

Orissa Live-Stock Improvement Act, 1957

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Orissa Live-Stock Improvement Act, 1957

An Act to provide for the improvement of live-stock in the State of Orissa Whereas it is expedient to provided for the improvement of live-stock in the State of Orissa; It is hereby enacted by the Legislature of the State of Orissa in the Eighth Year of the Republic of India, as follows : Published vide Orissa Gazette Ext./29.3.1958-0.A. No. 5 of 1958. For Statement of Objects and Reasons see Orissa Gazette Ext. No. 462/ 23.11.1957.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Orissa Live-stock Improvement Act, 1957.
- (2) it extends to the whole of the State of Orissa.

(3) This section shall come into force at once and the remaining provisions of this Act shall come into force in such specified areas comprised in a district or districts as the State Government may by notification from time to time appoint and different dates may be appointed for different specified areas. The State Government may also by notification withdraw the remaining provisions of this Act from any such specified areas.

2. Definitions :-

In this Act unless there is anything repugnant in the subject or context-

- (i) "bull" means either a cow-bull or a buffalo-bull;
- (ii) "bull-calf" means a male calf;
- (iii) "Brahmin bull" means a bull dedicated to the public by a person or persons in the name of God;
- (iv) "castrated bull" means a bull which is rendered incapable of propagating its species;
- (v) "cow" includes a heifer;
- (vi) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry and Veterinary Service for the State of Orissa and include any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under Section 3;
- (vii) "keep a bull" with all its grammatical variations and cognate expressions means keeping a bull or a bull-calf by a person if he owns the bull or the bull-calf or has the bull or the bull-calf in his possession or custody;
- (viii) "licence" means a licence granted under Section 5;
- (ix) "Licensing Officer" means the Director or any other officer or person authorised to grant licence under Section 5;
- (x) "prescribed" means prescribed by rules made under this Act;
- (xi) "she-buffalo" includes a buffalo heifer.

3. Appointment Of Director :-

The State Government may by general or special order confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bull To Be Licensed :-

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 unless it is certified by the prescribed officer that the bull has been effectively castrated by a method and in a manner approved by the Director.

Explanation-For the purposes of this section no person shall in any manner whatsoever dispose of or dedicate to a religious or any other purpose such of the bulls as have attained the prescribed age or as have been granted the appropriate licence except with the previous approval of the prescribed officer.

5. Grant Of Licence :-

Every licence for keeping a bull shall be granted by the Director or any officer or person authorised by him by general or special order in this behalf in such form, for such period, subject to such terms, conditions and restrictions as may be prescribed :

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

6. Refusal To Grant Or Revocation Of Licence :-

(1) Subject to such rules as may be made the Licensing Officer may refuse to grant or may revoke a licence if in his opinion the bull appears to be-

(a) of defective or inferior or undesirable conformation and likely to beget defective or inferior or undesirable progeny; or

(b) permanently affected with any contagious or infectious disease; or

(c) permanently affected with any other disease or bodily defect or deformity rendering the bull unsuitable for breeding purposes.

(2) The Licensing Officer may also revoke a licence granted in respect of any bull kept within his jurisdiction whether such licence was granted by himself or any other Licensing Officer, if in his opinion-

(a) the licence was granted under circumstances of which the Licensing Officer was not aware at the time of granting the licence; or

(b) there has been a breach of any of the terms, conditions and restrictions of the licence :

Provided that the Licensing Officer shall before revoking the licence give notice of revocation stating therein the grounds for revocation of the licence under Sub-section (1) or (2), as the case may be, to the person keeping the bull or to the person stated therein to be owner of the bull.

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

7. Grant Of Duplicate Licence :-

When the Licensing Officer granting the licence is satisfied that a licence granted under Section 5 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 thereafter, 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 has been 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 kept for the time being or at any other reasonable place specified in the order submit the bull for inspection by the Licensing Officer when required by such officer to do so and render all reasonable assistance to that officer for the purpose of such inspection.

10. Power To Order Castration Of Bulls And Bull-Calves :-

(1) The Licensing Officer may, by notice served in the prescribed manner, require that any bull or bull-calf which has attained the prescribed age at the date when 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 the person who keeps the bull or bull-calf requires, be performed or caused to be performed by the Licensing Officer free of charge.

(2) For the purpose of this section, a notice shall be served on the owner of the bull or bull-calf or any other person who keeps the bull or bull- calf.

11. Information Of Notice Under Section 6, 9 Or 10 To The Owner Of Bull Or Bull-Calf :-

If a notice under Section 6, 9 or 10 is duly served on a person who is in charge of the bull or bull-calf though not its owner, it shall be the duty of the person forthwith to take all reasonable steps to inform the owner accordingly, and if he falls to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of Such failure.

12. Production Of 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 Licensing Officer or an officer of the Animal Husbandry and Veterinary Department of the State Government not being below the rank of a Stockman or such other officer of the said Department as may be authorised by general or special order by the State Government in this behalf in any place where the bull is for the time being kept; or
- (b) before a cow or a she-buffalo is served by a bull on demand made by the person in charge of the cow or she-buffalo.

13. Powers Of Licensing Officer :-

(1) Whenever any person, who keeps a bull, falls to submit the bull for inspection as required under Section 9 or whenever any bull-calf has not been castrated in compliance with the notice served under Section 10 it shall be competent for a Licensing Officer to castrate or cause to be castrated in the prescribed manner the bull or the bull-calf 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 Licensing Officer free of charge.

(2) If it is not known in whose ownership, possession or custody a bull or bull-calf is for the time being and the fact cannot be ascertained after enquiry in the prescribed manner the Licensing Officer may seize the bull or bull-calf or cause it to be seized, and if he is of the opinion that the bull or bull-calf has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in Sub-section (1) of Section 6 he may direct that the said bull or bull-calf shall be castrated in the prescribed manner.

(3) It shall be competent for any Licensing Officer to castrate any

bull or bull-calf dedicated to the public or a Brahmini bull if in the opinion of such officer the bull or the bull-calf is not suitable for the purpose of breeding.

(4) For the purposes of this Act, a Licensing Officer or any officer or person authorised by him in this behalf shall have power at all reasonable times-

(a) to inspect any bull or bull-calf;

(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 or bull-calf is kept.

14. Officers Bound To Assist Licensing Officer :-

All Grama Panchayat employees, other village employees and all employees of the Animal Husbandry and Veterinary, Agricultural and Co-operative Departments shall be bound-

(a) to give immediate information to the nearest Licensing Officer of the Commission of any offence or 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;

(c) to give immediate information to the nearest Veterinary Assistant Surgeon when there is any outbreak of contagious cattle disease in the area where a bull is kept for breeding purposes; and

(d) to assist any Licensing Officer in carrying out the provisions of this Act.

15. Penalties :-

Whoever in contravention of the provisions of this Act or of any rules or orders made or passed thereunder or of any terms, conditions or restrictions of licence keeps a bull, dedicates a bull or disposes of a bull or neglects or fails to comply with notice given under Section 6 or 10 or neglects or fails to comply with requisitions under Section 9 or 12 shall on conviction, be punished with fine which may extend to fifty rupees and in the case of a second or in the subsequent offence with fine which may extend to one hundred rupees.

16. Cognizance Of Offences :-

The Court shall take cognizance of any offence under this Act, except on a complaint made by a Licensing Officer or any person authorised by such officer in that behalf.

17. Officers To Be Public Servants :-

The Director, every Licensing Officer, all Grama Panchayat employees, other village employees and all employees of the Animal Husbandry and Veterinary and Agricultural and Co-operative Departments shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (Act XLV of 1860).

18. Protection Of Persons Acting In Good Faith And Limitations Of Suit And Prosecution :-

(1) No suit, prosecution or other legal proceedings shall be instituted against any employee of the State Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder without the previous sanction of the State Government.

(2) No suit shall be instituted against the State Government and no proceeding or prosecution or suits shall lie against any employee of the State Government in respect of anything done or alleged to have been done in pursuance of this Act or the rules made thereunder unless the proceeding, prosecution or suit has been instituted within four months from the date of the act complained of.

19. Revisions :-

The State Government may call for and examine the record of any order or the proceeding of any officer or the person duly authorised under this Act for the purpose of satisfying themselves as to the legality and propriety of any order passed and as to the regularity of the proceedings of such officer or person. 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, they may pass such orders as they may deem fit.

20. Power To Make Rules :-

(1) The State Government may make rules for the purposes of

carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following purposes, namely:

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) powers and duties to be exercised and performed by officers appointed under this Act and the assignment of such powers or duties;

(c) the service of notices and orders issued under this Act;

(d) under Section 4 prescribing the age of a bull after which it shall not be kept without a licence and prescribing the age of a bull calf under Section 10 on the attainment of which the bull-calf shall be castrated;

(e) under Section 5 prescribing the form of, the manner in which and the terms, conditions and restrictions on which a licence shall be granted, transferred or renewed;

(f) under Section 6 prescribing the conditions subject to which a licence may be refused or revoked;

(g) under Sections 6, 9 and 10 prescribing the manner in which notice or order as the case may be, shall be served;

(h) under Section 7 prescribing the conditions subject to which a duplicate of a licence may be issued;

(i) under Sections 10 and 13 prescribing the manner in which a bull or a bull-calf shall be castrated and the manner in which enquiry regarding the ownership of a bull or a bull-calf made; and

(j) under Section 13 prescribing the manner and form in which a bull shall be marked and the manner in which a Licensing Officer or a person authorised by him in this behalf shall enter any premises or other place.

(3) In making a rule under Sub-section (1) or Sub-section (2) the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to rupees fifty.

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

(5) All rules made under this section shall be published in the Gazette and upon such publication shall have effect as if enacted in this Act.

21. Saving :-

The State Government may, subject to the provisions of this Act by notification in respect of any specified area or areas, declare that only such Brahmini bulls as are approved by the prescribed authority shall be used for breeding purposes.