

# **H.C. ARORA**

ADVOCATE

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## **PUNJAB & HARYANA HIGH COURT**

EMAILS ADDRESS:-

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Dated: 28.11.2019

To,

1. Chief Secretary, Government of Punjab, Punjab Civil Secretariat, Chandigarh.
2. Principal Secretary, Animal Husbandry, Fisheries and Dairy Development Department, Punjab Civil Secretariat, Chandigarh.
3. Punjab Gau-Sewa Commission, H.O.-Forest Complex, Tower No.-5, 6<sup>th</sup> Floor, Sector-68, SAS Nagar, Mohali (Punjab) through its Chairman.

**Subject:- Legal Notice – Demand for thorough investigation/inquiry into misuse/non-utilisation of cow cess by various departments /agencies, rather than passing over such amount to Punjab Gau-Sewa Commission.**

**By Speed Post/E-mail**

**[dahpunjab@gmail.com](mailto:dahpunjab@gmail.com); [chrn.pgsc@punjab.gov.in](mailto:chrn.pgsc@punjab.gov.in)**

Sirs,

I hereby serve the following notice on you:-

1. That under the Punjab Gau Sewa Commission Act -2014, a Commission, namely Punjab Gau Sewa Commission has been set up. The main functions of the Punjab Gau Sewa Commission, inter-alia, include (i) to promote healthcare of cows; and (ii) to ensure proper management and care of infirm and aged cows maintained by any institution, including Gaushalas; and (iii) to give financial assistance to the institutions, which are engaged in the welfare of cows. The Punjab Gau Sewa Commission is also entitled to conduct audit of the various institutions which are engaged in the welfare of cows namely, Gaushalas etc.

2. That under Section 7 of the Punjab Prohibition of Cow Slaughter Act, 1955, the State Government or the Local Authority, if so authorized, may levy such fees as may be prescribed for care and maintenance of uneconomic cows in the institution.

3. That with the aforesaid background. I may further state that Punjab State Power Corporation Limited (PSPCL) is collecting cow cess on the power bills. However, the cow cess so collected on power bills is not being deposited with Punjab Gau Sewa Commission. In any case, the amount so collected is not being utilized for welfare of cows. Thus, the very object of levying cow cess is defeated. It appears that such amount is being diverted by the State Government, and being spent for unauthorized purposes.

4. That various Municipal Corporations and Municipal Councils which have been authorized by the State Government to collect such cow cess on various items/services are also spending such cow cess without any authority, in the manner they wish and they are not passing over the amount so collected by way of cow cess to the Punjab Gau Sewa Commission. Such amount should have been forwarded to Punjab Gau-Sewa Commission, for spending on welfare of cows, and for management of stray animals, including cows and bulls in Gaushalas, or cattle ponds.

5. That Excise and Taxation Department is also collecting the cow cess on sale of liquor etc. but is depositing the same with the Government Treasury, and the Government Treasury on the other hand does not deposit such cow cess with Punjab Gau Sewa Commission. In any case, the amount so collected is not being utilized for welfare of cows. Thus, the very object of levying cow cess is defeated. It appears that such amount is being diverted by the State Government, and being spent for unauthorized purposes.

6. That the Transport Department of Government of Punjab is also levying cow cess on registration of vehicles under the Punjab Motor Vehicles Taxation Act. The said amount is also deposited with Government Treasury, the Government Treasury on the other hand does not deposit such cow cess with Punjab Gau Sewa Commission. In any case, the amount so collected is not being utilized for welfare of cows. Thus, the very object of levying cow cess is defeated. It appears that such amount is being diverted by the State Government, and being spent for unauthorized purposes.

7. That with the aforesaid background, I may further state that stray animals, including the stray cows/bulls are proving to be a nightmare for the entire State of Punjab. For the residents of Punjab, there is virtually a state of animal terrorism in

the State of Punjab, which appears to be a worse period than the period of “terrorism” by the militants in the State of Punjab. The Punjab Gau Sewa Commission was set up for ensuring the maintenance of Gaushalas and also for proper treatment and maintenance of infirm and aged cows, including stray cows/bull. However, on account of the mismanagement of cow cess which is not being handed over by the concerned agencies/departments to the Punjab Gau Sewa Commission, the said Commission is failing to discharge its duties and functions as envisaged under the Punjab Gau Sewa Commission Act, 2014. On the other hand, the amount is being misused by the various agencies mentioned above for extraneous purposes, not mandated by the provisions of Punjab Gau Sewa Commission Act-2014, or for that matter, by the Punjab Prohibition of Cow Slaughter Act, 1955. The entire matter requires a thorough investigation. On the other hand, the Punjab Gau-Sewa Commission is unable to conduct audit of various institutions, including Gau-Shalas, due to paucity of funds.

I would therefore, call upon you to order a thorough investigation into the matter at your level and ensure that every penny collected from the tax payers by way of cow cess is spent for the purpose for which such collection is envisaged under the Punjab Prohibition of Cow Slaughter Act, 1955, read with the relevant provisions of Punjab Gau Sewa Commission Act -2014.

In case I do not receive any positive response from you within a period of 15 days from the date of receipt of this notice by you, in such event, I shall be left with no other alternative except to approach the Hon’ble Punjab and Haryana High Court at Chandigarh, by filing a Public Interest Litigation (PIL) for seeking the redressal of my legitimate grievances mentioned above in public interest.

Meanwhile, please acknowledge receipt of this notice.

(H.C. ARORA)

ADVOCATE