

The Jharkhand Cattle Licensing Regulation, 2004

JHARKHAND

India

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Rule THE-JHARKHAND-CATTLE-LICENSING-REGULATION-2004 of 2004

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The Jharkhand Cattle Licensing Regulation, 2004 Published vide Notification No. 1807/UDD dated 11th September, 2004 Published in Jharkhand Gazette (Extra-ordinary), No. 323, dated 13.9.2004 Notification No. 1807/UDD dated 11th September, 2004. - In exercise of powers conferred by sub-sections 1 & 2 of Section 412 of the Ranchi Municipal Corporation Act, 2001 the Governor of Jharkhand is pleased to make the following regulation:-A regulation to regulate the keeping of cattle in urban areas. Whereas it is expedient in the interest of public health and sanitation to regulate the keeping of cattle in urban areas and for that purpose to provide for the licensing of cattle; It is hereby regulated as follows:

1. Short title and Commencement.

- (i) This Regulation may be called the Jharkhand Cattle Licensing Regulation, 2004. (ii) It shall come into force in such urban areas and with effect from such dates as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different urban areas; Provided that the State Government may, by notification in the Official Gazette, extend the provisions of this Regulation to such other areas as it may specify in this behalf, and with effect from the date of such notification this Regulation shall come into force in that area.

2. Definition.

- In this Regulation, unless there is anything repugnant in the subject or context; (a) "Appellate Authority" means an Appellate Authority appointed by notification for any urban areas or part thereof in which this Regulation has come into force; (b) "Authorized Officer" means an officer appointed as such by the State Government by notification for any urban area or part thereof in which this Regulation has come into force; (c) "Cattle" means any animal of the bovine species and includes buffaloes; (d) "Family" means a set of parents, children, servants and other relations living together in the same mess; (e) "House holder" means a person who occupies any premises as his own

dwelling;(f)"Khatal means a place where cattle are kept or maintained for the purpose of trade or business in cattle including business in milk or otherwise;(g)"License" means a license issued under this Act;(h)"License Authority" means a Licensing Authority appointed by notification for any urban areas or part thereof in which this Regulation has come into force;(i)"Notification" means a notification published by the State Government in the Official Gazette;(j)"Prescribed" means prescribed by rules made by the State Government under this Regulation;(k)"Urban Area" means-(a)The area within Ranchi as defined in the Ranchi Municipal Corporation Act, 2001 or any part or parts of such area, or includes such other area to which the provisions of this Regulation may be extended under the provision to sub-section (2) of Section 1.

3. Cattle not to be kept or in certain areas without license.

- After this Regulation comes into force in any urban area no person shall keep in such area any cattle except under a valid license.

4. Grant of License.

- There shall be only one class of license namely:-(a)A license granted to householder in respect to cattle kept in his own premises exclusively for consumption of milk by himself or by any member of his family. Each license shall be permitted to keep only one cattle provided the space available is at least 750 sq ft. The license to keep two cattle shall be granted only in exceptional cases.

5. Issue of License.

- (i) Any person intending to have a license shall apply to the Licensing Authority in the prescribed manner and the licensing authority may thereafter grant a license under this Regulation or may, after recording reasons therefore, refuse to grant a license.(ii)Every license shall be valid for such period as may be prescribed and may be renewed on application in the prescribed manner to the Licensing Authority.(iii)Every license shall mention the address of the premises or place where the cattle are to be kept and the maximum number and the description of cattle which may be kept under the license, such address, number or description may be varied on application made in the prescribed manner to the Licensing Authority.(iv)The nature and type of shed to be provided for keeping cattle under a license shall be such as may be prescribed and no license shall be granted unless the Licensing Authority is satisfied that a shed as prescribed has been provided.(v)Every license shall be subject to such conditions as and may be prescribed and the conditions shall be stated in the license.

6. Cancellation of License in certain cases.

- Where the Licensing Authority has reason to believe that a person to whom a license has been granted has violated or failed to comply with the conditions for the license or any provisions of this Regulation or the rules made thereunder, he may after affording in the prescribed manner an opportunity to the licensee to show cause, cancel the license or refuse to renew it.

7. Appeal.

- (i) Any person aggrieved by an order of a Licensing Authority, refusing his application for license, or cancelling his license or refusing to renew his license or by an order relating to any change or address or description or variation in number under sub-section (iii) of Section 5 may, within 30 days of the date of service of such order, prefer an appeal against such order to the appellate Authority in the prescribed manner. (ii) The Appellate Authority shall deal with the appeal in the prescribed manner and shall pass such order as it deems fit.

8. Orders and proceedings of Licensing and Appellate Authorities not to be questioned.

- No order made by, and no proceedings before a Licensing Authority or an Appellate Authority shall be called in question in any Civil or Criminal Court.

9. Power to enter or inspect premises or place.

- The licensing authority or any officer of the State Govt, authorized by him by an order in writing in this behalf or any police officer of and above the rank of a sub-inspector shall have power to enter or inspect at any time between sunrise and sunset, any premises or place situated in any area in which this Regulation has come into force. (i) In order to view any cattle or the arrangements for keeping cattle, in respect of which an application for a License has been made or a License has been issued; or (ii) In order to ascertain if any cattle have been or are being kept in violation of the conditions of a License or the provision of this Regulation, or the rules made thereunder, if he has to believe that cattle have been or are being so kept.

10. Seizure forfeiture, etc.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any law for the time being in force; (i) The Licensing Authority or any officer authorized by him in this behalf or any police officer not below the rank of a sub-inspector may, having reason to believe that the provisions of this Regulation have been contravened in respect of any cattle or article, seize such cattle or article or both after compliance, as nearly as may be, with the provisions of Section 100 of the Code of Criminal Procedure, 1973 relating to search and seizure; (ii) The Licensing Authority or the officer authorized by him or the police officer seizing the cattle or article or both shall forthwith submit to the officer-in-charge of the police station having jurisdiction over the area report in writing with respect to such seizure; (iii) The Licensing Authority or the officer authorized by him or the police officer seizing the cattle or article under clause (1) shall arrange for the custody and maintenance of such cattle and article and shall forthwith submit a report stating the contravention of the provisions of this Regulation and the place where-from, the persons from whom and the circumstances under which the cattle and the article have been seized to the Authorized Officer having jurisdiction; (iv) On receipt of the report submitted under clause (iii), the Authorised Officer may, if he considers it expedient so to do, direct the production has been instituted for contravention of the provisions of

this regulation, if he is in respect of the cattle and the article seized may order forfeiture of such cattle and article:(v)No order forfeiting the cattle and the articles seized shall be made by the Authorized Officer under clause (iv) unless the owner of the cattle and the article seized or the person from whom they have been seized.(a)Is given a notice in writing in the manner prescribed informing him of the grounds on which it is proposed to forfeit the cattle and the article.(b)Is given an opportunity of making representation in writing within such reasonable time as may be specified in the notice against the grounds of forfeiture, and(c)Is given a reasonable opportunity of being heard in the manner.(vi)The Authorized Officer may also, if he considers it expedient so to do for avoiding imminent danger to the cattle or the article or the article seized, pass orders of the custody of such cattle and article in a Government Farm or for the sale of such cattle and article by public auction and for deposit of the sale proceeds in a Government treasury.(Explanation. - "Government Farm" shall mean a farm maintained and managed by the State Government).(vii)The State Government shall appoint an Officer, as the Appellate Officer to hear appeal against the order of forfeiture made under clause (iv) by the Authorized Officer;(viii)Any person aggrieved by an order of forfeiture made by the Authorized Officer under clause (iv) may, within a period of thirty days from the date of communication of the order of forfeiture, prefer an appeal to the appellate officer who shall, after giving an opportunity to the appellate to be heard, pass such order as he may think it, confirming modifying or annulling the order appealed against;(ix)Where an order appealed against is modified or annulled by the Appellate Officer or where, in a prosecution instituted for the contravention of the provision of this Act. In respect of which an order of forfeiture has been made under clause (iv), the person concerned in acquitted, the cattle and the article shall be returned to the owner or the person from whom seized or if it is not possible to return such cattle and article, such owner or person shall be entitled to the recovery of the sale-proceedings of such cattle and article that may be lying in deposit in the Government treasury after deducting therefrom the cost of seizure and transport of such cattle and article, the cost of maintaining the cattle during the period of intervening the seizure, and the sale by public auction, of the cattle, and also the cost incurred for holding the sale by public auction;(x)An order made by the Authorized Officer shall, subject to any order of the Appellate Officer, be final and shall not be called in question in any court, tribunal or other authority.(xi)In relation to any cattle or article seized under clause (1), the Authorized Officer or as the case may be, the Appellate Officer appointed under clause (vii) shall be and any court, tribunal or other authority shall not have jurisdiction to make order with regard to the possession, delivery, disposal or distribution or such cattle or article.

11. Penalties.

(1)Any person, who-(i)Contravenes the provisions of Section 3, or(ii)Being the holder of license sells milk in any area or in part of it, or and(iii)Keeps cattle in any premises or place different from that mentioned in the license, or(iv)Keeps cattle in excess of the maximum number or different in description from that stated in the license, or(v)Violates or fails to observe the conditions referred to in sub-section (v) of Section 5,Shall be punishable with imprisonment for a term which may extend to three years or with fine which may extended to three thousand rupees or with both.(2)Every offence under this Regulation shall be cognizable and non-bailable.

12. Power to make rules.

- (i) The State Government may by notification, make rules for carrying out the purposes of this Regulation. (ii) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which may be or are required to be prescribed or made by rules.

13. Indemnity.

- No suit or proceeding shall lie against the State Government and no suit, proceeding or prosecution shall lie against any officer of the State Government for anything done in good faith or intended to be done in pursuance of this Regulation or any rules or orders made thereunder.

14. Act to override other enactments.

- (i) The provisions of this Regulation shall have effect notwithstanding anything to the contrary in any other Regulation. (ii) Subject to the provisions of sub-section (i) the provision of this Regulation shall be in addition to, and not in derogation of, the provision of the Ranchi Municipal Act, 1951.

Condition of License:

1. The licensee should construct a shed of at least 70 sq ft.

2. The licensee should keep his cattle within an enclosed area having a boundary wall.

3. No licensee can take out cattle outside the premises where cattle is kept.

4. No licensee can allow the cattle to loiter in the streets or any area whatsoever beyond the premises.

5. No licensee can dump any waste/cow dung/fodder etc., within the Municipal area.

6. No licensee can indulge in trade in any manner whatsoever.