



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) PIL No.7048 of 2018

Gau Gyan Foundation

....

Petitioner

Mr. Piyush Panda, Advocates

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Debasish Tripathy, AGA

Mr. P.K. Mohanty, Senior Advocate for CMC

CORAM:

THE HON'BLE THE CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

07.08.2025

Order No.

35. This matter is taken up through Hybrid mode.
2. The instant Public Interest Litigation raises a serious concern on the slaughter of the cows within the State of Odisha despite the enactment, namely, the Odisha Prevention of Cow Slaughter Act, 1960 (for short, "the Act, 1960") is in vogue. The serious issues are raised that despite the prohibitory law having enacted as a State Legislation, its implementation has not been ensured in true spirit.
3. The matter came up on 3rd July, 2024, where the previous Bench took note of Section 3 of the Act, 1960 which created complete embargo on the slaughter of cow despite any usage or custom to the contrary. The said Section starts with the non-obstante clause overriding any custom or usage that the slaughter of cow is completely prohibited and forbidden under the said enactment. However, it was noticed that the bull or bullock though comes under the prohibitory animal, the slaughter can be permitted subject to a certificate in writing issued by the competent authority. The Bench noticed aforementioned aspect



including the Odisha Municipality Act, 1950 (for short, “the Act, 1950”) and the Odisha Municipal Corporation Act, 2003 (for short, “the Act, 2003”) and held in unequivocal terms that the Act, 1960 being a Special Act has an overriding effect on the other. Even if the aforementioned Acts are the State Legislation, yet the Act which is enacted for a specified purpose or a specified thing, shall have an edge over the other State Legislations, which are general in nature. Even if we noticed the provisions contained in the Act, 2003 or the Act, 1950, which in some way overreach the provisions of the said enactment, yet we find on a harmonious reading of the several provisions that it echoed the same object that the slaughter of cow is prohibited. However, we noticed Section 4 of the Act, 1960, which also contained the non-obstante clause with clear specification by mentioning Section 3 that such slaughter may be permissible, provided the contingencies indicated therein are fulfilled. Even if, those contingencies are taken into consideration, it does not in absolute terms destroy the very fabric of Section 3 of the said Act of 1960 as the slaughter of the cow is not permitted, even as the custom or the usage so provide.

4. Be that as it may, we find that “competent authority” defined in Section 2(a) of the Act, 1960 has not been appointed in order to make several provisions of the said Act workable and functional. The Act which was promulgated as far back as in the year 1960 cannot be a dead letter nor be put in cold storage taking into account the above objects and purpose behind the said Legislation. The State Government cannot shrug its responsibility in appointing the competent authority under the said Act for workability of the several provisions contained therein and, therefore, we direct the State Government to appoint the competent



authority within three weeks from the date of communication of this order and submit the report on the next date.

5. List this matter on 1st September, 2025.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

MRS/Laxmikant