

**MAHARASHTRA KEEPING AND MOVEMENT OF CATTLE IN
URBAN AREAS (CONTROL) ACT, 1976**

45 of 1976

[20th September, 1976]

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SCHEDULE 1 :- SCHEDULE

**MAHARASHTRA KEEPING AND MOVEMENT OF CATTLE IN
URBAN AREAS (CONTROL) ACT, 1976**

45 of 1976

[20th September, 1976]

An Act to provide, in the public interest, for licensing and regulating or prohibiting keeping and movement of cattle in urban areas in the State of Maharashtra WHEREAS it is necessary to ensure maintenance of public health and sanitation, which is endangered due to keeping of a large number of milch cattle in urban areas; AND WHEREAS, it is expedient, in the public interest to provide for

licensing and regulating or prohibiting keeping and movement of cattle in urban areas in the State of Maharashtra and for matters connected therewith; It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows

1. Short title, extent and commencement :-

(1) This Act may be called the Maharashtra Keeping and Movement of Cattle in Urban Areas (Control) Act, 1976.

(2) It extends to the whole of the State of Maharashtra.

2. Definitions :-

In this Act, unless the context otherwise requires,

(a) "Appellate Authority" means an officer or authority appointed by the State Government by notification in the Official Gazette, as the Appellate Authority for any urban area or part thereof in which this Act has come into force;

(b) "cattle" means all or any of the animals specified in the Schedule;

(c) "householder" means a person who occupies any premises as his dwelling;

(d) "Inspector" means one or more officers appointed by the Licensing Officer as Inspector or Inspectors for any urban area or part thereof in which this Act has come into force:

(e) "licence" means a licence granted under this Act;

(f) "Licensing Officer" means one or more officers appointed by the State Government, by notification in the Official Gazette, as the Licensing Officer or Officers for any urban area or part thereof in which this Act has come into force;

(g) "members of a family", in relation to a house-holder, means a spouse, father, mother, children, servants and other relations (if any), residing with the householder in the same dwelling;

(h) "permit" means a permit granted under this Act;

(i) "prescribed" means prescribed by rules;

(j) "rules" means rules made under this Act;

3. Cattle not to be kept in urban areas without licence :-

After the expiry of a period of three months from the date on which

this Act comes into force in any urban area or part thereof, no person shall keep or cause to be kept or permit the keeping of any cattle in that area or part, except under and in accordance with the conditions of a licence granted to him under this Act.

4. Two classes of licences :-

(2) Licences referred to in clauses (a) and (b) of sub-section (1) shall be called as Class A Licences and Class B Licences, respectively.

5. Issue and Renewal of licences :-

(1) Any person intending to have or renew a Class A or Class B licence shall apply to the Licensing Officer in the prescribed form and in the prescribed manner. Such application shall bear a court-fee stamp of two rupees and shall be accompanied by the prescribed licence fee.

(2) On receipt of such application, the Licensing Officer may, after holding such inquiry as he deems fit, either grant or renew the licence or, for reasons to be recorded, by order refuse to grant or renew the licence.

(4) A licence shall be in the prescribed form and shall be subject to the provisions of this Act and the rules and shall be valid for the prescribed period.

6. Power to suspend or to cancel licences :-

Where the Licensing Officer has reason to believe that any person to whom a licence has been granted has contravened any provisions of this Act or of the rules or failed to comply with the conditions of the licences, the officer may, after giving to the person a reasonable opportunity to show cause, for reasons to be recorded, by order suspend or cancel the licence.

7. Prohibition of import of cattle into urban areas :-

No person shall bring into any urban area or part thereof in which this Act has come into force any cattle from any place outside such area or part, except with the prior permission and under and in accordance with the conditions of a permit granted to him by the Licensing Officer:

Provided that, no such permission and permit shall be necessary in the case of any cattle brought into the area for the purpose of slaughter at any slaughter house maintained or licensed by the

local authority of the area or by Government or in the case of any cattle passing through the area in the course of their journey to any outside area.

8. Appeals :-

(2) On receipt of any such appeal, the Appellate Authority may, after making such inquiry as may be necessary and giving a reasonable opportunity to the appellant to be heard, pass such orders as it thinks fit.

(3) Where an appeal is preferred under sub-section (1), the Appellate Authority may stay the enforcement of the order of the Licensing Officer for such period and on such conditions as it thinks fit.

9. Orders of Licensing Officer and Appellate Authority to be final :-

Every order made by the Licensing Officer subject to an appeal to the Appellate Authority, and every order made by the Appellate Authority on any such appeal, shall be final, and shall not be called in question in any suit or other proceedings; and no stay or injunction shall be granted by any Court, Tribunal or other authority in respect of any order made or to be made or any action taken or to be taken by the Licensing Officer or the Appellate Authority in the exercise of the powers conferred on them by or under this Act.

10. Prohibited areas for keeping cattle :-

(1) Notwithstanding anything contained in the foregoing provisions of this Act, the State Government may, at any time, after the date on which this Act comes into force in any urban area or part thereof declare, by notification in the Official Gazette, the whole of that area or that part or part by part of that area, to be a prohibited area, if it thinks fit so to do in the public interest.

(2) On and after the date of such declaration, no Class B licence shall be granted in respect of any premises in the prohibited area and any such licence already granted and in force in respect of any premises in the prescribed area shall stand cancelled on the expiry of six months from the said date or on the expiry of the remaining period of the licence, whichever is earlier; and the person concerned shall remove all his cattle from the prohibited area to any other area where this Act has not been brought into force,

within a period of thirty days from the date the licence stands cancelled.

11. Power to enter and inspect premises :-

Any Inspector or the Licensing Officer or the Appellate Authority, or any officer authorised by the Licensing Officer, the Appellate Authority or the State Government, or any police officer not below the rank of Sub-Inspector, may, at all reasonable times, enter and inspect any stable or other premises situated in the urban area or part thereof in which this Act has come into force,

(a) in order to view any cattle or the arrangements made for keeping cattle, in respect of which an application for grant of renewal of a licence has been made or licence has been granted: or

(b) in order to ascertain whether any cattle are being kept or brought there without a licence or permit or in contravention of any other provisions of this Act or the rules or of the conditions of the licence or the permit, if he has reason to believe that cattle are being so kept or brought, as the case may be.

12. Power to take bond to produce cattle before Magistrate :-

Where a police officer, not below the rank of Sub-Inspector, has reason to believe that an offence under this Act has been committed in respect of any cattle, he may inform the person who appears to have committed the offence that he is making a complaint against the person before a Magistrate and direct the person to give a bond, with two sureties, that he shall produce the cattle before the Magistrate, from time to time, when required until the complaint is disposed of.

13. Offences and penalties :-

(3) Every offence under this section shall be cognizable and bailable.

14. Offences by companies :-

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be

proceeded against and punished accordingly.

15. Special provision regarding sentence of fine :-

Notwithstanding anything contained in Section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Metropolitan Magistrate or for any Magistrate of the First Class to pass a sentence of fine exceeding the pecuniary limit specified in that section, on any person convicted of an offence under this Act.

16. Power to try offence summarily :-

Any Magistrate empowered for the time being to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1973, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in Sections 262 to 265 of the said Code any offence punishable under this Act.

17. Protection of action taken in good faith :-

No prosecution or other legal suit, proceedings shall lie against the State Government or any officer of the State Government or any authority appointed under this Act, for anything which is in good faith done or intended to be done under this Act.

18. Rules :-

(1) The power to make rules under this Act shall be exercisable by the State Government by notification in the Official Gazette.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act to levy fees in respect of any of the matters included in this Act and generally to carry out the purposes of this Act.

(3) All rules made under this Act shall be subject to the condition of previous publication.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the

rule shall from the date of publication of such notification 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 or omitted to be done under that rule.

19. Exemptions :-

(1) Nothing in this Act shall apply to the cattle belonging to Government or the local authority of the urban area or part thereof in which this Act has come into force and to any cattle kept for educational or research purposes or kept in a panjarpol or like institution.

(2) The State Government may, if it is necessary in the public interest to do so, by general or special order, exempt any person or class of persons or the public generally, in any urban area or part thereof in which this Act

SCHEDULE 1

SCHEDULE

[See clause (b) of section 2 and section 21]

SCHEDULE

[See clause (b) of
section 2 and section
21]

1. Buffaloes

2. Cows

3. Heifers

4. Calves

5. Bulls