

The M.P. Live-Stock Improvement Act, 1950

MADHYA PRADESH

India

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Act 20 of 1950

- Published on 1 January 1950
- Commenced on 1 January 1950
- [This is the version of this document from 1 January 1950.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Live-Stock Improvement Act, 1950M.P. Act No. 20 of 1950Received the assent of the Governor on 6-5-1950, assent first published in the Madhya Pradesh Gazette on 12-5-1950.An Act to provide for the improvement of live-stock in Madhya PradeshPreamble. - Whereas it is expedient to provide for the improvement of live-stock in Madhya Pradesh;It is hereby enacted as follows :-

1. Short title and extent.

(1)This Act may be cited as the Madhya Pradesh Live-stock Improvement Act, 1950.(2)It extends to the whole of [Madhya Pradesh.] [Substituted by M.P. Act No. 23 of 1958 (w.e.f. 1-1-1959).]

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 Government in a local area for breeding purpose;(b)"bull" means a male calf above such age as the State Government may, by notification, prescribe for any local area;(c)"Director" means Director of Veterinary Services, Madhya Pradesh;(d)"Live Stock Officer" means the Director and includes any officer authorised by him to exercise all or any of the powers under the Act;(e)"prescribed" means prescribed by rules made under this Act.

3. Power to specify area.

(1)The State Government may, by notification, declare any part of the [State] [Substituted by M.P. Act No. 23 of 1958 (w.e.f. 1-1-1959).] to be a specified area for the purposes of this Act and thereupon the provisions of Sections 4 to 20 shall come into operation in such area.(2)No such notification shall be issued unless the State 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 State Government in any local area for breeding purpose will be

adequate to maintain the rate of propagation of the species.(3)The State 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 in his possession any 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 the 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 Live-stock 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 Live-stock Officer may, by order, require any person keeping a bull to submit the bull for inspection at any reasonable time and at a specified place in the village in which the bull is usually kept 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.

(1)Where on such inspection of a bull, the Live-stock Officer is satisfied that the bull is capable of being used for breeding purposes, and-(a)is not of defective or inferior conformation and is not likely to beget defective or inferior progeny, or(b)is not suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or(c)is not of a breed which it is undesirable to propagate in the specified area or part thereof, he shall certify the bull as approved and cause it to be branded with a mark prescribed for the thereof.

8. Marking of castrated bulls.

- Where on inspection, the Live-stock Officer is satisfied that a bull is effectively castrated, he shall cause it to be branded with a mark prescribed for the purpose.

9. Castrating of unapproved bulls.

(1)Where on inspection the Live-stock Officer is satisfied that a bull is not fit for being certified as an approved bull and is also not effectively castrated, he shall order the person keeping the bull to have

it castrated within such period as may be prescribed from the date of the service of the Order.(2)Such castration shall be performed or caused to be performed by the Live-stock Officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.(3)If the keeper of the bull fails to comply with the order within the time allowed under sub-section (1), then without prejudice to any action that may be taken under Section 17, the Live-stock Officer shall get the bull castrated free of charge.(4)The Live-stock Officer shall cause every bull so castrated to be branded with the appropriate mark.

10. Castration of bulls without owners.

(1)If, after such enquiry as the Live-stock Officer may deem fit to make, he finds that any 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 and is also not effectively castrated, he shall have it castrated and cause it to be branded with the appropriate mark.

11. Power of Live-stock Officer to inspect or mark bulls and to enter premises.

(1)For the purpose of this Act, a Live-stock Officer or any other officer or person authorised by him in this behalf shall have power at all reasonable time-(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 place where he has reason to believe that a bull is kept.(2)If the Live-stock Officer on inspection of an approved bull finds that the bull has contracted a heritable disease or has otherwise become unfit to function 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 made free of charge.

- Every marking required to be made under this Act shall be made free of charge.

13. Service of notice and order.

- Any notice or order which is to be served on any person under the provisions of this Act may be served in the manner which may be prescribed.

14. Maintenance of Registers.

- The Live-stock Officer shall maintain in the prescribed form register giving particulars of inspections, 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 State Government by general or special order, of the Veterinary, Agriculture, Co-operative and Revenue Departments-(a)to give immediate information to the nearest Live-stock 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 Live-stock Officer in carrying out the provisions of the Act.

16. Penalty for unauthorised marking.

- If any person without lawful minority 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, he shall be liable to imprisonment which may extend to three months or with a fine which may extend to five hundred rupees.

17. Penalty for other offences.

- Whoever-(a)keeps a bull in contravention of this Act or of any rule or order made thereunder; or(b)neglects or fails to submit 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 fifty rupees and in the case of a second or any subsequent offence with fine which may extend to one hundred 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 Live stock Officer or any person authorised by him in this behalf.

19. Liar of proceedings.

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

20. Power to make rules.

(1)The State Government may 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; and(b)the powers and duties to be exercised and performed by officers acting under this Act and the procedure to be adopted by them in so

acting.(3)All rules shall be subject to previous publication.(4)In making any rule, the State Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees.