

The Rajasthan Live-Stock Improvement Act, 1958

RAJASTHAN

India

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Act 45 of 1958

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The Rajasthan Live-Stock Improvement Act, 1958 Act No. 45 of 1958 [Received the assent of the Governor on the 6th day of December 1958] An Act to provide for the improvement of Live-Stock. Be it enacted by the Rajasthan State Legislature in the Ninth year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Live-Stock Improvement Act, 1958. (2) It extends to the whole of the State of Rajasthan. (3) This section shall come into force at once and the remaining provisions of the Act shall come into force in any area on such date as the State Government may by notification in the Official Gazette appoint; and different dates may be appointed for different areas, having regard to the need for taking action for the improvement of Live-Stock in a particular area and to considerations of administrative convenience.

2. Definitions.

(1) In this Act, unless there is anything repugnant in the subject or context,- (a) "Cow" includes a heifer; (b) "Licence" means a licence granted under section 6, and "Licensed" and other cognate expressions shall be construed accordingly; (c) "Live-stock Officer" means an officer or person appointed or invested with powers under section 3; (d) A person is said to "keep" a bull if such person owns the bull or has the bull in his possession or custody.

3. 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 such powers and duties under this Act as it may deem fit.

4. Prohibition for keeping a bull for breeding or bringing a bull into certain areas.

(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 section 6. (2) No person shall bring into an area, from any place outside it, any bull which has attained the prescribed age (other than a bull licensed for the area except in accordance with a permission in writing granted for the purpose by the Live-stock Officer for the area; such permission shall be granted only if the said officer is satisfied that the bringing of the bull into the area is not likely to affect the breed of cattle in the area.

5. Permission necessary for letting loose or dedicating a bull.

- No person shall let loose or dedicate a bull except under and in accordance with the terms, conditions and restrictions of a permission granted in writing for the purpose by the Live-stock Officer for the area in which the bull is so let loose or dedicated.

6. Grant of licence.

(1) 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 charge^e for the grant of a licence. (2) Every licence shall mention the area for which the bull is licensed, with reference to the breed of the bull.

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 his opinion 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; or (d) of a breed which it is undesirable to propagate in the district or part of the district in which it is kept. (2) The Live-stock Officer granting a licence may also revoke a licence, if in the opinion of such officer there has been a breach of any of the terms or conditions of the licence. (3) No person shall be entitled to and compensation for the revocation of a licence under Sub-section (1) or Sub-section (2). (4) If a licence is revoked under Sub-section (1) or Sub-section (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 every such notice given in respect of a licence shall state the grounds for the revocation. (5) No licence shall be refused or revoked unless the applicant for the licence or the licence-holder, as the case may be, has been given a reasonable opportunity of being heard.

8. Grant of duplicate licence.

- When the Live-stock Officer granting a licence is satisfied that the licence 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.

(1) A licence granted in respect of 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. (2) Every licence shall, after it ceases to remain in force be surrendered within a reasonable time to the Live-stock Officer who granted it, unless in the case of a licence so ceasing under clause (a) of Sub-section (1) the renewal thereof is sought in the prescribed manner.

10. Inspection of bulls.

- Any person who keeps a bull shall, at any reasonable time, at the place where the bull is for the time being 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, require 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 the 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 section, a notice shall be served on the owner of the bull or on any other person who keeps the bull.

12. Restrictions on castration of bulls.

- No bull shall be castrated except in such manner as may be prescribed.

13. 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 authorised by general or special order by the State Government in this behalf in any place where the bull is for the time being, and (b) before a cow is served by a bull, on demand made by the person in charge of the cow.

14. Penalty for keeping or bringing 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 term, condition or restriction of a licence keeps a bull or brings a bull into any area shall, on conviction, be punishable with fine which may extend to one hundred rupees.

15. Penalty for letting loose or dedicating bull in contravention of section 5.

- Whoever lets loose or dedicates a bull in contravention of the provisions of section 5 or of any term, condition or restriction of a permission granted thereunder shall, on conviction, be punishable with fine which may extend to one hundred rupees.

16. Penalty for neglect or failure to comply with notice under section 11.

- Whoever neglects or fails to comply with a notice served in accordance with section 11 shall, on conviction, be punishable with fine which may extend to twenty-five rupees.

17. Penalty for neglect or failure to comply with requisition under section 10 or 13.

- Whoever neglects or fails to submit a bull for inspection under section 10 or whoever fails to produce a licence when required to do so in accordance with the provisions of section 13 shall on, conviction, be punishable with fine which may extend to twenty-five rupees.

18. Power of Live-Stock Officer to castrate.

(1)Whenever an offence under section 17 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 diseases 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 pinjrapol: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, then-if the said bull-(i)has not been sold by public auction, or(ii)has been sent to a pinjrapol,it 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 the bull has been 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.

19. Penalty for non-surrender of licence.

- A person who in contravention of the provisions of Sub-section (2) of section 9 fails to surrender a licence shall be punished with fine which may extend to twenty five rupees.

20. Penalty for castration in a manner not prescribed.

- Whoever castrates a bull in contravention of the provisions of section 12 shall be punished with fine which may extend to one hundred rupees.

21. 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 times-(a)to inspect any bull,(b)to mark any bull with any prescribed mark in the prescribed manner, and(c)to enter any premises or other place in the prescribed manner where he has reason to believe that a bull is kept.

22. 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 and of such other departments 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.

23. 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.

24. 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.

25. Protection of persons acting in good faith and limitation of suits and prosecution.

(1)no suit, prosecution or other legal proceeding 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 made thereunder.(2)No suit shall be instituted against the State Government and no prosecution or suit shall lie against any Live-stock Officer in respect of anything done or alleged to be 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.

26. Revision.

- The State Government or an authority specified by it in this behalf may call for and examine the record of any order or the proceedings of any Live-stock Officer for the purpose of satisfying itself 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 appear to the State Government or such authority that any order or proceedings so called for should be modified annulled or reversed, it may pass such order as it may deem fit.

27. Power of State Government to make rules.

(1)The State Government may, by notification in the Official Gazette, 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 3, prescribing the powers and duties to be exercised and performed by a Live-stock Officer and the assigned of such powers or duties,(b)under section 4, 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, and 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 section 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 licence may be granted,(g)under sections 11 and 18, prescribing the manner in which a bull shall be castrated, and the manner in which inquiry regarding the ownership of a bull shall be made, and the costs, charges and expenses for the maintenance and sale of a bull shall be determined, and (h) under section 21, 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.(3)Rules made under this section shall be subject to the condition of previous publication.(4)Rules made under this section shall be laid before the Rajasthan Legislative Assembly at the session thereof next following.

28. 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 the Act which have been brought into force in any area under section 1 shall apply to buffalo-bulls in such area from the date specified in such notification, and thereupon reference to bulls and cows in the provisions of this Act so applied shall be construed as including reference to buffalo-bulls and buffalo-cows respectively and this Act shall apply accordingly.

29. Exemption.

- Nothing in this Act applies to bulls of any institution established for the purpose of keeping breeding, rearing and maintaining cattle or for the purpose of reception, protection and treatment of infirm, aged or diseased cattle and specified by the State Government in this behalf by notification in the Official Gazette.

30. Repeal and Savings.

(1)The Marwar Live-stock Improvement Act, 1947 (Marwar Act No. 1 of 1947) in force in the former Marwar State, the Rules for the Improvement of Live-stock in the Alwar State, 1941, in force in the area of the former Alwar State, the Bombay Live-stock Improvement Act, 1933 (Bombay Act 22 of 1933) in force in the Abu area, the Madhya Bharat Gauvansh Sudhar Vidhan, Samvat 2007 (Madhya Bharat Act 28 of 1950) in force in the Sunel area, the Ajmer Live-stock Improvement Act, 1954 (Ajmer Act 8 of 1954) in force in the Ajmer area and all corresponding laws in force in any other part of the State of Rajasthan are hereby repealed.(2)Any licence issued and other thing done or action taken under any law repealed by this Act and in force immediately before the commencement of this Act shall, so far as not inconsistent with the provisions of this Act, be deemed to have been issued, done or taken, as the case may be, under this Act.Notification[Notification No. F.6(98) Agr./IV/66, dated 28th July, 1967.]In exercise of the powers conferred by sub-section (3) of Section 1 of the Rajasthan Live-stock Improvement Act, 1958 (Act 45 of 1958), the State Government hereby notifies that provisions of Sections 2, 3 and 23 to 29 of the said Act shall come into force in the whole of the State of Rajasthan with immediate effect and that the provisions of Sections 4 to 22 and 30 of the said Act shall come into force in the districts of Nagaur, Pali, Jodhpur, Barmer, Jaisalmer, Bikaner, Churu, Sirohi, Sikar, Jhunjhunu, Ajmer, Jaipur, Alwar, Bharatpur, Jhalawar, Jalore, Tonk, Sawai Madhopur and Ganganagar with immediate effect.[Published in Rajasthan Gazette Part 4-C, dated 21-9-1967].