

GUJARAT MILCH AND DRAUGHT CATTLE (CONTROL OF MOVEMENT) ORDER, 1983

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GUJARAT MILCH AND DRAUGHT CATTLE (CONTROL OF MOVEMENT) ORDER, 1983

Whereas, on account of occurrence of unprecedented cyclone in the month of November, 1982 and on account of the unprecedented downpour of rains as well as occurrence of floods in the month of June, 1983 in certain parts of the State a part of the Cattle-wealth of the State has been destroyed; And, whereas, the Government of Gujarat is of the opinion that it is necessary and expedient so to do for maintaining the supply of milch and draught cattle in the State: Now, therefore, in exercise of the powers conferred by clause (b) of sub-sec. (1) of Sec. 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1958, and all other powers enabling it in this behalf, the Government of Gujarat hereby makes the following Order, namely :-

1. Short title, extent and commencement :-

- (1) This Order may be called the Gujarat Milch and Draught Cattle (Control of Movement) Order, 1983.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

2. Definitions :-

- (a) "buffalo" means a buffalo which gives milk or which has ceased to give milk but is likely to give milk and includes heifer;
- (b) "Competent authority" means a Mamlatdar or, as the case may

be a Mahalkari;

(c) "draught cattle" means bullocks used for the purpose of draught and includes male calves, whether castrated or not;

(d) "milch cattle" means cows which give milk or which have ceased to give milk but are likely to give milk and Includes heifers:

(e) "permit holder" means a person who holds a permit issued under Clause 4 of the Gujarat Cattle (Export Control) Order, 1961.

3. Control of movement of certain cattle :-

(1) Notwithstanding anything contained in the Gujarat Cattle (Export Control) Order, 1961, no person shall move or attempt to move by rail, road, sea or any other means any milch or draught cattle from any place within the State to any place outside the State for a period of ¹ [three years] commencing from the date of this Order.

(2) No permit holder shall move or attempt to move by road, or sea any buffalo from any place within the State to any place outside the State except under and in accordance with transport permit granted under clause 4.

1. Substituted for the words 'one year" vide Gujarat Govt. Gaz., Ext., Pt. IV-B, dt. 6.8.1984, p. 170-1 with immediate effect.

4. Issue of transport permit by the competent authority :-

(1) The competent authority may issue a transport permit to any permit holder who desires to move a buffalo, (in pursuance of a permit granted under the Gujarat Cattle (Export Control) Order, 1961 from any place within the State to any place outside the State permitting him to move such Cattle by road or sea under any of the following circumstances, namely :-

(a) where the competent authority is of the opinion that there is such disruption of rail traffic as to prevent such person from moving such cattle by rail;

(b) where the competent authority is of the opinion that railway wagons are not available for a period of not less than twenty days;

(c) where the buffalo is to be moved from a place within the State to a place outside the State for the purpose of participating in any exhibition sponsored by the Central Government.

5. Power of entry, search and seizure etc. :-

(1) The Director of Animal Husbandry or the Collector of the District or any officer not below the rank of a Deputy Mamlatdar or any police officer not below the rank of Police Sub-inspector or any other officer authorised by the State Government or by the Director of Animal Husbandry in this behalf may, with a view to securing compliance with this order and for satisfying himself that this order has been complied with :-

(a) enter and search any premises, vehicle, vessels or any other conveyance with such assistance as may be necessary,

(b) ask any person any necessary question,

(c) examine any books or documents, and

(d) search and so far as may be necessary, seize-

(i) any milch or draught cattle or buffalo in respect of which he has reason to believe that contravention of this Order has been or is being or is about to be committed;

(ii) any vehicle, vessel or other conveyance used in moving such milch or draught cattle or buffalo;

(iii) any books of accounts or documents which in his opinion, would be useful for or relevant to any proceeding under the Act,

(e) direct by any order in writing any person who owns or is in possession of any such milch or draught cattle or buffalo in respect of which he has reason to believe that a contravention of the provisions of this order has been or is about to be committed not to remove or dispose of in any manner such milch or draught cattle or buffalo and vehicle, vessel or other conveyance used in carrying such milch or draught cattle or buffalo without further directions from the officer making such order.

(2) The provisions of Sec. 100 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) relating to search and seizure shall apply to search and seizure under this clause.

6. Exemption :-

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(1) Nothing in this order shall apply to the movement of milch or draught cattle or buffalo by or on behalf of this State.

(2) The State Government or an officer authorised by the State Government in this behalf may, for reasons to be recorded in writing, by general or special order, exempt any person or class of persons or body of persons, whether incorporated or not, from the operation of this Order, subject to such conditions (if any) as may be specified in such order.

1. Substituted for the words 'one year" vide Gujarat Govt. Gaz., Ext., Pt. IV-B, dt. 6.8.1984, p. 170-1 with immediate effect.