1305

¹ <https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1806254®=48&lang=2>

12. Well, under the Constitution, it is not only the State who has a duty towards the animals, but each and every citizen of the country is called upon to have compassion for all living beings. This has been termed a fundamental duty under Part IV-A of the Constitution, which may *stricto sensu* be not enforceable, but since it is part of the Constitution, the guiding light of the Country, they need to be implemented. The value of living the Constitution and thereby having compassion for all living beings is to be emphasised to all citizens so that each and every word of the Constitution can be translated into reality. What we have said above has, in some sense, been observed by a Seven-Judge Bench of this Court in ***State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat***⁴; as follows:

“51. By enacting clause (g) in Article 51-A and giving it the status of a fundamental duty, one of the objects sought to be achieved by Parliament is to ensure that the spirit and message of Articles 48 and 48-A are honoured as a fundamental duty of every citizen. Parliament availed the opportunity provided by the Constitution (Forty-second Amendment) Act, 1976 to improve the manifestation of objects contained in Articles 48 and 48-A. While Article 48-A speaks of “environment”, Article 51-A(g) employs the expression “the natural environment” and includes therein “forests, lakes, rivers and wildlife”. While Article 48 provides for “cows and calves and other milch and draught cattle”, Article 51-A(g) enjoins it as a fundamental duty of every citizen “to have compassion for living creatures”, which in its wider fold embraces the category of cattle spoken of specifically in Article 48.”

13. Apart from the above, the constitutional framers have taken care to explicitly provide for law-making power to both the States and the Centre in regard to caring for animals. List II of the Seventh Schedule has Entry 15 and 16, and List III has Entry 17. They read as follows:

“List II—State List

15. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice.

16. Pounds and the prevention of cattle trespass.

List III—Concurrent List

17. Prevention of cruelty to animals.”

⁴ (2005) 8 SCC 534

From the pre-constitutional era, our statute book has the Cattle Trespass Act of 1871, which still occupies the field, with amendments carried out thereto from time to time. A perusal of the various state laws on this aspect, which we will discuss later, revealed that some of the provisions contained in this Act forms the basis for the procedure adopted by the States. Chapter 2 thereof, provides for the establishment of pounds; Chapter 3 discusses impounding of cattle; Chapter 4 talks about the procedure of sale and delivery of cattle so impounded; Chapter 5 provides for the procedure to dispute impounding; Chapter 6 provides penalties for causing trespass or in case of pound keepers failing to do their duty, etc. Some of the relevant provisions are:

10. Cattle damaging land.—The cultivator or occupier of any land, or any person who has advanced cash for the cultivation of the crop or produce on any land, or the vendee or mortgagee of such crop or produce or any part thereof, may seize or cause to be seized any cattle trespassing on such land and doing damage thereto or to any crop or produce thereon, and [send them or cause them to be sent within twenty-four hours] to the pound established for the village in which the land is situate. Police to aid seizures.—All officers of police shall, when required, aid in preventing (a) resistance to such seizures, and (b) rescues from persons making such seizures.

11. Cattle damaging public roads, canals and embankments.—Persons in charge of public roads, pleasure-grounds, plantations, canals, drainage-works, embankments and the like and officers of police, may seize or cause to be seized any cattle doing damage to such roads, grounds, plantations, canals, drainage-works, embankments and the like, or the sides or slopes of such roads, canals, drainage-works or embankments or found straying thereon, and shall 1 [send them or cause them to be sent within twenty-four hours] to the nearest pound.

12. Fines for cattle impounded.—For every head of cattle impounded as aforesaid, the poundkeepers shall levy a fine in accordance with the scale for the time being prescribed by the State Government in this behalf by notification in the Official Gazette. Different scales may be prescribed for different local areas. All fines so levied shall be sent to the Magistrate of the District through such; officer as the State Government may direct.

List of fines and charges for feeding.—A list of the fines and of the rates of charge for feeding and watering cattle shall be posted in a conspicuous place on or near to every pound.

(emphasis supplied)

14. Post-independence, the Central Government, in exercise of its power, enacted the Prevention of Cruelty to Animals Act, 1960. Section 3 thereof provides that any person who is charged with taking care of animals must take ‘*all reasonable measures*’ to prevent any pain or suffering coming upon such animals; Section 4 provides for the establishment of Animal Welfare Board of India; Section 9 lists functions of such Board including establishment of *pinjraholes* and sanctuaries and after the amendment to said Act, in the year 1982 the establishment of rescue homes and setting up of animal shelters were envisioned; Section 11 which is part of Chapter III titled as “*cruelty to animals generally*”, defines what is meant by treating animals cruelly. Sub-section (h) thereof is relevant for us, which says that any owner failing to provide any animal with sufficient food, drink or shelter is said to have been cruel to animals. It is noteworthy that the scope of this Section was expanded by the 1982 amendment⁵ to go from ‘any captive animal’ ‘to any animal’; Section 11(3) carves out five exceptions such as **(a)** the dehorning of cattle, or the castration or branding or nose-roping of any animal, in the prescribed manner; or **(b)** the destruction of stray dogs in lethal chambers or [by such other methods as may be prescribed]; etc.; Section 35 requires State Governments to, by order appoint/notify in infirmaries in which animals against whom offences under this Act has been committed, can be treated.

15. The scheme of the aforesaid Act received considerable discussion in *Animal Welfare Board of India v. A. Nagaraja*⁶. Apart from discussing the law itself, some pithy observations were made by the co-ordinate bench which are relevant for our purposes. It was held that every species has an inherent right to live which is protected by law, and animals too have such honour and dignity

⁵ Subs. by s. 10, *ibid.*, for “any captive animal” (w.e.f. 30-7-1982)

⁶ (2014) 7 SCC 547

which cannot be arbitrarily taken away. Although this judgment eventually was disapproved of, by a Constitution Bench in *Animal Welfare Board of India v. Union of India*⁷, on the aspect of *Jallikattu* being a part of cultural heritage and, therefore, qualifying as a protected action, the same does not take away from the generality and applicability of other observations. In fact, the Constitution Bench, through Aniruddha Bose J., did observe that humans do have the obligation to protect animals which, though may not be absolute. It said:

“41. ... it has been broadly held that animals have inherent right in natural law to live a dignified life without infliction of cruelty and this principle is sought to be extended to proscribe Jallikattu, Kambala and Bullock Cart Race. In *N.R. Nair [N.R. Nair v. Union of India, (2001) 6 SCC 84]* , it was held that animals have capability to bear pain and suffering and that they have a fear from restrictions on their spaces and bodies and other forms of physical discomfort. But we need not refer to these authorities as we accept the obligation of human beings to ensure that animals do not suffer from pain and injury. Our jurisdiction, however, does not extend to provide an absolute protection to the animals from any manner of infliction of pain and suffering. What the broad theme of the 1960 Act is that the animals must be protected from unnecessary pain and suffering...”

16. Needless to observe, being injured, maimed or in some cases even killed, because cattle and other animals are roaming on the roads is unnecessary pain and suffering as alluded to by the Constitution Bench *supra*.

17. The question to be considered then is, what is the mechanism in place to ensure that such incidents are reduced and that these animals have secure places to go to rather than roam about amongst vehicles moving at lightning speed, making it a constant invitation to death, both for the animals and for the passenger(s) of the vehicles. How can this be achieved?

⁷ (2023) 9 SCC 322

The immediate answer is that owners of the animals should be held responsible and ensure that the animals return to their specified dwellings at the end of each day; or in other cases where animals have been let go for whatever reason, be it infirmity or old age, there should be adequately stocked and staffed animal shelters which would patrol the areas and round up animals at the end of the day to house them safely. To this effect, what is an ‘animal shelter’, becomes important.

18. Section 38 of the PCA grants rule making power. Animal Birth Control Rules, 2023 were enacted thereunder and while they are not exactly relevant for the present discussion, it is only to be noted that rule 2(d) defines an ‘animal shelter’ which reads as under:

“means place where stray or street or abandoned animals are kept for adoption or rehabilitation, general treatment while they are ill or injured”

19. In recognition of this responsibility, at least 24 States/U.T.s have enacted legislation specifically aimed at cattle and their preservation and protection. Below is a tabular representation in alphabetical order of the States/U.T. that have undertaken such an exercise. We have also extracted the relevant provisions thereof:

S. NO.	State/Union Territory	Statute/Rules/Notification/ Scheme	Relevant Provisions on Cow Shelters (including excerpts from the relevant Acts and Rules)
1.	Andaman & Nicobar Islands	The Andaman and Nicobar Prohibition of Cow Slaughter Regulation, 1967.	There shall be established by the Chief Commissioner or by any local authority, whenever directed to do so by the Chief Commissioner, such institutions as may be necessary for taking care of uneconomic cows. ⁸ The Chief Commissioner or the local authority, as the case may be, may levy

⁸ S. 8, The Andaman and Nicobar Prohibition of Cow Slaughter Regulation, 1967.

			such charges or fees as may be prescribed for keeping uneconomic cows in the institutions established under section 8: Provided that in no case such charges or fees in respect of any such cow shall exceed the actual cost of keeping that cow.⁹ “uneconomic cow” includes a stray, unprotected, infirm, disabled, diseased or barren cow.¹⁰
2.	Assam	The Assam Cattle Preservation Act, 2021, and The Assam Cattle Preservation Rules, 2022.	“Gaushala” means a shelter established for the protection and preservation of cattle registered as such with the department of Animal Husbandry and Veterinary under the State or Central Law.¹¹ The State Government may establish, or direct any local authority or permit society registered under the Societies Registration Act, 1960, or any Central Act or any association or organisation to establish an institution, including Gaushalas at such places as may be deemed necessary for taking care of the cattle to be housed thereto.¹² The State government by the notification in the official gazette can make rules to provide for proper management and conditions and fees for registration of institutions (Gaushalas) established under section 20 of the Act.¹³ Under the 2022 rules, if an abandoned cattle is seized, the Animal Husbandry and Veterinary department shall bear the costs involved in the treatment, transportation and maintenance of such cattle.¹⁴
3.	Bihar	The Bihar Goshala Act, 1950, and The Bihar Goshala Rules,	“Goshala” means a charitable institution established for the purpose of keeping, breeding, rearing and maintaining cattle

⁹ S. 9, The Andaman and Nicobar Prohibition of Cow Slaughter Regulation, 1967.

¹⁰ S. 2(i), The Andaman and Nicobar Prohibition of Cow Slaughter Regulation, 1967.

¹¹ S. 3(e), The Assam Cattle Preservation Act, 2021.

¹² S.20, The Assam Cattle Preservation Act, 2021.

¹³ S. 22, The Assam Cattle Preservation Act, 2021.

¹⁴ Rule 12(4), The Assam Cattle Preservation Rules, 2022.

		1953.	or for the purpose of reception, protection and treatment of infirm, aged or diseased cattle and includes a “Pinjrapole”, where such cattle are kept.¹⁵ The 1950 Act authorises the Director, with the prior sanction of the State Government, to frame regulations on how a goshala is to be managed, <i>inter-alia</i> the skilled technical management of breeding work and its segregation from other activities and transfer from urban to rural areas, the earmarking of male and female cattle for breeding purposes, and any other matter that may be prescribed.¹⁶ The Bihar Goshala Rules, 1953, enacted to implement the Bihar Goshala Act, 1950 provides the regulatory framework for the management, registration, and financial administration of goshalas (cattle shelters) and the “Goshala Federation” across Bihar.¹⁷
4.	Chhattisgarh	Chhattisgarh Goseva Ayog Act, 2004.	“Institution” means any charitable institution engaged in cattle welfare and established for the purpose of keeping, breeding, rearing and maintaining cattle or for the purpose of reception, protection, care, management and treatment of infirm, aged and diseased cattle and includes Gosadhan, Goshala, Pinjrapole, Gorakshan Sansthan and their Federation or Union registered under any enactment for the time being in force or otherwise.¹⁸ The Ayog, as established under S.3 of the 2004 Act, is to ensure proper management and care of infirm and aged cattle maintained by any institution.¹⁹ The Act contains an enabling provision authorising the State Government to make rules for carrying out the provisions of the Act including the manner in which the

¹⁵ S. 2(d), Bihar Goshala Act, 1950.

¹⁶ S. 17, Bihar Goshala Act, 1950.

¹⁷ Rule 3, The Bihar Goshala Rules, 1953.

¹⁸ S. 2(d), Chhattisgarh Goseva Ayog Act, 2004.

¹⁹ S. 12, Chhattisgarh Goseva Ayog Act, 2004.

			“institutions” shall be registered. ²⁰
5.	Dadra and Nagar Haveli and Daman and Diu	The Goa Prevention of Cow Slaughter Act, 1978	There shall be established by the Government or by any local authority, when so directed by the Government, institutions for the reception, maintenance and care of uneconomic cows. ²¹
6.	Delhi (NCT)	Delhi Agricultural Cattle Preservation Act, 1994.	There shall be established by the Government or by any local authority, when so directed by the Government, institutions for the reception, maintenance and care of agricultural cattle. ²²
7.	Goa	Goa Stray Cattle Management Scheme, 2013 (Modified), and The Goa Prevention of Cow Slaughter Act, 1978	Under this scheme “ Cattle Pound ” means the Government Fodder Seed Production Farm at Kalay, Sanguem Taluka-Goa and all the pounds in respective jurisdiction of Municipalities, Panchayats, AWOs, Goshalas and Civic & Consumer Forums (CCF) in their area of operation. ²³ The Stray Cattle will be maintained at the Cattle Pounds, belonging to Municipalities, Panchayats, AWOs, Goshalas and Civic & Consumer Forums (CCF) where feed, fodder, water, shade and pound keeper will be provided to the impounded cattle and medical care and cross-breeding activities will be undertaken as and when required. ²⁴ The Government has introduced this scheme for stray cattle to facilitate Local Bodies, NGOs, Goshalas, and Civic Consumer Forum (CCF) to curb stray cattle menace. ²⁵ Institutions shall be established by Governments for the reception, maintenance and care of uneconomic cows. ²⁶

²⁰ S. 23, Chhattisgarh Goseva Ayog Act, 2004.

²¹ S. 6, The Goa Prevention of Cow Slaughter Act, 1978.

²² S. 10, Delhi Agricultural Cattle Preservation Act, 1994.

²³ Clause 4(c), Goa Stray Cattle Management Scheme, 2013 (Modified).

²⁴ Clause 8, Goa Stray Cattle Management Scheme, 2013 (Modified).

²⁵ Scheme to Check Wandering Stray Animals, Press Information Bureau, available at <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1697450®=48&lang=2>, last seen on 03/06/2026.

²⁶ S. 6, The Goa Prevention of Cow Slaughter Act, 1978.

8.	Gujarat	The Mukhyamantri Gaumata Poshan Yojana.	State level scheme, the objective is to provide maintenance assistance to help economically the cows and buffaloes kept at Gaushala-Panjarapol registered under the Public Trust Act in the state. ²⁷
9.	Haryana	Haryana Gau-Seva Aayog Act, 2010.	Gau-Seva Aayog are established for the preservation and welfare of cows in the State, for supervision and control of institutions established for the purpose. Under the Act, “ institution ” means any charitable institution or Non-Government Organisation engaged in cow welfare and established for the purpose of keeping, breeding, rearing and maintaining cow or for the purpose of reception, protection, care, management and treatment of infirm, aged and diseased cow and includes Gausadan, Gaushala, Pinjrapole, Gau Anusandhan-Vigyan-Samvardhan Kendra, Gauraksha Sanstha and their federation or union registered under any enactment for the time being in force or otherwise. ²⁸ The Aayog established under S.3 of the 2010 Act works for the welfare of cow in the State. ²⁹
10.	Himachal Pradesh	Himachal Pradesh Gauvansh Sanrakshan and Samvardhan Act, 2018, and Himachal Pradesh Gauvansh Sanrakshan and Samvardhan Rules, 2023.	“ Institution ” means any charitable institution or Non-Government Organization engaged in the welfare of cows and established for the purpose of keeping, breeding, rearing and maintaining cow or for the purpose of reception, protection, care, management and treatment of infirm, aged and diseased cows and includes Gausadan, Gaushala, Gauvigyan Kendra, Cow Sanctuary, Community Animal Rearing Center, or by whatever name such institutions exist including Gauraksha sanstha and their federation, society or union registered under any enactment for the time being in force or otherwise. ³⁰

²⁷ <https://indianexpress.com/article/cities/ahmedabad/gaumata-poshan-yojana-govt-financial-aid-extended-to-any-number-of-shelters-under-registered-gaushalas-8904799/>

²⁸ S. 2(d), Haryana Gau-Seva Aayog Act, 2010.

²⁹ S. 14(ii), Haryana Gau-Seva Aayog Act, 2010.

³⁰ S. 2(i), Himachal Pradesh Gauvansh Sanrakshan and Samvardhan Act, 2018.

			The Act provides for the establishment of the Himachal Pradesh Gauseva Aayog. Some of its functions include: to make provisions for solutions to the problems related to abandoned cow in the State by providing technical and financial assistance to Gausadans, Gaushalas, Gauvigyan Kendras, Cow Sanctuaries or any other scheme approved by the Government in the manner as may be prescribed; and to supervise and inspect the institutions and to ensure that such institutions provide for proper management and care to cows conserved by them.³¹ Under the 2023 Rules, the Aayog shall register the following institutions involved in protection, conservation and welfare of the Gauvansh by paying Rs. 500/- to the Aayog as fees, namely:-³² (i) Gausadans.-Institutions providing shelter, food and treatment to the abandoned, stray and infirm cattle shall be registered as Gausadans. (ii) Cow Sanctuaries and Gau Abhyaranaya.-A large fenced area developed in such a manner that the cattle have ample open grazing spaces with few shelters, shall be registered as cow sanctuary or Gau Abhyaranya. (iii) Gaushalas.-Institutions working for the development and conservation of indigenous breeds of cow shall be registered as Gaushalas. (iv) Gau Vigyan Kendras.-An institute that conducts research on cow products or manufactures cow related products shall be registered as GauVigyan Kendra. (v) Any other such institution by whatever name it may be called, that the Aayog considers as doing exemplary work towards the objectives to carry out the purpose of the Act.
11.	Jharkhand	Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005	The Act provides for establishment by the Government or by any local authority, when so directed by the

³¹ S. 14, Himachal Pradesh Gauvansh Sanrakshan and Samvardhan Act, 2018.

³² Rule 7, Himachal Pradesh Gauvansh Sanrakshan and Samvardhan Rules, 2023.

			Government, institutions for the reception, maintenance and care of uneconomic cows, or the State Government may declare any existing Institution as an Institution established under this Act.” ³³ The state Government may, by notification in the official Gazette, make rules for the purpose of carrying out the provisions of this Act. ³⁴
12.	Karnataka	Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020	The State Government may establish, or direct any local authority or permit society registered under the Karnataka Societies Registration Act, 1960, or any Central Act or any association or organization to establish an institution, including Gau Shalas , at such places as may be deemed necessary for taking care of the cattle to be sent thereto. The State Government may provide by rules for the proper management of such institutions for the care of cattle therein and provide support for the class or variety of cows or other cattle that may be admitted herein. ³⁵
13.	Madhya Pradesh	The Madhya Pradesh Goshala Act, 1953, and The Madhya Pradesh Goseva Ayog Adhiniyam, 1995	“Goshala” means a charitable institution established for the purpose of keeping, breeding, rearing and maintaining cattle or for the purpose of reception, protection and treatment of infirm, aged or diseased cattle and includes a “Pinjrapole”, where such cattle are kept.³⁶ The Registrar of Goshalas shall maintain a register (Register of Goshalas) in such forms and containing such particulars as may be prescribed and copies thereof shall be forwarded to the Director and to the Federation.³⁷ Functions of the Ayog under the 1995 Act <i>inter-alia</i> includes: to ensure the protection afforded to cattle under my law for the time being in force; to ensure proper and timely

³³ S. 8, Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005.

³⁴ S. 20, Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005.

³⁵ S. 19, Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020.

³⁶ S. 2(d), The Madhya Pradesh Goshala Act, 1953.

³⁷ S. 6, The Madhya Pradesh Goshala Act, 1953.

			implementation of the laws referred to in clause (a) and to propose remedial measures to concerned Departments of the State Government or any body or authority owned or controlled by the State Government as is responsible for such implementation to make them more effective, proper and timely implementation of programmes of the State Government under Goshala Development Scheme; to promote health care of cattle; to appoint such Agricultural Cattle Welfare Officers who shall work for implementation of the Madhya Pradesh Pashu Parirakshan Adhiniyam, 1959 and to take action which shall include detention and search of agricultural cattle, detention and search of vehicles, seizure of agricultural cattle and take them into custody and initiate prosecution proceedings;...³⁸
14.	Maharashtra	Maharashtra Goseva Ayog Act, 2023.	“Institution” means any charitable institution registered under the Maharashtra Public Trusts Act, or a society registered under the Societies Registration Act, 1860 or the Maharashtra Co-operative Societies Act, 1960 or a company registered under the Companies Act, 2013, engaged in cattle keeping, breeding, rearing and maintaining and reception, protection, care, management and treatment of infirm, aged and diseased cattle for the purposes of preservation, protection and welfare thereof and includes Gosadan, Goshala, Panjarpol, Gorakshan Sanstha, etc. and their Federation or Union registered under any enactment for the time being in force or otherwise.³⁹ Functions of Goseva Ayog under the 2023 Act <i>inter-alia</i> includes: (a) to register Institutions under this Act; (b) to ensure protection given to cattle

³⁸ S. 11, The Madhya Pradesh Goseva Ayog Adhiniyam, 1995.

³⁹ S. 2(d), Maharashtra Goseva Ayog Act, 2023.

			under any law for the time being in force; (c) to ensure proper and timely implementation of programs and schemes of the State Government for development of Gosadan, Goshala, Panjarpol and Gorakshan Sanstha; (g) to ensure proper management, care and treatment of infirm, aged and diseased cattle maintained by the Institutions;... ⁴⁰
15.	Nagaland	The Nagaland Cattle Trespass Act, 1985.	Pounds may be established at such places in each district as the Director may, from time to time, direct. The area by which every pound is to be used shall be determined by the Director. ⁴¹ The pound-keeper shall take charge of, feed and water the cattle, until they are disposed of as hereinafter directed. ⁴²
16.	Odisha	The Orissa Goshala Act, 1961.	“Goshala” means a charitable institution established for the purpose of keeping, breeding, rearing and maintaining cattle or for the purpose of reception, protection and treatment of infirm, aged or diseased cattle and include a ‘Pinjrapole’, where such cattle are kept. ⁴³ The Registrar of Goshalas shall maintain a register (Register of Goshalas) in such forms and containing such particulars as may be prescribed and copies thereof shall be forwarded to the Director and to the Federation. ⁴⁴
17.	Puducherry	Puducherry Prevention of Cow Slaughter Act, 1968.	There shall be established by the Government or by any local authority, if so directed by the Government, institutions as may be necessary for taking care of uneconomic cows. ⁴⁵ “uneconomic cow” includes stray, unprotected, infirm, disabled, diseased or barren cow. ⁴⁶
18.	Punjab	Punjab Gau-Sewa Commission	The 2014 Act has been enacted to

⁴⁰ S. 11, Maharashtra Goseva Ayog Act, 2023.

⁴¹ S. 3, The Nagaland Cattle Trespass Act, 1985.

⁴² S. 8, The Nagaland Cattle Trespass Act, 1985.

⁴³ S. 2(d), Orissa Goshala Act, 1961.

⁴⁴ S. 6, Orissa Goshala Act, 1961.

⁴⁵ S. 6, Puducherry Prevention of Cow Slaughter Act, 1968.

⁴⁶ S. 2 (g), Puducherry Prevention of Cow Slaughter Act, 1968.

		Act, 2014, and The Punjab Prohibition of Cow Slaughter Act, 1955	establish Gau-Seva Aayog for the preservation and welfare of cows in the State, for supervision and control of institutions established for the purpose and to provide for the matters connected therewith or incidental thereto. Under the 2014 Act, “institution” means any charitable institution or Non-Government Organization engaged in Cow welfare and established for the purpose of keeping, breeding, rearing and maintaining Cow or for the purpose of reception, protection, care, management and treatment of infirm, aged and diseased Cow and includes Gausadan, Gaushala, Pinjrapole, Gauraksha Sanstha and their federation or union registered under any enactment for the time being in force or otherwise.⁴⁷ The Commission, established under S. 3 of the 2014 Act, shall perform the following functions, <i>inter-alia</i>:– to ensure the protection afforded to Cow under any law for the time being in force including seizure and custody of the Cow being carried for slaughtering or likely to be slaughtered in contravention of any law in force; to ensure active participation of the institutions in the development of indigenous breeds of Cow; to promote health care of Cow; to appoint such Cow Welfare Officers who shall work for the implementation of the Act to take action including detention and search of Cow, vehicles, seizure of Cow and to take Cow into custody and initiate prosecution; and to take custody of the Cow seized and to entrust them to the nearest Gaushala, Gausadan or any Cow protection institution or to any willing person pending the disposal of the prosecution proceedings.⁴⁸
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⁴⁷ S. 2(e), Punjab Gau Sewa Commission Act, 2014.

⁴⁸ S. 15, Punjab Gau Sewa Commission Act, 2014.

			Under the 1955 Act, it is provided that there shall be established by the Government or by any local authority, when so directed by the Government, institutions for the reception, maintenance and care of uneconomic cows. ⁴⁹ “uneconomic cow” includes stray, unprotected, infirm, disabled, diseased or barren cow. ⁵⁰
19.	Rajasthan	Rajasthan Gaushala Act, 1960, and Rajasthan Goshala Rules, 1964.	“Gaushala” means a charitable institution established for the purpose of keeping, breeding, rearing and maintaining cattle or for the purpose of reception, protection and treatment of infirm, aged or diseased cattle and includes a Pinjarpole or a Gosadan where such cattle are kept.⁵¹ The Registrar of Gaushalas (Gaushala Development Officer) shall maintain a register of Gaushalas in such form and containing such particulars as may be prescribed.⁵² Under the 1964 Rules, the Registrar shall maintain a register of Goshala in Form VI and shall issue a certificate of registration of a Goshala in Form VII.⁵³
20.	Sikkim	Sikkim Prevention of Cow Slaughter Act, 2017.	There shall be a protective shed/ shelter house etc established, maintained, managed, supervised and controlled by the Government or by any Local Authority, wherever so directed by the Government as may be necessary for taking care of unproductive cows in such manner as may be prescribed by rules. ⁵⁴
21.	Telangana	Telangana Prohibition of Cow Slaughter and Animal Preservation Act, 1977	The Government may establish, or direct any local authority or society registered under the law relating to the registration of societies for the time being in force in the State, or any association or body of persons, to establish institutions at such places as may be deemed necessary for

⁴⁹ S. 6, The Punjab Prohibition of Cow Slaughter Act, 1955.

⁵⁰ S. 2(g), The Punjab Prohibition of Cow Slaughter Act, 1955.

⁵¹ S. 2(d), Rajasthan Gaushala Act, 1960.

⁵² S. 6, Rajasthan Gaushala Act, 1960.

⁵³ Rule 6, Rajasthan Goshala Rules, 1964.

⁵⁴ S. 6, Sikkim Prevention of Cow Slaughter Act, 2017.

			taking care of cows or other animals sent thereto. Further, the 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 therein.⁵⁵ The Government may, by notification, after previous publication, make rules for carrying out the purposes of this Act including the management of institutions established under section 17 and the fee to be levied for their maintenance.⁵⁶
22.	Uttar Pradesh	Uttar Pradesh Goshala Adhiniyam, 1964, and Uttar Pradesh Goshala Rules, 1964.	Enacted to provide for better administration and control of Goshalas in Uttar Pradesh. “Goshala” means a charitable institution established for the purpose of keeping, breeding, rearing or maintenance of cattle or for the purpose of reception, production and treatment of infirm, aged, decrepit or diseased cattle.⁵⁷ An officer of the Animal Husbandry Department, not below the rank of District Livestock Officer, or any other person duly empowered in this behalf by the State Government may enter into and inspect any Goshala or any place appertaining to a Goshala for the purpose of satisfying himself that the provisions of this Act and the rules and regulations are duly complied with.⁵⁸ No person shall collect any money or accept any subscription for a Goshala which is not registered under this Act.⁵⁹
23.	Uttarakhand	Uttarakhand Protection of Cow Progeny Act, 2007.	The State Government or NGOs, may establish institutions as may be necessary for taking care of uneconomic cow progeny: Provided that NGOs, shall give information prior to establishing such institution in the form prescribed to

⁵⁵ S. 17, Telangana Prohibition of Cow Slaughter and Animal Preservation Act, 1977.

⁵⁶ S. 18, Telangana Prohibition of Cow Slaughter and Animal Preservation Act, 1977.

⁵⁷ S. 2(4), Uttar Pradesh Goshala Adhiniyam, 1964.

⁵⁸ S. 14, Uttar Pradesh Goshala Adhiniyam, 1964.

⁵⁹ S. 15, Uttar Pradesh Goshala Adhiniyam, 1964.

			the Chief Veterinary Officer of the District.⁶⁰ The State Government or the NGO may levy such Charges or fees as may be prescribed by the State Government or NGO with the prior permission for keeping uneconomic cows in the institution.⁶¹ “Uneconomic Cow” means and includes stray, infirm, disabled, diseased or barren cow.⁶²
24.	West Bengal	West Bengal Cattle Licensing Act, 1959.	The present Act is to regulate the keeping of cattle in urban areas. It defines “Khatal”, a place where cattle are kept or maintained for the purpose of trade or business in cattle including business in milk or otherwise.⁶³ After this Act comes into force in any urban area no person shall keep in, or import into, such area any cattle except under a valid license. Explanation.- For the purpose of this section, “import” includes the unloading of cattle from any railway wagon, vehicle or vessel or any other conveyance used in carrying the same and also the taking of cattle through any urban area.⁶⁴

The table above represents a general overview of the legislations enacted by the States regarding the protection of cattle and other animals, including the responsibility as placed on the Officer of the State and other concerned persons such as Non-Governmental Organisations, to aid the former in ensuring the general health and upkeep of cattle and like animals in the State. What is placed below is a reference to certain specific powers and procedures on certain issues such as the concerned institutions dealing with stray cattle; auction; tagging; deputed officers as prevalent in the State of Punjab, and UT of Chandigarh, since

⁶⁰ S. 9, Uttarakhand Protection of Cow Progeny Act, 2007.

⁶¹ S. 10, Uttarakhand Protection of Cow Progeny Act, 2007.

⁶² S. 2 (g), Uttarakhand Protection of Cow Progeny Act, 2007.

⁶³ S. 2(dd), West Bengal Cattle Licensing Act, 1959.

⁶⁴ S. 3, West Bengal Cattle Licensing Act, 1959.

the present case pertains thereto. Here itself, it may be noted that a number of other States have also enacted similar laws. Discussing them would only burden the record. The provisions in the relevant States, dealing with specific issues, are as under:

State/UT:	Issue : Relevant Statute on Stray Bovine:
Haryana	1. Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 2. Haryana Gau-Seva Aayog Act, 2010 3. Cattle-Trespass Act, 1871 4. The Haryana Municipal Corporation Act, 1994
Himachal Pradesh	1. Himachal Pradesh Prohibition of Cow Slaughter Act, 1979 2. Cattle-Trespass Act, 1871 3. The Himachal Pradesh Municipal Act, 1994 4. The Himachal Pradesh Municipal Corporation Act, 1994
Punjab	1. Punjab Municipal Corporation Act, 1976 2. Punjab Prohibition of Cow Slaughter Act, 1955 3. Cattle-Trespass Act, 1871 (as applicable)
Chandigarh	1. Cattle Trespass Act, 1871, 2. Punjab Municipal Corporation Act, 1976 (as extended to Chandigarh by The Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994).

State/UT:	Issue : Institutions/Pounds and Registration:
Uttarakhand	The Uttarakhand Protection Of Cow Progeny Act, 2007 8. Registration of Cow progeny in Urban areas: It shall be mandatory to obtain a registration certificate from Veterinary Officer appointed at Government veterinary hospital of the area for rearing of every cow progeny in the urban area. Technique & procedure to establish identity such cow progeny shall be prescribed by State Government. Cattle-Trespass Act, 1871 4. Establishment of pounds.—Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the State Government, from time to time directs. The village by which every pound is to be used shall be determined by the Magistrate of the District. 7. To keep registers and furnish returns.—Every pound-keeper shall keep such registers and furnish such returns as the State Government from time to time directs. 8. To register seizures.—When cattle are brought to a pound, the pound-keeper shall enter in his register,— (a) the number and description of the animals, (b) the day and hour on and at which they were so brought, (c) the name and residence of the seizer, and (d) the name and residence of the owner, if known, and shall give the seizer or his agent a copy of the entry. 9. To take charge of and feed cattle.—The pound-keeper shall take charge of, feed and water the cattle until they are disposed of as hereinafter directed.

Himachal Pradesh	The Himachal Pradesh Municipal Act, 1994 150-A. Registration of cattle and maintenance of record thereof.- (1) Head of every family shall be responsible to give or cause to be given, either orally or in writing, the details of cattle owned by his family to the municipality within a period one month from the commencement of the Himachal Pradesh Municipal (Amendment) Act, 2011, and thereafter, every time as and when any change in the number of cattle takes place by any reasons. (2) On receipt of the details of cattle under sub-section (1), the municipality shall register cattle and shall maintain records thereof in such form as may be notified by the State Government: Provided that the municipality may charge registration fee at such rate as may be fixed by the municipality. (3) It shall be the duty of the municipality to assist the officials or persons engaged by Animal Husbandry Department for applying appropriate identification mark on each cattle and to maintain the record of identification. (4) If any cattle with identification mark is found stray, the owner of the cattle shall be identified by the municipality from the record maintained by it and such owner shall be liable to a fine of five hundred rupees for the first offence and seven hundred rupees for subsequent offence which shall be imposed by the municipality. (5) If the municipality fails in identifying such stray cattle due to tempering with identification mark or mutilation thereof, it shall report the matter to the In-charge of the nearest Animal Husbandry Dispensary who shall lodge the stray cattle to the nearest Goshala. The Himachal Pradesh Municipal Corporation Act, 1994 233(3) similar to 241(3) of The Haryana Municipal Corporation Act, 1994. 324-A similar to 150-A of The Himachal Pradesh Municipal Act, 1994 THE HIMACHAL PRADESH PANCHAYATI RAJ ACT, 1994 (11-A) similar to 150-A of The Himachal Pradesh Municipal Act, 1994. Section 4, 7, 8 and 9 Cattle-Trespass Act, 1871
	Section 4, 7, 8 and 9 Cattle-Trespass Act, 1871
	Section 4, 7, 8 and 9 Cattle-Trespass Act, 1871

Issue:-

State/UT:	Issue : Impounding power:
Haryana	Section 10,11,12 of Cattle-Trespass Act, 1871
Himachal Pradesh	Section 10,11,12 of Cattle-Trespass Act, 1871
Punjab	Section 10,11,12 of Cattle-Trespass Act, 1871
Chandigarh	Section 10,11,12 of Cattle-Trespass Act, 1871

State/UT:	Issue : Auction / Disposal:
Haryana	Cattle-Trespass Act, 1871 14. Procedure if cattle be not claimed within a week.—If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police-station, or to such other

	officer as the Magistrate of the District appoints in this behalf. Such officer shall thereupon stick up in a conspicuous part of his office a notice stating— (a) the number and description of the cattle, (b) the place where they were seized, (c) the place where they are impounded, and shall cause proclamation of the same to be made by beat of drum in the village and at the marketplace nearest to the place of seizure. If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said officer, or an officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time direct: Provided that, if any such cattle are, in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.
Himachal Pradesh	Section 14 of Cattle-Trespass Act, 1871 14-A provides for Procedure for speedy disposal of certain unclaimed cattle.
Punjab	Section 14 and 14-A of Cattle-Trespass Act, 1871
Chandigarh	Section 14 of Cattle-Trespass Act, 1871

State/UT:	Issue : Tagging:
Haryana	In Haryana, tagging and evaluation of cattle carried out in all gaushalas till April, 2016. There are about 423 registered and unregistered gaushalas in the State which have about three lakh cattle heads. ⁶⁵
Himachal Pradesh	Under the ‘Assistance to Gausadan/Gaushala/Cow Sanctuary Scheme’ Rs. 500 per cow per month was to be provided to all Gausadans/Gaushalas/ cow sanctuaries having 30 or more cattles as maintenance allowance after complete tagging under Information Network for Animal Productivity and Health (INAPH) and National Animal Disease Control Programme (NADCP) as per the Government of India guidelines. ⁶⁶
Punjab	To resolve the stray cattle menace on roads and street of Punjab, the state animal and husbandry department planned to keep an eye on the stray throughout the state. The department registers all pet cattle, including cows and buffalo, in Punjab and upload their information online. The cattle are registered through ear tagging which have a 12 digit code on it. With the help of this 12-digit code, the department is able to identify the offenders who left their cows and buffaloes on the roadside. ⁶⁷
Chandigarh	The National Animal Disease Control Program (NADCP) was launched by the Department of Animal Husbandry & Fisheries in U.T. Chandigarh. It was revealed that Ear tagging to animals will commence from today in all the areas of U.T. Chandigarh. This 12 digit ear tag will work as “Pashu Aadhar” for all the Departmental Schemes and will be required for all animals movements, sale, purchase and other related activities. The Animal identification by ear tagging and recording it in Animal Health module of Information Network for Animal Productivity and Health (INAPH) is mandatory under this scheme. ⁶⁸

⁶⁵ <https://prharyana.gov.in/en/in-haryana-tagging-and-evaluation-of-cattle-would-be-carried-out-in-all-gaushalas-till-april-2016>

⁶⁶ <http://himachalpr.gov.in/OnePressRelease.aspx?Language=1&ID=18403>

⁶⁷ <https://www.hindustantimes.com/chandigarh/govt-plans-to-register-all-domestic-cattle-in-punjab-upload-information-online/story-5xqGp5N9J13QQDBckfZKSN.html>

⁶⁸ <https://chdpr.gov.in/press/778>

State/UT:	Issue : Sanitation/Health:
Haryana	1. The Prevention And Control Of Infectious And Contagious Diseases In Animals Act, 2009
Himachal Pradesh	
Punjab	1. The Prevention And Control Of Infectious And Contagious Diseases In Animals Act, 2009 2. Punjab Municipal Corporation Act, 1976 399. Powers To Make Bye-Laws. - (1) Subject to the provisions of this act the corporation may in addition to any bye-laws which it is empowered to make by any other provision of this act, make bye-laws to provide for all or any of the following matters, namely :- ... e. bye-laws relating to sanitation and public health – ... (5) the regulation or prohibition of the stabling or herding of animals or any class of animals so as to prevent danger to public health ;...
Chandigarh	

Issue:-

State/UT:	Appointed Officials
Punjab	Punjab Gau-Sewa Commission Act, 2014 15. The Commission, established under S. 3 of the 2014 Act, shall perform the following functions, <i>inter-alia</i> :– to ensure the protection afforded to Cow under any law for the time being in force including seizure and custody of the Cow being carried for slaughtering or likely to be slaughtered in contravention of any law in force; to ensure active participation of the institutions in the development of indigenous breeds of Cow; to promote health care of Cow; to appoint such Cow Welfare Officers who shall work for the implementation of the Act to take action including detention and search of Cow, vehicles, seizure of Cow and to take Cow into custody and initiate prosecution; and to take custody of the Cow seized and to entrust them to the nearest Gaushala, Gausadan or any Cow protection institution or to any willing person pending the disposal of the prosecution proceedings.
Uttar Pradesh	Uttar Pradesh Goshala Adhiniyam, 1964 14. An officer of the Animal Husbandry Department , not below the rank of District Livestock Officer, or any other person duly empowered in this behalf by the State Government may enter into and inspect any Goshala or any place appertaining to a Goshala for the purpose of satisfying himself that the provisions of this Act and the rules and regulations are duly complied with.
Madhya Pradesh	The Madhya Pradesh Goseva Ayog Adhiniyam, 1995. 11. Functions of the Ayog under the 1995 Act <i>inter-alia</i> includes: to ensure the protection afforded to cattle under my law for the time being in force; to ensure proper and timely implementation of the laws referred to in clause (a) and to propose remedial measures to concerned Departments of the State Government or any body or authority owned or controlled by the State Government as is responsible for such implementation to make them more effective, proper and timely implementation of programmes of the State Government under Goshala

	Development Scheme; to promote health care of cattle; to appoint such Agricultural Cattle Welfare Officers who shall work for implementation of the Madhya Pradesh Pashu Parirakshan Adhiniyam, 1959 and to take action which shall include detention and search of agricultural cattle, detention and search of vehicles, seizure of agricultural cattle and take them into custody and initiate prosecution proceedings;...
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20. We may clarify that the Cattle-Trespass Act, 1871 stood partly amended by virtue of the Jan Vishwas (Amendment of Provisions) Act, 2023⁶⁹. We may reiterate that there are other provisions dealing with care and maintenance of bovines, and their activities. The Cattle Trespass Act, 1871 which stood amended as above deals with the protection and preservation of public property and issuance of permits in the forest areas; The Prevention and Control of Infectious and Contagious Diseases in Animals Act, 2009; The Prevention of Cruelty to Draught and Pack Animals Rules, 1965; Prevention of Cruelty to Animals (Slaughter House) Rules, 2001; The Prevention of Cruelty to animals (Registration of Cattle Premises) Rule 1978; The Bhartiya Nyaya Sanhita 2023 deals with health and upkeep of animals.

The Department of Animal Husbandry and Dairying (AH&D), one of the Departments of the newly created Ministry of Fisheries, Animal Husbandry & Dairying, Government of India, has issued a Programme termed as ‘The National Livestock Mission (NLM), enabling setting up of centres of different nature and kind including incentivising livestock insurance. The Programme is implemented under the State Animal Husbandry Department and various agencies.

21. We have already touched upon the issue of animals being let go as their utility dwindled. In a perfect world, this would not be the case. All those who have chosen to bring an animal home shall see to it that they are looked after for their whole life. But the reality is that we live in a deeply flawed, human

⁶⁹ Act 18 of 2023 as amended up to Act 8 of 2026

world. Perhaps it is a feature of this flawed world that, on the one end, we let them roam about without caring for their safety, and, on the other, find it deeply offensive if an individual uses them to secure a full stomach for himself or his family. There is a clear distinction between pets and other animals. Most of these animals that end up roaming on the streets/roads/National Highways are of the latter kind, i.e., animals are reared for a particular purpose. Once that purpose is achieved, or the output of the animal towards that purpose gets reduced, they are let go. A Constitution Bench of this Court, speaking through Sudhi Ranjan Das, CJ., in *Mohd. Hanif Quareshi v. State of Bihar*⁷⁰, recognized this issue. While keeping in view that these are observations are from just 10 years after independence, we must appreciate the following:

“33. The presence of a large number of useless and inefficient cattle in the midst of the good ones affect our agricultural economy in two ways. In the first place — and this is the crux of the matter — this surplus stock is pressing upon the scanty fodder and feed resources of the country and is an obstacle to making good the deficit. As pointed out by the expert Committee Report at p. 59 the greatest handicap in improving our cattle wealth is the lack of resources in feeding them. Any effort to improve cattle will fail unless they are properly fed...”

34. With a large population of animals in which the majority is not yielding adequate and prompt returns to the owners, the animals are naturally allowed to fend for themselves and to subsist on whatever the agriculturist is able to provide from his scanty sources for the maintenance of his stock. Naturally, therefore, the problem of substantial percentage of uneconomical cattle has cropped up along with that of stray, wild, old, diseased and uneconomical animals. These old and useless animals roaming about at pleasure in search of food are a nuisance and a source of danger in the countryside. They grow wild and become a menace to the crop production. As pointed out by the Report of the Expert Committee, the danger was actually seen by the members of that Committee in Pepsu where, it is significant to note, the slaughter is banned completely.

35. The presence of a large number of old and useless animals also has a bad effect on the quality of the breed. There is a tendency for this population to multiply and bring into being progeny of a very inferior kind which is bound to adversely affect the production of milk or bullock power. It is absolutely necessary that this surplus cattle should be separated from the good and robust animals and a total ban on

⁷⁰ 1958 SCC OnLine SC 176

slaughter of cattle and buffaloes will contribute towards worsening the present condition.

...

42. To summarise : The country is in short supply of milch cattle, breeding bulls and working bullocks. If the nation is to maintain itself in health and nourishment and get adequate food, our cattle must be improved. In order to achieve this objective our cattle population fit for breeding and work must be properly fed and whatever cattle food is now at our disposal and whatever more we can produce must be made available to the useful cattle which are *in presenti* or will *in futuro* be capable of yielding milk or doing work. The maintenance of useless cattle involves a wasteful drain on the nation's cattle feed. To maintain them is to deprive the useful cattle of the much needed nourishment. The presence of so many useless animals tends to deteriorate the breed.

... Preservation of useless cattle by establishment of Gosadans is not, for reasons already indicated, a practical proposition. Preservation of these useless animals by sending them to concentration camps to fend for themselves is to leave them to a process of slow death and does no good to them. On the contrary, it hurts the best interests of the nation in that the useless cattle deprive the useful ones of a good part of the cattle food, deteriorate the breed and eventually affect the production of milk and breeding bulls and working bullocks, besides involving an enormous expense which could be better utilised for more urgent national needs."

(emphasis supplied)

22. The issues highlighted herein can be safely said to have only increased given the boom in population, the betterment of medical facilities for animals and also the increasing fragmentation of land leading to smaller parcels of ownership with farmers/dairymen.

23. There is an additional scenario that needs to be discussed. The discussion above is limited to those animals that are allowed to be let go, but there are also those animals who are still high on utility, but are let out for the day to graze and forage for food. They too can cause the kind of incidents with which we are concerned. Who will be responsible then? Not all farmers and dairymen possess the wherewithal to be feeding all the animals in their possession. In some cases they are hardly able to make ends meet and secure two square meals a day. Section 289 of the Indian Penal Code, 1860 and Section 291 in the corresponding new Code, provide that if a person is unable to take steps to protect human lives from

harm being caused by animals in their care, they may pay a fine or be imprisoned. But does that answer the call of need from the injured or the family of the deceased?

24. A partial answer to the question raised by us above is provided for by the Punjab Municipal (Registration and Proper Control of Stray Animals) Bye-Laws, 2006 dated 26th May 2006 published in Part IB of the Punjab Government Gazette, which provides for the establishment of a fund under Rule 10(b) for payment of compensation to the victims of stray cattle. It does not, however, quantify any amount. Similar bye-laws were brought in by the Punjab Government on 12th October 2020. These bye-laws, in clause 13, postulated for the concerned Committee/Corporation to give Rs.1 lakh compensation in case of death and amount proportionate to Rs.1 lakh relating to the percentage of certified disability *vide* another Notification dated 13th June 2023. This amount to be received as compensation on death was enhanced to Rs.5 lakhs and for permanent incapacitation, the amount to be received is Rs.2 lakhs.

25. Obviously, in the present case, neither of the latter two Rules can apply. Since the 2006 Rules established a fund but do not quantify an amount, the question of the amount to be paid to the appellants remains unanswered. The method adopted by the learned Single Judge, which applies the standard under the MV Act, cannot be accepted as being applicable as a matter of rule in every case. For incidents from 2020 onwards, an amount stands computed, and so, the ambiguity stands only with regard to cases prior thereto. Those cases can be decided in the attending facts thereof. Considering the long time that this matter has been pending and the severe injury with which the deceased lived prior to his passing, we deem it appropriate to award a lump sum of Rs.15 lakhs. The amount to be remitted within four weeks. This order has been passed in the attending facts and circumstances of the case and shall not be treated as a precedent.

26. In view of the above discussion, having noted that accidents with a direct and proximate bovine cause are not few and far between, we make few suggestions to the Centre and State Government(s) for consideration and implementation:

26.1 All States that have enacted their own laws pertaining to cattle should take steps to ensure complete and immediate implementation thereof in letter and spirit;

26.2 Necessary amendments may be carried out or rules promulgated, as is deemed fit by the competent authority, to develop a mechanism for payment of compensation in accidents caused as a result of bovine/cattle, in both categories of cases i.e., pedestrian or vehicular;

26.3 Tagging of all animals be mandated. This furthers the ability to keep track of them, ensuring their long-term health service, linking to veterinary check-ups and vaccinations;

26.4 The reality of animals being let go after they cease to serve a useful, economic purpose cannot be denied. The owners choosing to make such a decision should be held responsible and ensure safe transfer of such animals to the shelters run by the appropriate authority. The authorities at such shelters should issue a receipt acknowledging such transfer and cause the details of such animal to be entered/altered in the database of tagging;

26.5 In order to ensure that the tagging, digitisation of records and smooth running of these shelters is duly undertaken, the authorities may depute a particular officer in every Corporation/Department who shall be the nodal officer for such purpose.

Copy of this judgment be sent to all the Chief Secretaries of the States: Administrators of all the Union Territories and Member Secretary of the State Legal Services Authority for taking appropriate action.

27. Consequently, the present appeal is allowed. Pending application(s), if any, shall stand disposed of. No costs.

.....J.
(SANJAY KAROL)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi;
July 31, 2026