

Goa, Daman And Diu Livestock Improvement Act, 1972

5 of 1973

[17 February 1973]

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Goa, Daman And Diu Livestock Improvement Act, 1972

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AN ACT to provide for the improvement of livestock in the Union territory of Goa, Daman and Diu. Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-third Year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Goa, Daman and Diu Livestock Improvement Act, 1972.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "bull" and "cow" include he-buffaloes and she-buffaloes, respectively;

(b) "Director" means the Director of Animal Husbandry appointed as such by the Government;

(c) "Government" means the Government of Goa, Daman and Diu;

(d) "licence" means a licence granted under section 5;

(e) "Livestock Officer" means an officer appointed as such under section 3;

(f) "prescribed", with its grammatical variations, means prescribed by rules made under this Act;

(g) "rules" means rules made under section 21;

(h) "village" means any village as defined in the Goa, Daman and Diu Land Revenue Code, 1968;

(i) "a person is said to keep a bull" if such person owns the bull or has the bull in his possession or custody.

3. Livestock Officer :-

The Government may, by notification in the Official Gazette, appoint any Veterinary Officer or Veterinary Assistant to be a Livestock Officer and assign to such officer such powers and duties under this Act, as it may deem fit.

4. Prohibition Of 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 and conditions of a licence granted under section 5.

5. Grant Of Licence :-

(1) Every licence for the keeping of a bull shall be granted by a Livestock Officer authorised by the Government by general or special order in this behalf in such form, for such period, and subject to such terms and conditions as may be prescribed:

Provided that no fee shall be charged for the grant of a licence.

(2) A licence granted under this section may be renewed from time to time for such period, as may be prescribed.

6. Refusal To Grant Licence And Revocation Of Licence :-

(1) Subject to rules, the Livestock Officer authorised to grant a 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 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.

(2) The Livestock Officer granting a licence may revoke a licence also in a case where, in the opinion of such officer, there has been 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 sub-section (2).

(4) If a licence is revoked under sub-section (1) or sub-section (2), the Livestock Officer 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 shall state the grounds for the revocation.

7. Grant Of Duplicate Licence :-

When the Livestock Officer granting the licence is satisfied that a licence granted under section 5 has been mutilated, lost or destroyed, such officer may, subject to such conditions as may be prescribed, issue to the holder of the licence a duplicate thereon 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, whichever is earlier.

9. Inspection Of Bulls :-

Any person who keeps a bull shall, at all reasonable times, 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 Livestock 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 Livestock 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 Livestock Officer, free of charge.

(2) For the purposes of this section, a notice shall be served on the owner of the bull or 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 Livestock Officer or any other Officer authorised by general or special order of the 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 :-

(1) Whoever in contravention of this Act, or of any rule or order made thereunder or of any terms or conditions of the licence keeps a bull shall, on conviction, be punishable with fine which may extend to fifty rupees.

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

(3) Whoever neglects or fails to submit a bull for inspection when required by a Livestock Officer for inspection under section 9 or whoever fails to produce a licence when required to do so in accordance with provisions of section 11 shall, on conviction, be punishable with fine which may extend to fifty rupees.

13. Power Of Livestock Officer To Castrate :-

(1) Whenever an offence under sub- -section (3) of section 12 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 Livestock 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 Livestock Officer free of charge.

(2) It shall also be competent to a Livestock 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 Livestock 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 pinjrapol: Provided that if the owner of the said bull appears within fifteen days of such seizure and proves to the satisfaction of the Livestock 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 pinjrapol, 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.

14. Power Of Livestock Officer To Inspect Or Mark A Bull Or To Enter Premises :-

For the purposes of this Act, a Livestock 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.

15. Officers Bound To Assist Livestock Officer :-

All village officers and village servants and all officers of the departments of Revenue, Agriculture and Animal Husbandry and Veterinary Services or of such other department as the Government may direct shall be bound-

(a) to give immediate information to a Livestock 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 Livestock Officer in carrying out the provisions of this Act.

16. Cognizance Of Offences :-

No Court shall take cognizance of any offence under this Act, except on a complaint made by a Livestock Officer or any person authorised by such officer in that behalf.

17. Livestock Officer To Be Public Servant :-

Every Livestock Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

18. Protection Of Persons Acting In Good Faith And Limitation Of Suits And Prosecutions :-

(1) No suit, prosecution or other legal proceedings 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.

(2) No suit shall be instituted against the Government and no prosecution or suit shall lie against any Livestock 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.

19. Appeal :-

(1) Any person aggrieved by an order made under section 6 or section 10 by the Livestock Officer, may prefer an appeal to the Director within thirty days from the date of passing the order.

(2) On receipt of an appeal under sub-section (1), the Director shall, after giving the appellant an opportunity of being heard, dispose of the appeal and the order of the Director on such appeal shall be final subject to revision, if any, by the Government.

20. Revision :-

(1) The Government may call for and examine the record of any

order or proceedings of any Livestock Officer or of the Director for the purpose of satisfying itself as to the legality or propriety of any order passed by, or as to the regularity of the proceedings of, such officer or the Director:

Provided that no such record shall be called for after the expiry of three months from the date of such order or proceedings.

(2) If in any case it shall appear to the Government that any order or proceedings the record in respect of which has been called for under sub-section (1) should be modified, annulled or reversed, it may pass such order as it may deem fit.

21. Power To Make Rules :-

(1) The Government may, by notification in the Official Gazette, 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 all or any of the following matters, namely: -

(a) the powers and duties to be exercised and performed by a Livestock Officer and the assignment of such powers or duties under section 3;

(b) the age of a bull after which it shall not be kept without a licence under section 4;

(c) the form and the manner in which, and the terms and conditions subject to which, a licence shall be granted, or renewed, under section 6;

(d) the grounds on which a licence may be revoked, under section 6;

(e) the manner in which a notice under section 6 shall be served;

(f) the conditions subject to which a duplicate of a licence may be granted under section 7;

(g) 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 under sections 10 and 13;

(h) the manner and the form in which a bull shall be marked and the manner in which a Livestock Officer shall enter any premises or other place under section 14;

(i) the procedure to be followed by the Director in disposing of an appeal under section 19;

(j) any other matter which has to be or may be prescribed.

(3) Rules made- under this section shall be subject to the condition

of previous publication in the Official Gazette.

(4) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly of Goa, Daman and Diu while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly agrees in making any modification in the rule or the Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.