

Tamil Nadu Live-Stock Improvement Act, 1940

TAMILNADU

India

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Act 15 of 1940

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Tamil Nadu Live-Stock Improvement Act, 1940(Tamil Nadu Act 15 of 1940)Statement of Objects and Reasons - Tamil Nadu Live-stock Improvement Act, 1940 (Tamil Nadu Act 15 of 1940). - For Statement of Objects and Reasons, please see Part IV-Section 1, pages 15-16 of the Fort. St. George Gazette Extraordinary, dated the 12th March 1940.Received the assent of the President on the 29th August 1940 and first published in the Tamil Nadu Government Gazette Extraordinary, dated the 3rd September 1940.An Act to provide for the improvement of live-stock in the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by the Tamil Nadu Adaptation of Laws Order,1970, which was deemed to have come into force on the 14th January, 1969.]. Whereas it is expedient to provide for the improvement of live-stock in the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January, 1969.];[It is hereby enacted as follows:-] [Substituted for the paragraph containing the enacting formula and the paragraph preceding the paragraph by section 5 of the Tamil Nadu Re-enacting (No.II) Act, 1948 (Tamil Nadu Act VIII of 1948).]

1. Short title, extent and commencement.

- This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order,1969.] Live-stock Improvement Act, 1940.(2)It extends to the whole of the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras'by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January, 1969.].(3)This section shall come into force at once, and the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may, from time to time, by notification in the [Fort St. George Gazette] [Now Tamil Nadu Government Gazette.] apply all or any of the remaining provisions of this Act to the whole or any portion of the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January, 1969.] from such [date]

[[Section 1 came into force on the 3rd day of September 1940. The remaining sections applied to certain areas of the State by notifications issued, from time to time. This Act was extended to the Kanayakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of and the Schedule to the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957) repealing the corresponding law in force in that territory.]] and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, - (a) "bull" includes a buffalo-bull; (b) "cow" includes a buffalo-cow and a heifer; (c) "Director" means the officer appointed by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government as the [Director of Animal Husbandry] [Substituted for the word 'Director of Veterinary Services' by section 3 of, and the second Schedule to the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).] for the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3; (d) "licence" means a licence granted under section 4; (e) "licensing officer" means the Director or any other officer or person authorized to grant licences under section 4; (f) "prescribed" means prescribed by rules made under this Act; (g) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and (h) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

3. Appointment of Director.

- The [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may, by general or special order, confer or impose on any person all or any of the powers or duties of a Director under this Act.

4. Bulls which have attained a certain age to be licensed.

(1) 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 this section, unless it is certified by the prescribed officer that, the bull has been effectively castrated by a method and in a manner approved by the Director. Explanation. - Where a person keeps more than one bull, he shall obtain a separate licence in respect of each bull. (2) Every licence under this section shall be granted by the Director or any officer or person authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed. No fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.

(1) Subject to such rules as may be prescribed, the licensing officer may refuse to grant or may revoke

a licence in respect of any bull, if in his opinion, the bull appears to be-(a)of defective or inferior confirmation and consequently likely to be get defective or inferior progeny, or(b)suffering from an incurable contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or(c)of a breed which it is undesirable to propagate in the district or part of the district in which it is kept.(2)The licensing officer may also revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer), if in his opinion,-(a)the licence was granted under circumstances of which the licensing officer was not aware at the time of granting the licence, or(b)there has been a breach of any of the terms, conditions or restrictions of the licence.(3)If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.(4)No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

6. Surrender of licence.

- A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, if-(a)the period specified in the licence expires, or(b)the licence is revoked under this Act, or(c)the bull dies, or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

7. Inspection of bulls.

- The licensing officer may, by order, require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, "at any reasonable time either at the place where the bull is kept for the time being or at any other reasonable place 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 to the officer concerned.

8. Power to order castration of bulls.

(1)The licensing officer may, by order, require any person keeping a bull which in his opinion has attained the prescribed age, and in respect of which no licence is, for the time being in force under this Act, to have it castrated, within one month from the date of the service of the order, by a method and in a manner approved by the Director and specified in the order.(2)Such castration shall be performed or caused to be performed by the licensing officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

9. Duty to inform owner of contents of notice or order of castration.

- If any notice or order is served under section 5, section 7, or section 8 on any person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform

the owner of the contents of such notice or order and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of such failure.

10. Production of licence.

- It shall be the duty of any person who, for the time being, keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence-(a)within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or an [officer of the Animal Husbandry Department not below the rank of Assistant Surgeon,] [Substituted for the word 'Officer of Veterinary department not below the rank of Veterinary Assistant Surgeon' by section 3 of and the second Schedule to the Tamil Nadu Re-enacting (No.II) Act,1948(Tamil Nadu Act VIII of 1948).] or an officer of the Agricultural Department not below the rank of Upper Subordinate, or an officer of the Revenue Department not below the rank of Revenue Inspector, or such other officer as may be authorised in this behalf by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government by general or special order, or(b)before a cow is served by the bull, on demand made by the person in charge of the cow.

11. Penalties.

- Whoever-(a)keeps a bull in contravention of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence, or(b)neglects or fails to submit a bull for inspection when required to do so, under section 7, or(c)neglects or fails to comply with an order served under section 8, or(d)neglects or fails to produce a licence when required to do so under section 10,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.

12. Power of licensing officer to castrate bulls.

(1)If a person who keeps a bull neglects or fails to submit it for inspection, or to have it castrated when required to do so under section 7, or section 8, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.(2)(a)If it is not known in whose ownership, possession or custody a bull is for the time being and the fact cannot be ascertained after an inquiry in the prescribed manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5 may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.(b)Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjra pole or infirmary recognized by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government in this behalf.(c)In case the owner of any bull seized under clause (a) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him-(i)in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting

therefrom the cost, charges and expenses incurred for the maintenance and sale of the bull; and(ii)in any other case, the bull shall be delivered to the owner on payment of the cost, charges and expenses incurred for its maintenance.(d)The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be determined in the prescribed manner.

13. Power of licensing officer, etc., to inspect or mark bulls and to enter premises.

- For the purposes of this Act, a licensing officer or any officer or person authorised by him in this behalf shall have power, at all reasonable times,-(a)to inspect any bull;(b)to mark any bull with a prescribed mark in the prescribed manner; and(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.

14. Duty of officers to report offences, etc.

- It shall be the duty of all village officers and servants and of all officers of the [Animal Husbandry] [Substituted for the word 'Veterinary' by section 3 of, and the second Schedule to the Tamil Nadu Re-enacting (No.II) Act,1948(Tamil Nadu Act VIII of 1948).], Agricultural and Revenue Departments-(a)to give immediate information to the nearest licensing 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 any licensing officer in carrying out the provisions of this Act.

15. Cognizance of offences.

- No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorised by such officer in this behalf.

16. Officers to be public servants.

- The Director, every licensing officer, all officers and persons authorised by the director or a licensing officer, under this Act, and all village officers and servants, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

17. Bar of certain proceedings.

(1)No suit, prosecution or other proceeding shall lie against any officer or servant of the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government for any act done or purporting to be done under this Act without the previous sanction of the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government.(2)No officer or servant of the [State] [Substituted for the word 'Crown' by the Adaptation Order of 1950]

Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. Limitation for certain suits and prosecutions.

- No suit shall be instituted against the [Government] [Substituted for the word 'Crown' by the Adaptation Order of 1950.] and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950] Government in respect of any act done or purporting to be done under this Act unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

19. Revision.

- The [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may, at any time, either suo motu or on application, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such order in reference thereto as they think fit. Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

20. Power to make rules.

(1)The [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for-(a)all matters expressly required or allowed by this Act to be prescribed;(b)the circumstances in which duplicates of licences may be granted, the fees which may be charged for the grant of such duplicates, and the conditions, restrictions and limitations subject to which they may be granted;(c)the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure of such officers; and(d)the service of notices and orders issued under this Act.(3)In making a rule under sub-section (1) or sub-section (2), the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.(4)The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.(5)All rules made under this section shall be published in the Tamil Nadu Government Gazette and upon such publication shall have effect as if enacted in this Act.

21.

[Section 21 was omitted by section 3 of, and the Second Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).]