



## **HARYANA STATE LAW COMMISSION**

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### **THIRTIETH REPORT**

**Recommendation to amend Sections 2(d),  
17(3) and 17(5) of the Haryana Gauvansh  
Sanrakshan and Gau Samvardhan Act,  
2015.**

**Government of Haryana**

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**Justice H.S. Bhalla,  
Chairperson**

**Mr. Inderjeet Mehta,  
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**Dr. Sarika Gupta,  
Member**

**Ms. Sangita Vardhan,  
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**Mr. Bhupinder Singh,  
Registrar**

**Government of Haryana**

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**Recommendation to amend Sections 2(d),  
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**12<sup>th</sup> September, 2025**

First and foremost object of the welfare State is to protect the life and property of the individuals so that the society may function in peaceful atmosphere without obstacles in their day-to-day functions and use of their personal property. Owner of the vehicle is free to use the same for lawful purposes unless the same is seized or confiscated under law. He is also entitled to get his

property released on “Superdari” as early as possible if permitted by law so that the same can be utilized for the purpose the property has been acquired.

The Haryana Gauvansh Sanrakshan and Gau Samvardhan Act, 2015 (hereinafter referred to as ‘the Act, 2015’), was enacted to safeguard and promote the welfare of cattle in the State. Its object is commendable. However, some provisions have led to operational challenges and legal ambiguities particularly concerning the seizure of vehicles and the subsequent legal recourse available to the affected party to get the same released on Superdari. The vehicles so seized under this Act should not be kept in Malkhanas of Police Stations for long time as it would lead to non-utilization of the property which tantamounts to loss to the public and ultimately to the State. In the Act, 2015 significant powers are given to the executive

authorities i.e. Sub Divisional Magistrate (hereinafter referred to as 'S.D.M.') or the other officer appointed by the government for exercising the powers under this Act. It may be mentioned here that the S.D.M. is a very busy officer having lot of administrative work to do besides revenue assignments under the Land Revenue Act. Further, this officer at the Sub Divisional level is also assigned additional charges of other officers at the Sub Divisional level who are on leave or transferred. The power under Section 17 of the Act, is with the competent authority i.e. S.D.M. who only has the jurisdiction to make order with regard to the possession, delivery, disposal, release of such vehicle confiscated under this Act. Further, Section 17(5) of the Act, states that any person aggrieved by an order made by the competent authority under sub section (2) or sub-section (4) may, within a period of thirty days from the

date of such order prefer an appeal to the Deputy Commissioner of the district concerned within the period prescribed. Again, the Deputy Commissioner is also a very overburdened officer in the district as he is the incharge of the entire district having all administrative, revenue, law and other functions. He also exercises as ex-officio incharge of so many departments, committees, boards, undertakings of the government in the concerned district.

The vehicle seized/confiscated by the Police under this Act can be released on Superdari to its owner only by the competent authority i.e. S.D.M. Therefore, the application for Superdari of vehicle lies before the S.D.M. It takes lot of time to decide that application by the S.D.M. and the Judicial Courts have been debarred from taking cognizance of such application. It has been held by the Hon'ble Punjab and Haryana High Court in number of

cases that there should be amendment in the Act, 2015 so that such application for the release of vehicle on Superdari can be decided as early as possible. Aggrieved by the long period taken by the S.D.M. and the Deputy Commissioner in appeal for the release of vehicle on Superdari, the owner of the vehicle approached the trial Court i.e. Judicial Magistrate/Ilaqua Magistrate to seek the release of the vehicle on Superdari that was seized under the Act, but the trial court dismissed such application due to bar of jurisdiction under Section 17(3) of the Act, 2015. The aggrieved party approached the Hon'ble High Court and the Hon'ble High Court in **Mohd. Salman vs. State of Haryana (CRM-M-4013-2017, decided on November 14, 2017)**, noting the hardship caused by prolonged seizure, allowed the petition and set aside the impugned order and directed release of the vehicle on Superdari

subject to the satisfaction of the Trial Court/Duty Magistrate. Same view has been taken by the Hon'ble High Court in cases **Isran vs. State of Haryana (CRM-M-37389-2016, decided on January 16, 2017); Harpal Singh vs. State of Haryana (CRM-M-27958-2017, decided on August 8, 2017) and Gurmeet Singh vs. State of Haryana (CRR-1673-2022 (O&M), decided on February 27, 2024).**

In case **Gurmeet Singh vs. State of Haryana (CRR-1673-2022 (O&M), decided on February 27, 2024)**, the petitioner sought the release of his vehicle on supardari that was seized under the Act. The trial court had allowed his application. Aggrieved against the said order, the prosecution filed revision petition before the court of Additional Sessions Judge which was allowed setting aside the order of the trial Court. In the revision petition

filed by the petitioner, before the Hon'ble High Court, the vehicle was ordered to be released on superdari.

The Punjab and Haryana High Court noted the hardship caused by prolonged seizure and allowed the petition. The court set aside the impugned order and directed the release of the vehicle on supardari subject to the satisfaction of the trial Court/Duty Magistrate/SDJM concerned.

In case **Harpal Singh vs. State of Haryana (CRM-M-27958-2017, decided on August 8, 2017)**, the Hon'ble Punjab & Haryana High Court, consistent with its previous rulings, reiterated the need for legislative changes to address the issue of vehicle seizure. While the specific details of the order would require reviewing the full judgment, the consistent trend across these cases demonstrates the judiciary's proactive role in highlighting

the deficiencies of the original Act's provisions regarding seized property and the need for a mechanism for supardari.

The current provision leads to prolonged impoundment of vehicles, causing significant financial loss to owners due to depreciation, storage costs, and loss of livelihood, even before guilt is established. The seized vehicle should be released on supardari during the pendency of trial so that the seized vehicles do not languish and deteriorate at police stations or designated yards, preserving their value and reducing the burden on State resources for storage and maintenance.

Keeping in view the facts discussed above and the hardship being faced by the owners of the vehicles seized under this Act to get their vehicles released as early as possible, the law requires amendment on the pretext of

proverb “justice delayed is justice denied”. The Haryana State Law Commission is of the opinion that this power of release of vehicle seized under this Act, should be given to Judicial Magistrate Ist Class/Ilaqua Magistrate/Duty Magistrate instead of S.D.M. and the revisional/appellate powers should be with the Sessions Judge instead of Deputy Commissioner of the District concerned.

The Haryana State Law Commission is of the view that “competent authority” under Section 2(d) of this Act should be Judicial Magistrate Ist Class i.e. Ilaqua Magistrate/Duty Magistrate instead of Sub Divisional Magistrate. Even under the Prohibition of Cow Slaughtering Laws of the land, these powers i.e. power to make order with regard to the possession, delivery, disposal, release of such vehicle seized/confiscated is with

the trial Court i.e. Judicial Magistrate. Therefore, Section 2(d) of the Act of 2015 shall be substituted as under: -

2(d). “competent authority” means the Ilaqua Magistrate (Judicial Magistrate Ist Class)/Duty Magistrate.

Consequently, Section 17(3) of the Act of 2015 shall be substituted as under: -

17(3). Whenever any vehicle as referred to in subsection (1) is confiscated in connection with commission of an offence under this Act then notwithstanding anything contained in any other law for the time being in force, the Judicial Magistrate Ist Class i.e. Ilaqua Magistrate/Duty Magistrate shall be the competent authority having jurisdiction to make order with regard to the possession, delivery, disposal, release of such vehicle.

A Sessions Judge is better equipped to interpret complex legal issues, on the subject. Therefore, Section 17(5) of the Act of 2015 shall be substituted as under: -

17(5). Any person aggrieved by an order made by the competent authority under sub-section (2) or sub-section (4) may, within a period of thirty days from the date of such order prefer an appeal to the Sessions Judge of the district concerned.

## RECOMMENDATIONS

The Haryana State Law Commission recommends the following amendments in the Haryana Gauvansh Sanrakshan and Gau Samvardhan Act, 2015: -

Section 2(d) of the Act of 2015 shall be substituted as under: -

2(d). “competent authority” means the Ilaqua Magistrate (Judicial Magistrate Ist Class)/Duty Magistrate.

Section 17(3) of the Act of 2015 shall be substituted as under: -

17(3). Whenever any vehicle as referred to in subsection (1) is confiscated in connection with commission of an offence under this Act then notwithstanding anything contained in any other law for the time being in force, the Judicial Magistrate Ist Class i.e. Ilaqua Magistrate/Duty Magistrate shall be the

competent authority having jurisdiction to make order with regard to the possession, delivery, disposal, release of such vehicle.

Similarly, Section 17(5) of the Act of 2015 shall be substituted as under: -

17(5). Any person aggrieved by an order made by the competent authority under sub-section (2) or sub-section (4) may, within a period of thirty days from the date of such order prefer an appeal to the Sessions Judge of the district concerned.

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