

The Maharashtra Live-Stock Improvement Act, 1933

MAHARASHTRA

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Act 22 of 1933

- Published in Gazette 22 on 1 December 2013
- Assented to on 1 December 2013
- Commenced on 1 December 2013
- [This is the version of this document from 1 December 2013.]
- [Note: The original publication document is not available and this content could not be verified.]

The Maharashtra Live-Stock Improvement Act, 1933.[1st December, 2013]Act No. XXII of 1933WHEREAS it is expedient to provide for the improvement of live-stock in the manner herein provided;It is hereby enacted as follows :—

1. Short title.--

This Act may be called the Maharashtra Live-stock Improvement Act.

2. Extent.—

(1)(a)Section 1 and this section extend to the whole of the State of Maharashtra.(b)On a written application made—(i)by the Zilla Parishad or Panchayat Samiti, as the case may be, with the previous concurrence of the officer empowered in this behalf by the State Government, or(ii)by such officer with the previous concurrence of the Zilla Parishad or Panchayat Samiti, as the case may be, the State Government may, by notification in the Official Gazette, direct that the remaining provisions of this Act shall extend to any village in the State in respect of which the application has been made.(c)Section 1 and this section shall come into force at once and the remaining provisions of this Act shall come into force in any village in the State to which the said provisions shall have been extended under sub-section (b) on such date as the State Government may, by notification in the Official Gazette appoint.(2)No notification under clause (b) of sub-section (1) shall, after the commencement of the Bombay Live-stock Improvement (Extension and Amendment) Act, 1962, be issued unless the State Government is satisfied that the number of bulls in any village in the State to which the remaining provisions of this Act are proposed to be extended, together with such number of bulls as may be supplied by the State Government in that village for breeding purposes, will be adequate to maintain the rate of propagation of the species in that village.

3. Definitions.—

(1)"Cow" includes a heifer;(3)"Licence" means a licence granted under section 6 ;(4)"Live-stock officer" means an officer or person appointed or invested with powers under section 4 ;(4A)"Panchayat Samiti " means a Panchayat Samiti constituted under section 57 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;(5)"Prescribed", with its grammatical variations, means prescribed by rules;(6)"Rules" means rules made under section 23 ;(7)"Village" means—(a)as respects the Bombay area of the State of Maharashtra, a village as defined in the Bombay Land Revenue Code, 1879;(b)as respects the Vidarbha region of the State of Maharashtra, a village as defined in the Madhya Pradesh Land Revenue Code, 1954;(c)as respects the Hyderabad area of the State of Maharashtra, a village as defined in the Hyderabad Land Revenue Act;(7A)"Zilla Parishad" means a Zilla Parishad constituted under section 9 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ; and(8)"A person is said to keep a bull" if such person owns the bull or has the bull in his possession or custody.

4. Live-stock officer.—

The State Government may, by notification in the Official Gazette, appoint any officer or person to be a live-stock officer and assign to such officer or person such powers and duties under this Act, as it may deem fit.

5. Prohibition for keeping a bull for breeding purpose.—

No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under section 6.

6. Grant of licences.—

Every licence for the keeping of a bull shall be granted by a live-stock officer authorised by the State Government by general or special order in this behalf in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed:Provided that no fee shall be charged for the grant of a licence.

7. Refusal to grant or revocation of licence.—

(1)Subject to rules, the live-stock officer authorised to grant the licence may refuse to grant or may revoke a licence, if in the opinion of such authority; the bull appears to be—(a)of defective or inferior conformation and likely to be get defective or inferior progeny; or(b)permanently affected with any contagious or infectious disease; or(c)permanently affected with any other disease rendering the bull, unsuitable for breeding purposes.(2)The live-stock officer granting a licence may also revoke a licence if in the opinion of such officer there be any breach of any of the terms or conditions of the licence.(3)No persons shall be entitled to any compensation for the revocation of a licence under sub-section (1) or (2).(4)If a licence is revoked under sub-section (1) or (2), the live-stock officer

revoking the licence shall give notice to that effect to the owner or the person stated therein to be the owner of the bull and any such notice given in respect of a licence shall state the grounds for the revocation.

8. Grant of duplicate licence.—

When the live-stock officer granting the licence is satisfied that a licence granted under section 6 has been lost or destroyed, such officer may, subject to such conditions as may be prescribed, issue to the holder of the licence a duplicate thereof and thereupon all the provisions of this Act with respect to the licence shall apply to the duplicate as if it were the original licence.

9. Duration of licence.—

A licence granted in respect of a bull shall remain in force until—(a)the period specified therein expires, or(b)it is revoked under this Act, or(c)the bull dies or is castrated in the prescribed manner.

9A. Intimation about unmarked bulls.—

Every person who on the date of the issue of the notification under clause (c) of sub-section (1) of section 2 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 live-stock officer within such period as may be prescribed.

10. Inspection of bulls.—

Any person who keeps a bull shall at any reasonable time either at the place where the bull is for the time being or any at other reasonable place submit the bull for inspection by any live-stock officer when required by such officer to do so and render all reasonable assistance to that officer for the purpose of inspection.

11. Power to order castration of bulls.—

(1)A live-stock officer may by notice served in the prescribed manner required that any bull which has attained the prescribed age at the date when the notice is served and in respect of which no licence is for the time being in force under this Act, shall be castrated in a prescribed manner within one month after the notice takes effect. Such castration shall if the owner or other person who keeps the bull requires be performed or caused to be performed by the live-stock officer free of charge.(2)For the purpose of this inspection a notice shall be served on the owner of the bull or on any other person who keeps the bull.

12. Duty to produce licence.—

It shall be the duty of any person who for the time being keeps a bull, if a licence is in force in respect of the bull to produce the licence—(a)within a reasonable time on demand made by a live-stock officer or any other officer authorized by general or special order by the State Government in this behalf in any place where the bull is for the time being.(b)before a cow is served by a bull on demand made by the person, in charge of the cow.

13. Penalty for keeping a bull in contravention of this Act or rules or without or in contravention of licence.—

Whoever in contravention of this Act or any rule or order made under this Act or of any terms, conditions or restrictions of licence keeps a bull shall on conviction, be punished for a first offence with fine which may extend to twenty-five rupees and for a second or subsequent offence with fine which may extend to fifty rupees.

14. Penalty for neglect or failure to comply with notice under section 7 or 11.—

Whoever neglects or fails to comply with a notice served in accordance with section 7 or 11 shall on conviction be punishable with fine which may extend to Rs. 25.

15. Penalty for neglect or failure to comply with requisition under section 10 or 12.—

Whoever neglects or fails to submit a bull for inspection when required by live-stock officer for inspection under section 10 or whoever fails to produce a licence when required to do so, in accordance with the provisions of section 12 shall on conviction be punishable with fine which may extend to Rs. 25.

16. Power of live-stock officer to castrate.—

(1)Whenever an offence under section 15 has been committed, or whenever any bull has not been castrated in compliance with the notice served under section 11, it shall be competent to a live-stock officer to castrate or cause to be castrated in the prescribed manner, the bull in respect of which such offence was committed or such notice was served, as the case may be. Such castration shall be performed or caused to be performed by a live-stock officer free of charge.(2)It shall also be competent to a live-stock officer to seize any bull, if the person in whose ownership, possession or custody it is, for the time being, is not known or cannot be ascertained after an inquiry in the prescribed manner. On such seizure the live-stock officer may, if he is of opinion that such bull has attained the prescribed age or is suffering from any of the defects or disease specified in section 7, direct that the said bull shall be—(a)castrated in the prescribed manner, and(b)sold by public auction or sent to a panjarpol :Provided that if the owner of the said bull appears within fifteen days

of such seizure and proves to the satisfaction of the live-stock officer that the said bull is of his ownership,—the said bull—(i)if not sold by public auction, or(ii)if sent to a panjarpol,shall be delivered to such owner on payment of the costs, charges and expenses incurred for the maintenance of the said bull and determined in the prescribed manner, or(iii)if sold by public auction, the proceeds of such sale shall be paid to such owner after deducting therefrom the costs, charges, and expenses incurred for the maintenance and sale of the said bull and determined in the prescribed manner.

17. Power of live-stock officer to inspect or mark a bull or to enter premises.—

For the purposes of this Act, a live-stock officer shall have power at all reasonable time—(a)to inspect any bull,(b)to mark any bull with any prescribed mark in the prescribed manner,(c)to enter any premises or other place in the prescribed manner where he has reason to believe that a bull is kept.

17A. Penalty for unauthorised marking.—

Whoever 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, intending by means of that resemblance to practice deception, shall on conviction, be punished with imprisonment for a term, which may extend to three months, or with fine which may extend to five hundred rupees.

17B. Maintenance of registers.—

Every live-stock officer shall keep and maintain a register containing particulars of inspection, castration and marking of bulls under this Act, and such other particulars, in such form, as may be prescribed.

18. Officers bound to assist live-stock officers.—

All village officers, all village servants useful to the State Government and all officers of the departments of revenue, agriculture, animal husbandry and veterinary science or of such other department as the State Government may direct shall be bound—(a)to give immediate information to a live-stock officer of the commission of any offence, or 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 know or have reason to believe is about to be committed; and(c)to assist any live-stock officer in carrying out the provisions of this Act.

19. Cognizance of offences under the Act.—

No court shall take cognizance of any offence under this Act, except on a complaint made by a live-stock officer or any person authorised by such officer in that behalf.

20. Live-stock officer to be public servant.—

Every live-stock officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

21. Prosecution of persons acting in good faith & limitation of suits and prosecutions.—

(1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules. (2) No suit shall be instituted against the Government and no prosecution or suit shall lie against any live-stock officer in respect of anything done or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of.

22. Revision.—

The State Government may call for and examine the record of any order or the proceedings of any live stock officer for the purpose of satisfying themselves as to the legality and propriety of any order passed and as to the regularity of the proceedings of such officer. If in any case it shall be appear to the State Government that any order or proceedings so called for should be modified, annulled or reversed, they may pass such order as they may deem fit.

23. Power of State Government to take rules.—

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—(a) under section 4, prescribing the powers and duties to be exercised and performed by a live-stock officer and the assignment of such powers or duties, (b) under section 5, prescribing the age of a bull after which it shall not be kept without a licence, (c) under section 6, prescribing the form of, the manner in which, the terms, conditions and restrictions on which, a licence shall be granted, transferred or renewed, (d) under section 7, prescribing the conditions subject to which a licence may be revoked, (e) under sections 7 and 11, prescribing the manner in which notice shall be served, (f) under section 8, prescribing the conditions subject to which a duplicate of a licence may be granted, (ff) under section 9A, prescribing the distinguishing mark for branding and the period within which intimation of possession of unbranded bulls shall be given to a live-stock officer, (g) under sections 11 and 16, prescribing the manner in which a bull shall castrated, and the manner in which inquiry regarding the ownership of a bull shall be made, and costs, charges and expenses for the maintenance and sale of a bull shall be

determined,(h)under section 17, prescribing the manner and form in which a bull shall be marked and the manner in which a live-stock officer shall enter any premises or other place,(i)under section 17B, prescribing the form in which a register shall be maintained by a live-stock officer and the particulars which such register shall contain.(2A)In making any rules the State Government may provide that a breach thereof shall, on conviction, be punished with fine which may extend to fifty rupees.(3)Rules made under this section shall be subject to the condition of previous publication in the Official Gazette.(4)Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date of publication of a notification in the Official Gazette of such decision, 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 or omitted to be done under that rule.

24. Power of State Government to apply the provisions of this Act to buffalo-bulls.—

The State Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act which shall have been extended to any village under section 2 shall apply to buffalo-bulls in such village from the date specified in such notification and thereupon the references to bulls and cows in the provisions of this Act so applied shall be construed as references to buffalo-bulls and buffalo-cows respectively and this Act shall apply accordingly.

24A. Validation of acts of Director of Animal Husbandry and Veterinary Science.—

Notwithstanding anything contained in this Act, all things done by or on behalf of the Director of Animal Husbandry and Veterinary Science purporting to act in exercise of the powers conferred on the Director of Agriculture under this Act, before the date on which the Bombay Live-stock Improvement (Amendment) Act, 1950, came into force, shall be deemed to be and always to have been validly done as required by or under this Act and shall not be deemed to be invalid or called in question merely on the ground that such thing was done by or on behalf of the said Director of Animal Husbandry and Veterinary Science before the said date.

25. Repeal of M.P. Act XX of 1950 and saving.—

On the commencement of the Bombay Live-stock Improvement (Extension and Amendment) Act, 1962, the Madhya Pradesh Live-stock Improvement Act, 1950, in its application to the Vidarbha region of the State of Maharashtra, shall stand repealed:Provided that, such repeal shall not affect,—(a)the previous operation of the Act so repealed;(b)any right, obligation or liability acquired, accrued or incurred under the Act so repealed;(c)any penalty or punishment incurred in respect of

any offence committed against the Act so repealed; or(d)any investigation, legal proceeding or remedy in respect of any such right, obligation or liability, penalty or punishment as aforesaid,and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if the Bombay Live-stock Improvement (Extension and Amendment) Act, 1962, had not been passed.