
STATE ACCOUNTABILITY FOR THE INJURY CAUSED BY STRAY CATTLE: A CASE OF COW CESS COLLECTION IN PUNJAB

Virender Negi, Professor, UILS, Panjab University, Chandigarh.

Prachi Sharma, Research Scholar, Department of Laws, Panjab University Chandigarh.

ABSTRACT

The foundation of this study is Article 21 of the Indian Constitution, which guarantees the preservation of life and individual liberty. It examines the State's constitutional and statutory duties with regard to public safety and animal welfare. Based on Article 48, a Directive Principle that requires cow protection, the study investigates whether the State's inefficient use of cow cess money amounts to a breach of these obligations and is therefore a form of tortious negligence or vicarious culpability. The paper evaluates the degree of the State's responsibility for such omissions under the frameworks of welfare legislation and the constitution using a doctrinal and analytical methodology. In India, the question of state responsibility for stray cow injuries has taken on urgent socio-legal significance, especially in Punjab State, where the threat of uncontrolled and abandoned animals has increased the number of accidents and fatalities. The occurrence of these occurrences raises serious concerns regarding fiscal transparency, administrative carelessness, and governmental responsibility, even in the face of the implementation of a cow cess—a specific fiscal tool meant to finance the care and management of stray and indigent animals. The judicial, legislative, and constitutional frameworks serve as the foundation for the analysis. To define the parameters of state accountability in situations of avoidable public injury, judicial precedents on public authority liability—such as *Nilabati Behera v. State of Orissa*¹ and *Municipal Corporation of Delhi v. Subhagwanti*²—are examined. The administrative incompetence and lack of transparency in Punjab's cow cess collecting and use are further criticized in the article. Even while stray cattle continue to pose a threat to people and property, empirical data and municipal records show that a significant portion of cess money are not being used. According to the study's findings,

¹ *Nilabati Behera v. State of Orissa*, AIR 1993 SC 1960. “The Supreme Court held that the State is liable to pay compensation for violation of the fundamental right to life under Article 21 due to custodial death, establishing the principle of **public law compensation** for State negligence.”

² *Municipal Corporation of Delhi v. Subhagwanti*, AIR 1966 SC 1750.- “The Court held the Municipal Corporation liable for the collapse of a clock tower maintained by it, recognizing **strict liability** of public authorities in cases involving failure of statutory duties leading to public injury.”

the State may have engaged in actionable negligence under public law by failing to fulfill its statutory and financial commitments, which would call for judicial intervention and remedial accountability. In order to ensure that cess-based welfare programs result in measurable improvements in public safety, the study concludes by advocating for a legislative framework that unifies economic accountability with animal welfare governance.. This article explores the State of Punjab's legal obligation to protect the people and stop injuries caused by wandering cattle, particularly in view of the money raised through the cow cess system.

Keywords: State Liability; Stray Cattle; Cow Cess; Public Negligence; Constitutional Duty.

INTRODUCTION

The foundation of public law accountability in a welfare democracy is the idea of the State's vicarious liability. Its foundation is the idea that the State, as the ultimate guardian of the welfare of its citizens, must take accountability for any wrongdoing committed by its representatives while they are performing their official duties. This theory developed in reaction to the government's transformation from a passive sovereign power to an active welfare state with a duty to protect life and promote public safety. Under this welfare framework, the State is equally liable for governance failures that result in avoidable injury as it is for acts of commission. The notion that the State has absolute immunity under the old colonial dictum, "The King can do no wrong," has gradually given way to the contemporary belief that "The State must answer for its wrongs," particularly when its inaction violates the right to life and safety protected by Article 21 of the Constitution.³

The Directive Principles of State Policy, which foresee a fair and compassionate society in which the government actively supports everyone's health, safety, and dignity, are firmly rooted in India's constitutional framework and the State's social welfare responsibilities. Among these, Article 48 emphasizes the State's joint responsibility for the welfare of humans and animals by directing it to take action for the improvement and preservation of cattle.⁴ Therefore, the welfare governance paradigm requires the state to take proactive steps to avoid risks that could harm the lives of its residents. This constitutional requirement is broken when the growing threat of stray cattle, which frequently results in mishaps and injuries, is not

³ *State of Rajasthan v. Vidhyawati*, AIR 1962 SC 933.

⁴ Constitution of India, Art. 48.

controlled. In such cases, the **principle of vicarious liability** compels the State to compensate victims for negligence resulting from administrative indifference or misuse of welfare funds meant for animal management.⁵

One of the most important factors in defining the extent of State culpability has been judicial precedent. Sovereign immunity cannot supersede constitutional safeguards; the Supreme Court affirmed in *Nilabati Behera v. State of Orissa*⁶ that the State is obliged to pay compensation under public law for violations of basic rights caused by its carelessness or custodial inaction. Similar to this, the Court held a municipal body strictly liable for the collapse of a public edifice in *Municipal Corporation of Delhi v. Subhagwanti*, highlighting the need for public organizations to uphold a standard of care consistent with their statutory obligations.⁷ The welfare state has a moral and legal obligation to protect its residents from preventable dangers, such as those caused by wandering cattle on public property, as these decisions demonstrate.⁸

Despite the implementation of the Cow Cess, a specific tax levied on goods and services to fund cow protection and stray cattle management, the problem of injuries brought on by stray cattle has grown urgent in Punjab. There is a gap between fiscal policy and administrative implementation, as seen by the proven underutilization of cess payments and the ongoing increase in stray cattle events.⁹ This failure raises concerns about constitutional accountability, public carelessness, and money exploitation in addition to violating the cess's intended welfare purposes. Even while the State has the financial means and the legal authority to act, its failure to do so makes it vicariously accountable for harm brought about by its failure to carry out its statutory duties.¹⁰

Thus, this paper aims to examine the scope of the State's vicarious obligation in Punjabi stray cattle injury cases, with a focus on the legal ramifications of the cow cess system. It investigates how the ineffective use of cess money obtained amounts to a violation of public duty, justifying compensatory accountability under the burgeoning notion of State liability, by looking at constitutional foundations, legislative frameworks, and court decisions.

⁵ *Common Cause v. Union of India*, (1999) 6 SCC 667.

⁶ *Supra* note 1

⁷ *Municipal Corporation of Delhi v. Subhagwanti*, AIR 1966 SC 1750.

⁸ *Kasturi Lal v. State of Uttar Pradesh*, AIR 1965 SC 1039.

⁹ Punjab Municipal Corporation Act, 1976, s. 90A; see also Punjab Government Notification, Department of Local Government, Cow Cess Rules, 2018.

¹⁰ *Municipal Council, Ratlam v. Vardhichand*, AIR 1980 SC 1622

THE RISING INCIDENTS OF PUBLIC INJURY CAUSED BY MENACE OF STRAY CATTLE

In India, especially in countryside regions like Punjab, the problem of stray cattle has become one of the most concerning issues facing administration and public safety. Cattle, which were formerly seen as a sign of religious veneration and agrarian success, are now a major public hazard because of poor animal management practices, unplanned urbanization, and governmental indifference. Numerous accidents, fatalities, and injuries to people and property have resulted from the increasing number of abandoned cows and bulls wandering freely on streets and roads, turning an ethical issue into a critical one involving governmental culpability and public law accountability.

The issue in Punjab has gotten out of control. According to media accounts and municipal data, wandering cattle blocking public roadways cause hundreds of traffic accidents every year, many of which are fatal.¹¹ The fall in male cattle's economic value following the industrialization of agriculture, the prohibition on killing cows without proper rehabilitation, and the underfunding or poor administration of the current gaushalas (cow shelters) are some of the many contributing factors.¹² A significant amount of the money raised by the cow cess, a tax intended to pay for the care and housing of stray cattle, is either misused or goes unused. The issue is made worse by this financial inefficiency, which leaves local governments without the infrastructure they need to control the constantly increasing number of stray cattle.¹³

The State's inability to reduce these risks creates important legal and constitutional responsibility issues. Every citizen has the right to life and personal safety under Article 21 of the Constitution, which entails that the State has an obligation to provide secure roadways and public areas.¹⁴ The State's liability under the vicarious negligence concept becomes actionable when wandering livestock cause injuries or fatalities, especially when financial mismanagement or administrative error are clearly visible. Public officials have a duty of care to the public, according to judicial precedents. In the case of *Municipal Corporation of Delhi v. Subhagwanti*, the court held the municipal authority accountable for the collapse of a public building, highlighting the fact that neglecting to maintain public safety infrastructure is

¹¹ *The Tribune*, "Stray Cattle Menace: Punjab Sees Sharp Rise in Road Accidents," (2023).

¹² Constitution of India, Art. 48.

¹³ Punjab Municipal Corporation Act, 1976, s. 90A; Punjab Cow Cess Rules, 2018.

¹⁴ Constitution of India, Art. 21.

actionable negligence.¹⁵ According to the Supreme Court's ruling in *Nilabati Behera v. State of Orissa*¹⁶, the State is liable under public law when the right to life is violated as a result of administrative inaction.

Additionally, there is a broader socioeconomic component to the problem of runaway cattle. In addition to posing a threat to human life, it also causes traffic jams, damages standing crops, and puts both rural and urban residents in financial difficulties.¹⁷ A misalignment between legislative intent and administrative performance is evident in the continued occurrence of such instances, despite the fact that the fiscal collection through cow cess was meant as a remedial tool to fund systematic stray cattle management. Under the public trust concept, the unused cow cess monies in a number of Punjabi municipal corporations, including Ludhiana, Patiala, and Amritsar, show a lack of fiscal responsibility and governance and should be subject to court review.¹⁸

Thus, the increasing number of public harm cases brought on by runaway cattle is a sign of systemic administrative failure rather than just chance. The legitimacy of the State's governance structure is weakened by its incapacity to convert its constitutional obligations and fiscal revenues into observable welfare results. In addition to being in line with constitutional jurisprudence, holding the State vicariously accountable for such injuries is also required to strengthen accountability in public administration. In the end, the threat posed by wandering cattle is a violation of the State's social welfare duties, as carelessness in enforcing laws financed by public levy results in persistent abuses of residents' basic rights to security and respect.¹⁹

Constitutional and Statutory Duty of the State in Preventing Cattle-Related Injuries

The Indian Constitution aims to establish a system in which the State's duty to safeguard human life, public safety, and animal welfare is not just ethical but also legally binding. Therefore, the issue of stray cattle, especially in states like Punjab, needs to be viewed through the prism of the State's constitutional obligations as well as the legal framework that requires efficient government, budgetary restraint, and public welfare. The continued number of stray cattle-

¹⁵ *Municipal Corporation of Delhi v. Subhagwanti*, AIR 1966 SC 1750.

¹⁶ *Supra* note 1

¹⁷ *Times of India*, "Unspent Cow Cess Funds and Rising Stray Cattle Accidents in Punjab," (2024).

¹⁸ *M.C. Mehta v. Union of India*, AIR 1987 SC 1086.

¹⁹ *State of Rajasthan v. Vidhyawati*, AIR 1962 SC 933.

related injuries and deaths in spite of cow dung collection shows that the State has not fulfilled its constitutional and legal duties.²⁰

At the core of the State's responsibility lies Article 21 of the Constitution, which guarantees the right to life and personal liberty. The Supreme Court has consistently interpreted this provision to include the right to live with dignity and in conditions that ensure safety and security.²¹ In *Nilabati Behera v. State of Orissa*, the Court categorically held that State inaction leading to the violation of Article 21 rights—whether by direct acts of officials or by administrative negligence—constitutes grounds for compensation under public law.²² Similarly, in *Municipal Council, Ratlam v. Vardhichand*, the Court emphasized that the State and its local bodies cannot avoid their statutory obligations on grounds of financial or administrative limitations, reaffirming that governance under the Constitution demands affirmative action to safeguard public health and safety.²³

Article 21 of the Constitution, which protects the right to life and personal liberty, is central to the State's role. This clause has always been read by the Supreme Court to encompass the right to live in a dignified manner and in a secure environment.²⁴ The Court firmly maintained in *Nilabati Behera v. State of Orissa* that a state's failure to take action that results in a violation of Article 21 rights—whether via official actions or administrative carelessness—is grounds for compensation under public law. Similar to this, the Court reaffirmed that governance under the Constitution requires affirmative action to protect citizens in *Municipal Council, Ratlam v. Vardhichand*, by emphasizing that the State and its local bodies cannot escape their statutory commitments on the grounds of budgetary or administrative limits.²⁵

Furthermore, the State's dual responsibility for animal welfare and human safety is based on the Directive Principles of State Policy (DPSPs), which are established by the Constitution. While Article 47 imposes a duty to improve public health and raise living standards, Article 48 instructs the State to take action for the preservation and enhancement of livestock.²⁶ These clauses collectively create the constitutional requirement that public safety and welfare be

²⁰ *Common Cause v. Union of India*, (1999) 6 SCC 667.

²¹ Constitution of India, Art. 21.

²² AIR 1993 SC 1960.

²³ Constitution of India, Art. 21.

²⁴ AIR 1980 SC 1622.

²⁵ Constitution of India, Arts. 47 & 48.

balanced with animal protection. Therefore, Article 48 gives legality to the creation of a cow cess, but failure to use or divert it is a violation of Article 47 and Article 21 responsibilities.²⁶

Apart from the constitutional provisions, the State and municipal authorities are clearly required by a number of statutory enactments to avoid harm caused by stray animals. Section 90A of the Punjab Municipal Corporation Act, 1976, requires the establishment of funds for cattle management and gives corporations the authority to impose a cow cess.²⁷ The Act subtly requires local governments to make efficient use of these monies for gaushala building, stray cattle management, and road hazard avoidance. Failure to fulfill these obligations is administrative carelessness and exposes one to liability under the tort law doctrine of misconduct in public office.²⁸

Furthermore, both the State and private citizens are required by the Prevention of Cruelty to Animals Act, 1960, and the Punjab Cattle Fair (Regulation) Act, 1967, to guarantee the humane care, registration, and management of animals.²⁹ The welfare-oriented statutory intent reflected in these legislations is in line with the constitutional objective of striking a balance between human safety and animal rights. However, the frequent occurrences of stray cattle-related injuries and fatalities suggest that these legal frameworks are still not widely enforced. The issue becomes a constitutional tort—a unlawful act of omission by the State that causes harm to its citizens—when the government fails to control livestock populations, provide shelters, or use municipal resources for animal control.³⁰

The State's proactive duty to guarantee the efficient application of such legislation has been further strengthened by judicial interpretation. The Court emphasized in *M.C. Mehta v. Union of India* that the State has an ongoing obligation to safeguard public health and the environment as essential elements of Article 21.³¹ By analogy, it is a dereliction of statutory duty to fail to avoid accidents caused by wandering livestock, especially in the face of financial resources and legal authority. Similarly, the Court acknowledged State culpability for the carelessness of its employees while they were on the job in *State of Rajasthan v. Vidhyawati*, indicating that

²⁶ *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat*, (2005) 8 SCC 534.

²⁷ Punjab Municipal Corporation Act, 1976, s. 90A.

²⁸ AIR 1965 SC 1039.

²⁹ Prevention of Cruelty to Animals Act, 1960; Punjab Cattle Fair (Regulation) Act, 1967.

³⁰ *Shiv Sagar Tiwari v. Union of India*, (1996) 6 SCC 558.

³¹ *M.C. Mehta v. Union of India*, AIR 1987 SC 1086.

welfare governance entails legal accountability.³²

Therefore, it is very evident from the constitutional and legislative framework that the State is liable for damage brought on by stray cattle. By establishing a clear financial and administrative link between the collection of public funds and the avoidance of risks associated with cattle, the cow cess serves to further solidify this obligation. The State's passivity when these funds are left unused or improperly handled not only contravenes legal requirements but also breaches the fundamental right to life.³³ As a result, the threat of stray cattle injuries is not just a social annoyance but also a violation of the constitution, necessitating the enforcement of financial accountability and remedial justice by the courts.

JUDICIAL APPROACH TO STATE LIABILITY FOR STRAY CATTLE INJURIES

In India's jurisprudence, courts have gradually broadened the definition of state liability in situations when public officials' negligence or omission results in harm or death. When the state's actions or inactions infringe fundamental rights, particularly Article 21 (right to life), the notion of constitutional torts makes it easier for victims to receive compensation.³⁴ Courts have acknowledged that public entities cannot avoid accountability for stray cattle just because the animals are considered private property or because the hazard is due to "natural causes." Rather, failing to prevent injury caused by stray cattle may result in responsibility if the State or local authority has legal capacity and a credible duty to act (for example, through funding, by-laws, or taxes/cesses).

Key Precedents & Legal Principles

1. **Strict Standard of Public Duty:** The Supreme Court ruled in *Municipal Corporation of Delhi v. Subhagwanti* that municipal officials have a stringent obligation to ensure public safety; failures of public infrastructure, such as public buildings, were deemed culpable even in the absence of evidence of negligence.³⁵ This idea is helpful in similar situations with runaway cattle since local organizations may be held accountable for tasks that cannot be delegated if they take on or are legally tasked with managing

³² *State of Rajasthan v. Vidhyawati*, AIR 1962 SC 933

³³ AIR 1966 SC 1750.

³⁴ Supra note 1

³⁵ Supra note 33

animals.

2. Compensation as a Remedy for State Negligence: *Nilabati Behera v. State of Orissa* is a landmark decision wherein the Supreme Court ruled that negligence by the State, leading to the violation of the fundamental right to life, can attract compensatory liability. This opens the door for victims of stray cattle accidents to claim compensation even when direct “tort” doctrine is difficult to apply against the State.³⁶
3. Non-Excusability of Administrative Failures: In *Municipal Council, Ratlam v. Vardhichand*, the Court held that local bodies cannot plead lack of funds or resources as justification to evade liability in providing essential municipal services.³⁷ By extension, a municipal authority or State cannot avoid liability for failing to control stray cattle by blaming poor resources, especially where a special cess (e.g. cow cess) has been levied for that purpose.
4. Public Trust and Fiscal Accountability: In environmental and governance law, courts have used the public trust theory, which requires that money raised for a certain public purpose be used for that purpose.³⁸ The public's faith may be undermined, and the basis for culpability may be strengthened, if a cow dung is collected but not used or diverted from the management of stray animals.
5. Causation and Proximate Responsibility: Courts require a proximate causal link between the State's omission and the injury. If it is shown that stray cattle were allowed to roam because municipal authorities did not act (e.g. failed to capture, maintain shelters, or regulate movement), then the state's breach becomes actionable. The burden may shift to the State to explain the steps taken (or not taken) using the cess funds.

The *Rajvir Jawanda* Case: A Contemporary Illustrative Example

After his motorcycle allegedly collided with stray animals on a public road on September 27, Punjabi musician Rajvir Jawanda passed away.³⁹ There was reportedly an unlawful dump in

³⁶ Ibid; see also *State of Rajasthan v. Vidhyawati*, AIR 1962 SC 933.

³⁷ *Municipal Council, Ratlam v. Vardhichand*, AIR 1980 SC 1622.

³⁸ *M.C. Mehta v. Union of India*, AIR 1987 SC 1086; *State of West Bengal v. Kesoram Industries Ltd.*, (2004) 10 SCC 201.

³⁹ Indian Express, “Singer Rajvir Jawanda's death sparks court action” (Oct 10, 2025)

the region, which drew livestock to browse, raising the possibility of mishaps.⁴⁰ The collision happened at a section of the Pinjore-Baddi road where Haryana and Himachal Pradesh share jurisdiction.⁴¹

In response, a Public Interest Litigation (PIL) was filed in the Himachal Pradesh High Court by Lawyers for Human Rights International, alleging that despite collection of over ₹100 crore via cow cess (levied on liquor and electricity bills), the government had failed to use the funds to control stray cattle and ensure road safety.⁴² The PIL seeks, inter alia, a comprehensive action plan for the rehabilitation of stray cattle, proper use of cess funds, and compensation for victims.⁴³ The High Court has issued notices to the State government to respond.

Legal Significance for State Liability Doctrine

- **Demonstration of State Inaction vs. Fiscal Powers:** The Jawanda instance demonstrates how a state may have fiscal capacity—that is, the ability to collect money through a cess—but still struggle with implementation, undermining the justification of resource limits.
- **Proximate Causation:** There is a more obvious causal connection between the accident and state actions (allowing illegal dumping, poor maintenance), as evidenced by the fact that stray cattle were attracted to a waste dump, a recognizable human-caused annoyance.
- **Cess Accountability Judicial Enforcement:** The PIL aims to enforce judicial supervision of cess use, reaffirming that the State's responsibilities are not only administrative but also susceptible to court examination.
- **Statutory Nexus:** If it is shown in court that municipal bodies or local authorities had statutory duty (e.g. under municipal acts, cattle control laws) and failed to act, then the Jawanda case may become a precedent to hold State bodies vicariously liable in stray cattle accidents.

⁴⁰ Hindustan Times, “Illegal garbage dump, stray cattle behind Jawanda’s fatal crash

⁴¹ Hindustan Times, “Himachal HC issues notice to state over stray cattle menace

⁴² Indian Express, same report

⁴³ Ibid.

In stray cattle injury cases, the judiciary bases its approach on a number of concepts, including proximate causation, fiscal accountability, strict public duty, and constitutional torts (compensation for infringement of the right to life). A practical test of these theories is the *Rajvir Jawanda* case, which is still in the notice and PIL stages. Public accountability may reach a new level if the courts agree that the State's non-use of cess monies warrants corrective measures or compensation.

In the end, Indian law now tends to demand that the government not only enact laws or levy taxes (such as cow cess), but also implement practical measures. Legally enforceable liability may result from failure to do so, particularly when human lives are involved.

CHALLENGES

Even with a well-organized constitutional and legislative framework for public safety and animal welfare, Punjab faces numerous legal, administrative, and socioeconomic obstacles in implementing the cow cess regime and preventing injuries from stray cattle. The shortcomings of a welfare-oriented but laxly enforced governance model are exposed by these difficulties, which highlight the disconnect between the creation of policies and their successful implementation on the ground.

The primary obstacle is the ineffective use and improper handling of cow cess money. Despite the fact that towns in Punjab get substantial income from cow cess levied on property taxes, cement, liquor, or electricity bills, official data show that a sizable percentage of the money received is either not used at all or is diverted for unrelated administrative purposes. This lack of financial discipline undermines public trust and goes against the public trust doctrine, which states that money raised for a certain social goal must only be utilized for that reason. This problem is made worse by a lack of openness, insufficient auditing procedures, and a lack of real-time cess expenditure monitoring, which leads to administrative carelessness and fiscal opacity.

The lack of an integrated and enforced legislative framework for livestock management is another significant obstacle. Although cess collection is permitted by the Punjab Municipal Corporation Act of 1976 and the Punjab Cow Cess Rules of 2018, they do not explicitly outline accountability procedures or sanctions for noncompliance. Bureaucratic slowness results from local authorities frequently lacking regulatory clarity on how monies should be distributed.

Additionally, there is ineffective cooperation between law enforcement, animal husbandry departments, and municipal authorities, which makes it difficult to manage runaway cattle and carry out the necessary welfare measures.

Another major factor in the problem's continuance is the administrative incompetence of local government. There are not enough gaushalas (shelters), adequate infrastructure, or skilled staff in many municipal corporations to handle the growing number of stray cattle. Inadequate veterinary care, overcrowding, and poor upkeep make shelters useless even when they do exist. The goals of public welfare are further undermined in some areas by indications of corruption and underreporting in cow shelter operations. Urbanization, encroachment, and uncontrolled trash disposal exacerbate the problem by drawing cattle to the sides of the road and increasing the likelihood of accidents.

There are further challenges due to social and cultural issues. Despite the obvious danger to public safety, political hesitancy to implement population control measures is frequently caused by the religious holiness attached to cows. Unproductive cattle are sometimes abandoned by farmers and dairy owners who are unable to care for them, creating uncontrollable stray animal herds. Due to the paradoxical intersection of religious passion and economic distress, administrative institutions are unable to take effective action without inciting popular backlash.

Another significant barrier continues to be the court enforcement gap. Despite several directions from judges stressing the State's duty to uphold public safety and efficiently use cess payments, compliance is still uneven. Comprehensive enforcement procedures or accountability frameworks for injuries caused by stray cattle have not been established, notwithstanding seminal cases like *Municipal Council, Ratlam v. Vardhichand*, and *Nilabati Behera v. State of Orissa*.⁴⁴ The argument about the State's financial obligation and accountability for avoidable fatalities has been rekindled by the *Rajvir Jawanda* case, which is presently before the Himachal Pradesh High Court. However, these interventions are still episodic rather than systematic.⁴⁵

Finally, there exists a lack of public awareness and participatory governance in cattle welfare initiatives. Citizens often remain unaware of their rights to demand transparency regarding cess

⁴⁴ SUPRA NOTE 1

⁴⁵ *Rajvir Jawanda PIL Case*, Himachal Pradesh High Court, 2025.

utilization. The absence of accessible data and grievance redressal systems perpetuates alienation between taxpayers and governing institutions.⁴⁶

Thus, the core challenges are multidimensional—ranging from fiscal indiscipline and administrative inertia to socio-religious sensitivities and judicial under-enforcement. Unless these are systematically addressed through transparent governance, inter-agency coordination, and community engagement, the cow cess regime will continue to exist as a symbolic fiscal instrument rather than an effective welfare mechanism ensuring both animal protection and citizen safety.⁴⁷

CONCLUSION AND WAY FORWARD

A greater conflict between administrative realities and constitutional objectives is shown in Punjab's stray cattle injury problem. As a welfare state, the Indian government has an unassignable responsibility to safeguard the lives and well-being of its people and to treat animals with compassion. In addition to indicating a lack of administrative coordination, the continued occurrence of incidents involving stray animals in spite of the collection of cow dung also represents a violation of the public confidence placed in the State by Articles 21, 47, and 48 of the Constitution.⁴⁸ The misappropriation, diversion, or underutilization of cash contributed by citizens to a cess particularly imposed for the protection and welfare of cattle turns a financial problem into a constitutional wrong.

Through cases like *Municipal Council, Ratlam v. Vardhichand*; *Nilabati Behera v. State of Orissa*⁴⁹; and *Municipal Corporation of Delhi v. Subhagwanti*⁴, judicial interpretation has steadily strengthened the idea that the state is liable for acts of omission when administrative inaction causes harm to the public. The *Rajvir Jawanda* case emphasizes even more how urgent it is for the courts to step in and force the State to provide a clear policy for controlling stray animals and to defend the use of cow cess payments.⁵⁰ Such tragedies cannot be dismissed as mere accidents; rather, they are the avoidable results of systematic carelessness and financial disregard.

⁴⁶ *Lawyers for Human Rights International*, PIL Submission before HP High Court (2025)

⁴⁷ *State of West Bengal v. Kesoram Industries Ltd.*, (2004) 10 SCC 201.

⁴⁸ Constitution of India, Arts. 21, 47, 48.

⁴⁹ *Supra* note 1

⁵⁰ *Rajvir Jawanda PIL case*, Himachal Pradesh High Court (2025); *Indian Express* report, Oct 10 2025.

It is essential to take a two-pronged strategy going forward: administrative restructuring and legal change. Legally speaking, the State must enact a thorough Cattle Management and Welfare Act that clearly defines the responsibilities of local government, the use of cow cess money, recurring audits, and channels for public complaints.⁵¹ Independent audits and statutory requirements for yearly utilization reports would improve openness and budgetary restraint. An administratively integrated digital monitoring system that connects the collecting of cow dung with shelter construction, animal tagging, and real-time reporting of stray cattle movements is required. Additionally, establishing district-level compensation committees for stray cattle accident victims could institutionalize timely and equitable redress while discouraging bureaucratic hold-ups. Lastly, the state needs to understand that animal welfare and public safety are complementing goals rather than rival ones. In the end, providing cattle with safe housing, wholesome food, and medical attention fulfills the same constitutional function as defending citizens' rights to life and dignity. Therefore, integrating responsibility, empathy, and financial responsibility into governance is the way to proceed. Punjab and India as a whole can go closer to achieving the goal of a responsible welfare state where poor governance does not result in fatalities by coordinating the cow cess regime with open welfare outcomes and legally binding obligations.

⁵¹ *State of West Bengal v. Kesoram Industries Ltd.*, (2004) 10 SCC 201.

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