

The M.P. Pashu (Niyantran) Adhiniyam, 1976

MADHYA PRADESH

India

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Act 21 of 1976

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The M.P. Pashu (Niyantran) Adhiniyam, 1976(M.P. Act No. 21 of 1976)Received the assent of the Governor on the 9th March, 1976, assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 27th March, 1976.An Act to provide in the interests of the general public for the maintenance and movement of cattle.Be it enacted by the Madhya Pradesh Legislature in the Twenty-seventh Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Madhya Pradesh Pashu (Niyantran) Adhiniyam, 1976.(2)It extends to the whole of the State of Madhya Pradesh.(3)It shall come into force on such date and in such areas as the State Government may, by notification, appoint and different dates may be appointed for different areas.

2. Definitions.

- In this Act, unless the context otherwise requires :-(a)"cattle" means any of the animals specified in the Schedule;(b)"corporation" means any body corporate constituted or registered under any enactment for the time being in force and includes a company, firm or other association of individuals;(c)"director" in relation to a firm means a partner in the firm;(d)"notified order" means an order notified in the Official Gazette.

3. Amendment of Schedule.

- The State Government may, by notification in the Official Gazette, add to or alter or amend the Schedule and on such notification being Issued, the Schedule shall be deemed to be amended accordingly.

4. Powers to control, maintenance, supply, distribution etc.

(1) If the State Government is of the opinion that it is necessary or expedient so to do for the purpose of promoting the public safety or public convenience or public health, it may, by a notified order, prohibit or regulate the keeping, maintaining or movement of any cattle in any particular place or area specified in such order. (2) Without prejudice to the generality of the powers conferred by sub-section (1), and an order made thereunder may provide—(a) for prohibiting or regulating stalling or herding of cattle in regard to the number thereof, and the place to be used for the purpose; (b) for the inspection of the cattle and regulating the construction, dimension, ventilation, lighting, cleaning, drainage and water supply of dairies and cattle sheds, in the occupation of persons following the trade of dairy men or milk seller; (c) for establishment or construction of Gwala colonics, dairies and cattle pens; (d) for prohibition or regulation of import of cattle in the specified place or area; (e) for regulating by licence, permit or otherwise any of the matters under the Act; (f) for any incidental or supplementary matters including the charging of the fees.

5. Publication and service of orders.

(1) An order made under Section 4 shall—(a) if it is an order of general nature or affecting a class of persons, be notified in the Official Gazette; (b) if it is an order affecting an individual person or an individual corporation be served in the prescribed manner. (2) Where a question arises whether a person was duly informed of an order made in pursuance of Section 4, compliance with the requirements of sub-section (1) or the rules made thereunder shall be conclusive proof that he was so informed, but failure to comply with the said requirement shall not preclude proof by other means that he was so informed or affect the validity of the order.

6. Delegation of powers.

- The State Government may, by notified order, direct that the power to make orders under Section 4 shall be exercisable also by such officer or authority including local authority and in relation to such matters and subject to such conditions, if any, as may be specified in the order.

7. Penalties.

(1) If any person contravenes any order made under Section 4, he shall on conviction be punished with imprisonment for a term which may extend to one year or with fine. (2) Any Court trying the contravention of an order may direct that any cattle in respect of which the Court is satisfied that the order has been contravened, and any vehicle or vessel or animal which the Court is satisfied has been used with the knowledge of the person having the control thereof for carrying such cattle, shall be forfeited to Government.

8. Attempts and Abetment.

- Any person who attempts to contravene, or abets a contravention of, any order made under Section 4 shall be deemed to have contravened that order.

9. Offences by corporations.

(1) If the person contravening an order made under Section 4 is a corporation, every person, who at the time the contravention was committed, was in charge of and was responsible to the corporation for the conduct of the business of the corporation as well as the corporation, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a corporation and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the corporation such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

10. Cognizance of offences.

(1) No Court shall take cognizance of any offence punishable under this Act, except on a report in writing of the facts constituting such offence made by such officer as may be authorised by the State Government. (2) The State Government or such officer as may be authorised may, either before or after the institution of any proceedings for any offence punishable under this Act, accept from any person charged with such offence by way of composition of the offence a sum of money not exceeding one thousand rupees, and direct the release of cattle, vehicle or vessel, which has been seized as liable to forfeiture under this Act, on payment of such further sum of money as he may deem fit not exceeding the value thereof estimated by him. (3) On payment of the composition money and additional sum of money, as provided under sub-section (2), to such officer, the person, if in custody, shall be set at liberty and if any proceedings have been instituted against such person in any Criminal Court, the composition shall be deemed to amount to an acquittal and in no case shall any further proceedings be taken against such person or cattle, vehicle or vessel in respect of the same offence. (4) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer so empowered, for the cancellation of such licence or permit.

11. Power to try offences summarily.

- Any Magistrate of the first class specially empowered for the time being to try in summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) may, on application in this behalf being made by the prosecution, try in accordance with the

provisions contained in Sections 262 to 265 of the said Code any offence punishable under this Act.

12. Protection of action taken under Act.

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under Section 4. (2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under Section 4.

13. Power to make rules.

(1) The State Government may by notification, and subject to the condition of previous publication, make rules for carrying out the purpose of this Act. (2) The rules made under sub-section (1) shall be laid on the Table of the Legislative Assembly.

Schedule

1. Bulls.

2. Bullocks.

3. Cows.

4. Heifers.

5. Calves.

6. Buffaloes.

7. Goats.

8. Sheep.

9. [Pigs.] [Added by Notification dated 7-10-1978, Published in M.P. Rajpatra, Part 4 (Ga), dated 24-11-1978.]