

The Himachal Pradesh Livestock Improvement Act, 1968

HIMACHAL PRADESH

India

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Act 16 of 1968

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The Himachal Pradesh Livestock Improvement Act, 1968 (Act No. 16 of 1968) Last Updated 7th March, 2020 For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 21st August, 1968, p. 876. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 14th September, 1971, p. 1196. (Received the assent of the President on the 8th November, 1968 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 3rd January, 1969, pp. 3-8). An Act to provide for the improvement of the livestock in Himachal Pradesh. Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Himachal Pradesh Livestock Improvement Act, 1968. (2) It extends to the whole of Himachal Pradesh. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, - (a) "approved bull" means a bull certified as such under section 7 or supplied by the Government in a specified area for breeding purposes; (b) "bull" means an un-castrated male calf above such age as the Government may, by notification, prescribe for any specified area; (c) bull is said to be "castrated" if it is rendered incapable of propagating its species; (d) "Director" means the Director of Animal Husbandry, Himachal Pradesh; (e) "Government" means the Government of Himachal Pradesh; (f) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody for the time being; (g) "Livestock Officer" means the Director and includes any other officer authorised by him with the previous approval of the Government to exercise all or any of the powers of a Livestock Officer under this Act; (h) "notification" means a notification published under proper authority in

Rajpatra, Himachal Pradesh; and (i) "prescribed" means prescribed by rules made under this Act.

3. Power to specify area.

(1) The Government may, by notification, declare any part of Himachal Pradesh to be specified area for the purposes of this Act, and thereupon the provisions of sections 4 to 21 shall come into operation in such area. (2) No such notification shall be issued unless the Government is satisfied that the number of bulls in the specified area which are fit to be certified as approved under section 7 together with such number of bulls as may be supplied by the Government in that area for breeding purposes will be adequate to maintain the rate of propagation of the species. (3) The Government may, after recording reasons for doing so, cancel at any time a notification issued under sub-section (1). (4) The validity of any notification issued under sub-section (1) or (3) shall not be called into question in any proceeding before any court or authority.

4. Prohibition to keep a bull unmarked.

- Except as provided by or under this Act, no person shall keep a bull which has not been marked in accordance with the provisions of this Act.

5. Intimation about unmarked bulls.

- Every person who, on the date of issue of the notification under section 3, has in his possession any bull or who, at any time, thereafter, comes into possession of any bull which is not branded with a distinguishing mark prescribed under this Act, shall give intimation of such possession to the Livestock Officer within such period as may be prescribed.

6. Submission of bulls for inspection.

- On receipt of the intimation under section 5 or on his own motion, the Livestock Officer may, by order, require any person keeping a bull to present the bull to present the bull for inspection at any reasonable time and place in the village of such person as specified in the order, and thereupon, it shall be the duty of the person keeping the bull to submit it for inspection accordingly and render all reasonable assistance in connection with such inspection.

7. Certification of bulls as approved.

- Where, on such inspection of a bull, the Livestock Officer is satisfied that the bull is of [an approved variety] [Substituted for the words 'a variety' by H.P. Act No. 21 of 1971.] as specified from time to time by the Government for the area and is capable of being used for breeding purposes and-(a) is not of defective or inferior conformation and is not likely to get defective or inferior progeny, or (b) is not suffering from any incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, [XX] [The word 'or' omitted vide H.P. Act No. 21 of 1971.] (c) [XXXXXXXXXXXXXXXXXX] [Clause (c) omitted vide H.P. Act No. 21 of 1971.] he

shall certify the bull as approved and cause it to be branded with a mark prescribed for the purpose.

8. Marking of castrated bulls.

- When, on inspection the Livestock Officers satisfied that a bull is effectively castrated, he shall cause it to be branded with a mark prescribed for the purpose.

9. Castration of unapproved bulls.

(1) If, after inspection the Livestock Officer is satisfied that a bull is unsuitable for breeding purposes in a specified area and is not already effectively castrated, he shall cause it to be effectively castrated or specify, by order a period during which such castration shall be effected. (2) Such castration shall be performed or caused to be performed by the Livestock Officer unless the owner or the other person keeping the bull desires to make his own arrangements for complying with the orders and if the bull is not castrated within the time allowed by the Livestock Officer, then without prejudice to any action that may be taken under section 17, the Livestock Officer shall get the bull castrated. (3) The Livestock Officer shall cause every bull so castrated to be branded with the prescribed mark.

10. Castration of bulls without owners.

(1) If after such enquiry as the Livestock Officer may deem fit to make, he finds that bull is not owned or possessed by a known person he shall cause the bull to be seized and inspected. (2) If, on such inspection, he finds that action under section 7 or section 8 is appropriate, he shall take such action and if he finds that the bull is not fit for being certified as approved bull and is also not effectively castrated, he shall have it castrated and cause it to be branded with an appropriate mark.

11. Power of Livestock Officer to inspect or mark bulls or inspect and to enter premises.

(1) For the purposes of this Act, a Livestock Officer or any other officer or person authorised by him in this behalf shall have power at all reasonable times-(a) to inspect any bull; (b) to brand any bull with a prescribed mark in the prescribed manner; (c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other places where he has reason to believe that a bull is kept. (2) If the Livestock Officer, on inspection of an approved bull, finds that the bull has contracted a heritable disease or has otherwise become unfit as an approved bull, he may take action for the castration and marking of the bull afresh in accordance with section 9.

12. Marking to be free of charge.

- Every castration or marking required to be done or made under this Act by a Livestock Officer shall be done or made free of charge.

13. Service of notice and order.

(1)Any notice or order which is to be given or served on any person under the provisions of this Act may be served in the prescribed manner.(2)Any notice or order which is to be given to, or served on, any person under the provisions of this Act, may be given to, or served on, the owner or keeper of a bull primarily liable to comply with notice or order, and in case of doubt, or when he is unknown, it may be given to, or served on, the person last known as owner or keeper thereof, and any seizure or inspection under section 10 shall be deemed to have been done after compliance with the notice aforesaid.

14. Maintenance of registers.

- The Livestock Officer shall maintain in the prescribed form a register giving particulars of inspections, names of owners or keepers of bulls, castrations and markings made, and bulls approved under this Act, and such other particulars as may be prescribed.

15. Duty of officers to report offences, etc.

- It shall be the duty of all persons entrusted with the performance of any duty under the provisions of this Act, and of all officers, of such grade as may be specified by the Government by general or special order, of the Animal Husbandry, Agriculture, Co-operative and Revenue Departments-(a)to give immediate information to the nearest Livestock Officer of the commission of any offence or of the intention or preparation to commit any offence punishable under this Act which may come to their knowledge;(b)to take all reasonable measures in their power to prevent the commission of any such offence which, they may know or have reason to believe, is about or likely to be committed ; and(c)to assist the Livestock Officer in carrying out the provisions of this Act.

16. Penalty for unauthorised marking.

- If any person without lawful authority brands or causes to be branded any bull with any mark prescribed under this Act or with any mark resembling such prescribed mark, he shall be liable to imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

17. Penalty for other offences.

- Whoever-(a)keeps a bull in contravention of this Act or any rule or order made thereunder ; or(b)neglects or fails to produce a bull for inspection when required to do so under section 6 or section 11; or(c)neglects or fails to comply with an order served under section 9, shall be punishable with fine which may extend to twenty rupees and in the case of second or any subsequent offence, with fine which may extend to fifty rupees.

18. Cognizance of offences.

- No magistrate or court shall take cognizance of any offence under this Act except upon a complaint made by a Livestock Officer or any person authorised by him in this behalf.

19. Bar of proceedings.

- No suit, prosecution or other proceedings shall lie against an officer or servant of the Government for any act done or purporting to be done under this Act without the previous sanction of the Government.

20. No suit or other legal proceedings for damage caused.

- No suit or other legal proceedings shall lie against the Government or against any of its officers for any damage caused or likely to be caused by anything in good faith done or intended to be done under or in pursuance of this Act.

21. Power to make rules.

(1)The Government may, by notification, make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing provision, such rules may provide for-(a)all matters required to be prescribed under this Act;(b)the powers and duties to be exercised and performed by officers or persons acting under this Act and the procedure to be adopted by them in so acting; and(c)the approved age of a bull for purposes of breeding in any specified area.(3)All rules shall be subject to previous publication.(4)In making any rule, the Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees.(5)Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session, for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions aforesaid the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. Repeal and savings.

- The Himachal Pradesh Livestock Improvement Act, 1954 (3 of 1955) as in force in the area comprised in Himachal Pradesh prior to 1st November, 1966 and the Punjab Livestock Improvement Act, 1953 (47 of 1953) as in force in the areas merged in Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966) are hereby repealed:Provided that anything done or action taken or proceedings commenced or continued under any of the said Acts shall be deemed to have been done, taken, commenced or continued under the corresponding provision of this Act.