

GUJARAT LIVE STOCK IMPROVEMENT ACT, 1980

25 of 1980

[22nd October, 1980]

CONTENTS

1. Short title, commencement and application
2. Definitions
3. Live-stock officer
4. Prohibition for keeping a bull for breeding purposes
5. Grant of licence
6. Refusal to grant or revocation of licence
7. Grant of duplicate licence
8. Duration of licence
9. Inspection of bulls
10. Power to order castration of bulls
11. Duty to produce licence
12. Penalty for keeping a bull in contravention of this Act or rules or without or in contravention of licence
13. Penalty for neglect or failure to comply with notice under section 6 or 10
14. Penalty for neglect or failure to comply with requisition under section 9 or 11
15. Power of live-stock officer to castrate
16. Power of live-stock officer to inspect or mark a bull or to enter premises
17. Village patel and village police members bound to assist live-stock officers
18. Cognizance of offences under the Act
19. Live-stock officer to be public servant
20. Protection of persons acting in good faith and limitation of suits and prosecutions
21. Revision
22. Power of State Government to make rules
23. Power of State Government to apply the provisions of this Act to buffalo-bulls
24. Repeal and saving

GUJARAT LIVE STOCK IMPROVEMENT ACT, 1980

25 of 1980

[22nd October, 1980]

An Act to provide for the improvement of live-stock in the State of Gujarat in the manner herein provided. It is hereby enacted in the Thirty-first Year of the Republic of India as follows :-

1. Short title, commencement and application :-

(1) This Act may be called the Gujarat Live-stock Improvement Act, 1980.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

(3) It applies in the first instance to all those villages in which the Bombay Live-Stock Improvement Act, 1933, (Bombay XXII 1933), the said Act as adapted and applied to the Saurashtra area of this State was in force immediately before the commencement of this Act and the State Government may, in consultation with the Director of Animal Husbandry, Gujarat State, by notification in the Official Gazette apply the provisions of this Act to any other village or local area with effect from such date as may be specified in the notification.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(1) "appointed day" in relation to a village or local area means the date on which this Act is made applicable to such village or local area.

(2) "cow" includes a heifer:

(3) "licence" means a licence granted under section 5:

(4) "live-stock officer" means an officer or person appointed or invested with powers under section 3:

(5) "prescribed" means prescribed by rules;

(6) "rules" means rules made under section 22:

(7) "village" means a village as defined in the Bombay Land Revenue code 1879:(Bom. V of 1879) and

(8) "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 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 purposes :-

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 5.

5. Grant of licence :-

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. on payment of such fees and subject to such terms, conditions and restrictions, as may be prescribed.

6. 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 the opinion of such officer, the bull appears to be-

(a) of defective or inferior conformation and likely to beget 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) not of proscribed quality, standard or breed:

Provided that different quality, standard, or breed may be prescribed for different areas of the State.

(2) The live-stock officer granting a licence may also revoke a licence if in the opinion of such officer there be any breach of any of the terms or conditions of the licence.

(3) No person shall be entitled to any compensation for the revocation of a licence under sub-section (1) or (2).

(4) If a licence is revoked under sub-section (1) or (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 any such notice given in respect of a licence shall state the grounds for the revocation.

7. Grant of duplicate licence :-

When the live-stock officer granting the licence is satisfied that a licence granted under section 5 has been lost or destroyed, such officer may, subject 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.

8. Duration of licence :-

A licence granted in respect of a 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.

9. Inspection of bulls :-

Any person who keeps a bull shall, at any reasonable time, either at the place where the bull is for the time being or at any other reasonable place, 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.

10. 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 respect of which no licence is for the time being in force under this Act, shall be castrated in a 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.

11. 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.

(b) before a cow is served by a bull on demand made by the person in charge of the cow.

12. Penalty for keeping 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 terms, conditions or restrictions of a licence keeps a bull shall, on conviction, be punishable with fine which may extend to one hundred rupees.

13. Penalty for neglect or failure to comply with notice under section 6 or 10 :-

Whoever neglects or fails to comply with a notice served in accordance with Section 6 or Section 10 shall, on conviction, be punishable with fine which may extend to fifty rupees.

14. Penalty for neglect or failure to comply with requisition under section 9 or 11 :-

Whoever neglects or fails to submit a bull for inspection when required by a live-stock officer for inspection under section 9 or whoever fails to produce a licence when required to do so in accordance with the provisions of Section 11 shall, on conviction, be punishable with fine which may extend to fifty rupees.

15. Power of live-stock officer to castrate :-

(1) Whenever an offence under Section 14 has been committed, or whenever any bull has not been castrated in compliance with the notice served under Section 10 . 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 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 6, direct that the said bull shall be-

(a) castrated in the prescribed manner, and

(b) sold by public auction or sent to a panjarapole:

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, the said bull-

(i) if not sold by public auction, or

(ii) if sent to a panjarapole, 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 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.

16. 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,

(c) to enter any premises or other place in the prescribed manner where he has reason to believe that a bull is kept.

17. Village patel and village police members bound to assist live-stock officers :-

The village patel and all members of the village police and all officers of the departments of revenue, agriculture, animal husbandry and veterinary science or of such other department 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 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.

18. 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 or upon a report in writing made by any police officer under Section 173 of the Code of Criminal Procedure, 1973 (2 of 1974).

19. 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, 1860 .

20. Protection of persons acting in good faith and limitation of suits and prosecutions :-

(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 (XLV of 1860) or the rules.

(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 have been 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.

21. Revision :-

The State Government may call for and examine the record of any order or proceedings of any live-stock officer for the purpose of satisfying itself as to the legality or propriety of any order passed by such officer and as to the regularity of the proceedings of such officer. If in any case it shall appear to the State Government that any order or proceedings so called for should be modified, annulled or reversed, it may pass such order as it may deem fit.

22. Power of State Government to make rules :-

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made-

(a) for the whole or any part of the State of Gujarat, and

(b) to provide for all matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made. and shall be subject to rescission or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

23. 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 this Act which are in force in any village or other local area shall apply to buffalo-bulls in such village or local area from the date specified in such modification and thereupon the reference to bulls and cows in the provisions of this Act so applied shall be construed as references to buffalo-bulls and buffalo-cows respectively and this shall apply accordingly.

24. Repeal and saving :-

On the application of this Act to any village or local area-

(a) the Bombay Live-stock Improvement Act, 1933 (Bom. XXII of 1933) as in force in the Bombay area of the State.

(b) the Bombay Live-stock Improvement Act, 1933 as adapted and applied to the Saurashtra area of the State,

(c) the Bombay Live-stock Improvement Act, 1933 as extended to the Kutch area of the State, shall stand repealed in relation to such village or as the case may be, local area:

Provided that such repeal shall not affect- (a) the previous operation of the Acts so repealed or of anything duly done or suffered thereunder: (b) any right, obligation or liability acquired, accrued or incurred under the Acts so repealed:

(c) any penalty or punishment incurred or imposed in respect of

any offence committed under the Acts so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, obligation or liability, penalty or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if this Act has not been passed:

Provided further that subject to the succeeding proviso, anything done or any action taken under the provisions of any of the Acts so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force accordingly, unless and until it is superseded by anything done or any action taken under this Act:

Provided also that the rules prescribed under the Bombay Live stock Improvement Act, 1933 (Bom. XXII of 1933) and inforce on the appointed day shall, in so far as they are not inconsistent with the Provisions of this Act, be deemed to be the rules made under Section 33 of this Act, for the whole of the State with effect from the appointed day.