

TAMIL NADU LIVE-STOCK IMPROVEMENT ACT, 1940

1940 : T.N. Act xv Improvement 817 [TAMIL NADU] ACT No. XV OF 1940. g HE i(TAMIL NA6U) LIVE-STOCK IMPROVEMENT ACT, 1940.1 (Received the assent of the Governor on the 29th August 1940; first published in the Fort St. George Gazette on the 3rd September 1940.) An Act to provide for the improvement of live- stock in the 3[State of Tamil Nadu]. WHEREAS it is expedient to provide for tile imp: ove- ment of live-stock in the 31 State of Tamil Nada]; is hereby enacted as follows (1) This Act may be called the it Tamil Nadu] Short title, 1. extent and L.ive-stock llüDrnvment Act, 1940. commence- ment. (2) It extends to the who!c of the 61Slatc Ta Nao u]. These words were substituted Por the word "Madras" by the Tamil Nadu Adaptation Di' Laws 1969, as amended by the Taniil Nadu Adaptation of Laws (Second Amendment) Order, 1969. 2 For Statetnent or Objects and Reasons, see Fort St. George Gazette, darcd the 12th March 1940, IV-A, pages 15-16, This Act was extended 10 the Kany'lk•unyarì district and the Shencouah taluk of the TirunēÅ•eli district by section 3 of, and the Schedule to, the Tamil Nadu (Tro nsfet red Territory) Extonsion of Laws Act, 1957 (Tamil Nadu Act XXII ot' 1 957), repealing the corresponding law in rot•ee in that territory. a This expression was substituted for the expression "Province or Madras" by the Tarnil Nadu Adaptation or Laws-Order, 1970, which was deerned to have coine into force on the 14th January 'Thesc words "'ere subsi it utcd paragraph pntaining the cliacting fortnula and the paragraph preceding that paragraph by section 5 or the Tarnil Nadu Re-enucting (No. 11) Act, 1948 (Tamil Nadu Act VIII or 1948). of Madras" by the •raniil Nadu Adaptation of La (rder, 1969, as amended by the Tamil Nadu Adaptation of Laus (Second Amcnd- ment) Order, 1969. 125-14—52 Definitions. 818 Lie-stock improvement (1940 : T.N. Act XV This section F.hall come into force fit once, and the t(StateJ Government may from time to time by notific ation m the Fort St. George Gazette apply all or any of the remaining provisions of this Act to the whole or any portion of the 2[State of Tamil Nadu] from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such 2, rn this Act, unless there is anything repug- nant in the subject or context— includes a buffalo-bull • (a) " bull " (b) "cow" includes a buffalo-cow and a heifer: (c) "Director" means the officer appointed t.' the '(State] Government. as the 35 Director of Anima} Husbandry] for the '(State of Tamil Nadu] ar,d includes any other person on -whom the powers duties of the Director l)nder this Act have been cot?- ferred imposed under <f.cticn 3; (d) "licence" means a licence granted under section 4 ; (e) "licensing omcer" means the Director or any other or person authorized to grant licences under section 4 ; (f) "prescribed" means prescribed by mdes made under this Act : t This word was substituted foc the word "Provincial " by the Adaotation Order of 2950. This expression was substituted for the expression "State of Madras" by the Tami! Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. 3 These words were substituted for the words ' 'Director Of Veterinary Services" by section 3 of, and the Second Schedule to, the Tamil Nadu Re-enacting (No. U) Act. 1948 (Tamil Nadu Act VIII of 1948). * Section I came into force on the 3rd September 1940, The remaining •ectJion have been øppl.ied to certain portions Of thn Sta'm frotr, to time. 1940 , T.N. Act XV] Live-stock improvement 819 (g) a person is said to "keep a bull" if he owns he bull or has the bull in his possession or custody ; tand (h) a bull is said to be "castrated" if it is rendered incapable of propagating its species

3. The 1[State) Government may, by general or special order, confer or impose on any person all or any of the powers or duties of a Director under this Act.

4. (1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restric- tions of a licence granted under this section, 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.—Where a person keeps more than one bull, he shall obtain a separate licence in respect of each bull. (2) Every licence under this section shall be granted by the Director or any officer or person authorized by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed. No fee shall be charged for the grant of the licence. 5. (1) Subject to such rules as may be prescribed, the licensing omcer may refuse to grant or may revoke a licence in respect of any bull if in his opinion the bull appears to be— (a) of defective or inferior confirmation and consequently likely to be get defective or inferior progeny, or 1 This word was substituted for the word

"Provincial" by the Adaptation Order of 1950, 125-14--52A Appointment of Director. Bulls which have attained a certain age to be licensed. Refusal and reeocation of licenees. Surrender of licence, 820 Live-stock Improvement [1940: T.N. Act XV (b) curering from an incurable contagious infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or (c) of a breed which it is undesirable to propagate in the district or part of the district in which it is kept. (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 by any other 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 or restrictions of the licence. (3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation. (4) No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

6. A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, (a) the period specified in the licence expires, or (b) the licence is revoked under this Act, or (c) the bull dies, or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director, 1940 : T.N. Act XV] Live-stock Improvement 821 7. The licensing officer may by order require any person keeping a bull to submit it for inspection of bulls. by himself or by any officer or person deputed by him for the purpose, 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, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the concerned. 8. (1) The licensing officer may by order require Power to any person keeping a bull which in his opinion has order attained the prescribed age, and in respect of which castration of bulls. no licence is for the time being in force under this Act, to have it within one month from the date of the service of the order, by a method and in a manner approved by the Director and specified in the order. (2) Such castration shall be performed or caused to be performed by the licensing officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

9. If any notice or order is served under section 5, section 7, or section 8 on any person who is not inform the owner of the bull, it shall be the duty of that owner of contents of person forthwith to take all reasonable steps to notice or inform the owner of the contents of such notice or order of the order, and if he fails to do so, he shall be liable to compensate and indemnify the owner against any loss the owner may sustain by reason of such failure.

10. It shall be the duty of any person who for Production the time being keeps a bull in of of licence. In respect of which a licence has been obtained and is in force, to produce such licence— (a) within a reasonable time, at any place where the bull is for the time being) on demand Penalties. Power of licensing officer to castrate 822 Live- Improvement : T.N. Act XV a licensing officer or an [Officer of the Animal Husbandry Department not below the rank of Assistant Surgeon,] or an officer of the Agricultural Department not below the rank of Upper Subordinate, or an officer of the Revenue Department not below the rank of Revenue Inspector, or such other officer as may be authorized in this behalf by the [State] Government by general or special order, or (b) before a cow is served by the bull], on demand made by the person in charge of the cow

11. Whoever—(a) keeps a bull in contravention of this Act of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence, or (b) neglects or fails to submit a bull for inspection when required to do so, under section 7, or (c) neglects or fails to comply with an Order served under section 8, or (d) neglects or fails to produce a licence when required to do so under section 10, shall be punishable with fine which may extend to fifty rupees and in the case of a second or any subsequent offence with fine which may extend to one hundred rupees. 12. (1) If a person who keeps a bull neglects or fails to submit it for inspection, or to have it castrated when required to do so under section 7, or section 8, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge. These words were substituted for the words "officer of the Veterinary department not below the rank of Veterinary Assistant

Surgeon " by section 3 of, and the Second Schedule to, (he Tamil Nadu Re-enacting (No. 11) Act, 1948 (Tamil Nadu Act of 1948), * This word was substituted for the word "Provincial" by the Adaptation Order of 1950. 2940 : T.N. Act X V] Live-stock improvement 823 (2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being and the fact cannot be ascertained after an inquiry in the prescribed manner, the licensing omcer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (I) of section 5 may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge. (b) Every bull seized under clause (a) shall after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary recognized by the ILState] Government in this behalf, (c) In case the owner of any bull seized under clause (a) appears before the licensing omcer within such time as may be prescribed in tnis behalf and proves to the satisfaction of such officer that Ine bull is owned by him— (i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the ovvner after deducting therefrom the cost, charges and expenses incurred for the maintenance and sale of the bull ; and (ii) in any other case, the bull shall be delivered to the owner on payment of the cost, charges and expenses incurred for its maintenance. (d) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be deter• mined in the prescribed manner, 1 This word was substituted for the word "Provincia!" by the Adaptation Order of 1950. Live-stock intprovement [1940 ; T.N. Act XV 824 13. For the purposes of this Act, a licensing amcer Power of or any officer or person authorized by him in this licensing omcer, etc., to behalf shall have power at all reasonable times— inspect or mark. bulls and to enter premises, (a) to inspect any bull ; (b) to mark any bull with a prescribed mark in the prescribed manner ; and (c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept

14. It shall be the duty of all village officers and Duty of omcers to report offences, etc. Cognizance of offences. Officers to be public servants. servants and of all officers of the 11 Animal Husbandry], Agricultural and Revenue Departments— (a) to give immediate information to the nearest licensing omcer of the commission of any offence, or of 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 may know or have reason to believe is about or likely to be committed ; and (c) to assist any licensing officer in carrying out the provisic,ns of thi.* Act

15. No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorized by such officer in this behalf. 16. he Director, every licensing officer, all officers and persons authorized by the Director or a licensing officer, under this Act, and all village officers and Ce servants, shall be deemed to be public servants within Act the meaning of section 21 of the Indian Penal Code. ofl These words were substituted for the word "Veterinary\$ by section 3 of, and the Second Schedule to the Tamil Nadu Re-enacting (No. 11) Act, 1948 (Tamil Nadu A ct VIII of 1948), 1940 : Act X V J Live-stock Improvement 17. (l) No suit, ptoecutione of other proceeding Bar of certain shall lie against any officer or servant of the l[State] proceedings Government for any act done or purporting to be done under this Act without the previous sanction of the IL-Staté] Government. (2) No omcer or servant of the ICState] Govern- ment shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act

18. No suit shall be instituted against the 2CGovernment] and no, suit, prosecution or other for certain suits and proceeding shall be instituted against any omcer or prosecutions. servant of the I[State] Government in respect of any act done or purporting Io be done under this Act unless the suit, prosecution or other proceeding is instituted within six mcnths fromn the date of the act complained of

19. The iLState] Government may at any time Revision, either Suo motu or on application, call for and examine the record of any order passed by, or any proceedings recorded by, anv officer or person under this Act, for the purpose of satisfying thernselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such order in reference thereto as they think fit. Nothing contained in this ;ection shall apply to the orders or ploceedings of any or

Magistrate. 20. (1) The [State] Government may make rules Power to make 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— (a) all matters expressly required or allowed by this Act to be prescribed ; word was substituted for the word "Provincial" by the Adaptation Order of 1950. This word was substituted for the word "Crown" by Ibid, Live-stock improvement tlöå Act-kV (b) the circumstanæs in which duplicates of licen• may be ganted, the fees which may be charged for the grant of such duplicates, and the conditions, restrieions and limitations subject to which.they may be granted ; (c) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure of such omcers ; and (d) the service of notices and orders issued under this Act. (3) In making a rule under sub-section (1) or sub-section (2), the 1[State] Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees. (4) The poær to make rules conferred by this section shall subject to the condition of the rules being made after previous publication. (5) All rules made under this section shall be published in the Tamil Nadu Government Gazette and upon such publication shall have effect as if enacted in this Act

21. This word was substituted for the word "Provincial" by tho Ada ptatbn Order of 1930.Eion 21 was omitted by section 3 of, and the. Second the Reenacting (NO, 11) Act, 1948 (Tamil

