



# The Mizoram Gazette

## EXTRA ORDINARY

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#### NOTIFICATION

No.DCA/R-37/80/72, the 28th, February, 1983. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act made the Lakher District Council and assented to by the Administrator of Mizoram is hereby published for general information.

J. W. Sundara Raj,  
Secretary to the Govt. of Mizoram,  
Law, Judicial and District Council Affairs  
Department.

Lakher District Council Act. No. I of 1984

AN

ACT

to provide for the control and taxation of animals in the Lakher Autonomous District and for matters connected therewith.

It is hereby enacted by the Lakher Autonomous District Council in the Thirty fourth Year of the Republic of India as follows:-

#### CHAPTER I

##### Preliminary :

Short title, extent and commencement, 1. (1) This Act may be called the Lakher Autonomous District Council Animals (Control and Taxation) Act, 1983.

(2) It extends to the whole of the Lakher Autonomous District ;

Provided that the Executive Committee may by Notification in the Mizoram Gazette exempt any area from the operation of the whole or any portion of this Act but not so as to affect anything done or any offence committed or any fine imposed or penalty incurred or any proceedings commenced in such area before such exemption and may in like manner vary or cancel such Notification.

- (3) It shall come into force on such date as the Executive Committee may, by Notification in the Mizoram Gazette, appoint, and different dates may be appointed for different provisions of this Act or for different areas.

Definitions.

2. In this Act, unless the context otherwise requires,-
- (a) "Administrator" means the Administrator of the Union territory of Mizoram appointed by the President under article 239 of the Constitution;
- (b) "Animal" includes, pigs, mithuns, buffaloes, horses, mares, geldings, elephants, asses, mules, ponies, colts, fillies, rans, ewes, sheep, lambs, goats and kids;
- (c) "cattle" means cows, oxen, bulls and calves;
- (d) "Court" means the subordinate District Council Court constituted under the Lakher Autonomous District (Administration of Justice) Rules, 1981 ;
- (e) "District" means the Lakher Autonomous District as provided in Part III of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution of India ;
- (f) "District Council" means the Lakher Autonomous District Council ;
- (g) "Executive Committee" means the Executive Committee of the Lakher District Council ;
- (h) "Local fund" means any fund under the control or management of a Village Council ;
- (i) "owner" means-
- (i) when used with reference to land or property (whether private or public) the cultivator or occupier or owner of land or property, jhum, garden, land used for wet rice cultivation or any person who has advanced cash for the cultivation of the crop or produce on any land or the vendee or mortgagee of such crop or produce or any portion thereof ;

- (ii) when used with reference to any animal includes the person for the time being incharge of the animal ;
- (j) "town" means a town declared as such by the Executive Committee ;
- (k) "village council" means a village council onstituted under the Lakher Autonomous District Council (Village Councils) Act. 1974.

## CHAPTER—II

### CONTROL OF ANIMALS

3.  
Animals to be kept under control.

- (1) No animal shall be let alone any time anywhere except under the watch of a keeper.
- (2) No owner of an animal shall allow his animal to trespass upon any land or property whether private or public.

Animals shall be controlled as follows :

4.  
Procedure of animal control.

- (a) Pigs :— Pigs shall be kept in confinement.
- (b) Goats :— (i) Every owner of goats may allow his goats to graze subject to keeping them under the watch of a keeper or by being tied with ropes to graze about ;  
(ii) Every owner of goats shall keep his goats in confinement or detention in a shed meant for the animals at night time.
- (c) Cattle, mithuns, horses and buffaloes :— Cattle, mithuns, horses and buffaloes shall be controlled in the like manner as under clause (b).
- (d) Other animals :- Any other animal shall be kept in confinement or detention.

Explanation:-

For the purpose of this section:-

- (i) "to keep in confinement" shall mean to keep the animals effectively confined within any fencing well or compound; and
- (ii) "to keep in detention" shall mean to keep the animals effectively detained by any rope or other sufficiently strong tie.

5.  
Animals to  
be kept in  
a hygienic  
way.

Animals shall be kept in such a clean and sanitary condition as may be prescribed by rules so that they may not cause a public nuisance.

CHAPTER - III  
PROCEDURE FOR SEIZURE OF ANIMALS IN AREAS  
OTHER THAN TOWNS :

6.  
Applica -  
tion of  
Chapter - III

The provisions of this Chapter shall apply only to areas other than towns.

Seizure  
of ani-  
mals.

7. (1) It shall be lawful for any person who is the owner of any land or property whether private or public to seize or cause to be seized any animal trespassing upon such land or property or causing damage thereto and to take it to the President, Vice-President, any Member or Secretary of the Village Council concerned, who shall cause such animal to be tied at such place, or enclosure as may be set apart for the purpose by the Village Council.

(2) If any animal trespassing upon a land or property or causing damage thereto under sub-section. (1) in the course of being chased by the owner of the land or property with a view to seizing it or causing it to be seized, meets with an accident or gets hurt by falling on the ground or into a ditch, or precipice even to the extent of death as a result therefrom, the owner of the land or property shall not liable to pay damages to the owner of such animal.

(3) Every Village Council shall keep Registers for the animals seized and brought under sub-section (1).

(4) When any animal is brought under sub-section (1), the Village Council shall cause to be entered in a register-

- (a) the number and description of the animals;
- (b) the day and hour on and at which they were brought;
- (c) the name and the residence of the seizer;  
and
- (d) the name and residence of the owner, if known; and shall cause to be given to the seizer or his agent a copy of the entry.

- (5) When seizure of animals takes place under this section the Village Council shall, within twenty four hours of the time when the animals were brought under sub-section (1), through a village crier, announce such seizure to the people of the village or locality.

8. Village Council (1) No seized animals shall be allowed to starve. The village council shall feed and water them properly. The village council shall feed and water the animals seized.

- (2) The feeding charges at such rates as may be prescribed by the Executive Committee may be collected by the village council from the owner.

9. Delivery of animals.

- (1) If the owner of the seized animals or his agent appears and claims the animals, the village council shall deliver them to him on payment of feeding charges under sub-section (2) of section 8 and such fines at such rate as the Executive Committee may, from time to time, by rules, prescribe for each kind of animals.

- (2) The owner or his agent on taking back the animals, shall sign a receipt for them in the register kept by the village Council.

10. Procedure if animals be not claimed within seven days.

(1) If the animals be not claimed within seven days from the date of the announcement under sub-section (5) of section 7, the village council shall cause them to be sold by public auction.

- (2) If within the period specified in sub-section (1), the owner or his agent claims the animals but refuses or fails to pay the feeding charges and the fines chargeable under section 9, the village council shall cause the animals or as many of them as may be necessary to be sold by public section:

Provided that if any such animals are, in the opinion of the village Council, not likely to fetch a fair price if sold in auction under sub-section (1) or sub-section (2) they may be disposed of in such manner as the village council thinks fit.

- (3) The village Council or any member or Secretary thereof or any other person in the employment of the village council shall not directly or indirectly purchase any animal sold under this section.

- (4) The sale proceeds thereof shall be deposited into the local fund.

Provided that the sale proceeds shall be refunded to the owner if he claims within fifteen days of sale.

CHAPTER - IV

Procedure for seizure of animals in towns.

Applica-  
tion  
of Chapter IV.

11. The provisions of this Chapter shall apply only to the towns.

Power-  
to establish  
animal-  
pounds  
and ap-  
point-  
ment of  
pound-  
keepers.

12. (1) Pounds shall be established in towns by the Executive Committee at such places as it thinks fit. The Executive Committee shall appoint suitable persons to be keepers of such pounds.

(2) There shall be specified by Executive Committee, areas for which the pounds are established.

Duties  
of pound-  
keepers.

13. (1) Every pound keeper shall maintain such registers and furnish such returns as the Executive Committee may, from time to time, by rules, prescribe.

(2) When animals are brought to a pound the pound-keeper shall enter in his register-

(a) the number and description of the animals:

(b) the day and hour, on and at which they were so brought:

(c) the name and residence of the seizer;

(d) the name and residence of the owner, if known; and shall give the seizer or his agent a copy of the entry.

(3) The pound-keeper shall take charge of, feed and water the animals until they are disposed of as hereinafter provided.

Impoun-  
ding  
animals.

14. (1) It shall be lawful for any person who is the owner of any land or property private or public to seize and take to any pound established in the Town in which his land or property is situated for confinement therein, any animal trespassing upon such land or property or causing damage thereto.

(2) If any animal trespassing upon land or property or causing damage thereto under sub-section (1), in the course of being chased by the owner of the land or property with a view to seizing it or causing it to be seized, meets with an accident or gets hurt by falling on the ground or into a ditch or precipice even to the extent of death as a result therefrom, the owner of the land or property shall not be liable to pay damages to the owner of such animal.

(3) It shall be the duty of any police Officer and it shall be lawful for any person to seize and take to any pound for confinement therein any animal found straying in any place trespassing upon any private or public property.

Delive-  
ry of  
animals  
claimed.

15. (1) If the owner of animals which are impounded under section 14 or his agent appears and claims such animals, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such animals under section - 18.

(2) Receipt of the animals should be signed.

Security in  
respect of  
impounded  
animals.

16. (1) Every pound-keeper shall, before releasing any impounded animal, require the owner of the impounded animal or his agent to make in the form prescribed by rules, a declaration regarding the ownership of such animals and to deposit by way of security such sum as the Executive Committee may by rules, prescribe. Different scales may be prescribed for different towns or different classes of animals.

(2) If any animal belonging to such owner are impounded within a period of three months from the date on which the security is deposited, and if the seizure is not adjudged illegal the amount of deposit or a part thereof, as may be directed by the Executive Committee by rules made in this behalf, shall stand forfeited to the District Council. If animals are not impounded as aforesaid, the amount of security deposit shall, on an application made by or on behalf of the depositor, be refunded to him on the expiry of that period.

(3) On every occasion on which the release of the animals impounded under this act is claimed, the owner of the animals shall deposit a fresh security.

Sale of ani-  
mals not  
claimed.

17. (1) If, within ten days after any animal has been impounded, no person appearing to be the owner of such animal, claims the animal under section 15 such animal shall be forthwith sold by auction.

(2) If within the period specified in sub-section (1) the owner or his agent claims the animals but refuses or fails to pay the pound fee and the expenses chargeable under section 18, the animals or as many of them as may be necessary, shall be sold by auction.

Provided that, if the animals are not sold at auction under sub-section (1) or sub-section (2), it shall be disposed of in such other manner as the Executive Committee may, by rules prescribe.

(3) The surplus remaining after deducting the poundfee and expenses aforesaid from the proceeds of the sale, shall be paid to any person, who within fifteen days after the sale, proves to the satisfaction of the pound-keeper that he was the owner of such animal and shall in any other case, form part of the District Council Fund.

(4) The Executive Committee or any Member thereof or any person in the employment of the Executive Committee including the pound-keeper or any Police Officer or other officer shall not directly or indirectly purchase any animal at a sale under this Act.

**Pound-fee chargeable to be fixed.** 18. (1) The pound-fees chargeable shall be such as the Executive Committee may, from time to time, by rules, prescribe for each kind of animals.

(2) The expenses chargeable shall be at such rates for each day during any part of which any animal is impounded, as the Executive Committee may, by rules, prescribe for each kind of animals.

## CHAPTER—V

### Animal Taxation.

**Levy of Taxes** 19. (1) There shall be levied and collected at such rates and in such manner as may be prescribed from time to time under the rules not exceeding the rates set forth in the Schedule appended to this Act, a tax on animals from the owner of such animals :

Provided that nothing in this Chapter shall apply to any animals owned by,—

- (a) the Central Government;
- (b) the Government of the Union territory of Mizoram;
- (c) the North Eastern Council constituted under section 3 of the North Eastern Council Act, 1971 (Central Act) 84 of 1971);



- (d) a corporation owned or controlled by the Central Government or the Government of the Union territory of Mizoram;
  - (e) the District Council ;
  - (f) a Village Council.
- (2) The animal tax levied under sub-section (1) shall, at the option of the owner of the animals be paid annually in one instalment or half yearly in two instalments within such time as may be prescribed.

Collection  
of animals  
taxes.

20. (1) Animal tax shall be collected by any officer authorised in this behalf by the Executive Committee in towns and by the Village Council in other areas in accordance with the provisions of this Chapter.
- (2) The Executive Committee may make rules prescribing the manner in which animal tax may be collected under this Chapter.
- (3) Fifty Chapter from any village shall be credited to the local fund and the balance of fifty percent shall be credited to the District Council Fund.

Regis-  
tration  
of animals.

21. (1) Every owner of animals shall report to any Officer authorised in this behalf by the Executive Committee in towns and to the village council in other are as the number of animals (adult and young) and kinds of animals owned by him and register such animals by paying registration fee of fifty paise for an adult animal and twenty five paise for the young one.
- (2) The Officer authorised by the Excutive Committee and the Village Council shall maintain registers for registration of animals and keep accounts of registration fee.
- (3) The account books and other registers maintained by the said Officer and the village council under this section shall be subject to checking by an Officer appointed by the Executive Committee in this behalf.

Appeal.

22. Any person aggrieved by any order of the village council or other authority or officer under this Chapter may appeal to such authority and within such time as may be prescribed.

## CHAPTER—VI

## PENALTIES.

- Penalty 23. (1) Whoever allows any animals which are his property for allowing animals stray in street or trespass upon private or public property.
- (1) Whoever allows any animals which are his property or in his charge to stray in any street or place or to trespass upon any private or public property shall on conviction by a Court be punished with fine which may extend to fifty rupees.
- (2) If damage is caused by animals under sub-section (1), the accused shall pay a reasonable compensation to any person for the damage proved to have been caused to his property or to the produce of land, by the animals, under the control of the accused, trespassing on his land.
- Penalty 24. for forcibly opposing the seizure of animals or rescuing the same.
24. Whoever forcibly opposes the seizure of animals liable to be seized under this act, and whoever rescues the same after seizure either from the place or enclosure specified in sub-section (1) of section 7 or from a pound or from any person taking or about to take them to the President, Vice President, any member or Secretary of the Village Council under sub-section (1) of section 7 or to a pound, shall, on conviction by a Court be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.
- Penalty on pound keeper etc. failing to perform duties. 25.
25. Any person in charge of the animals kept under sub-section (1) of section 7 or any pound keeper releasing or delivering animals contrary to the provisions of Chapter III or Chapter IV or omitting to provide any impounded animal with sufficient food and water or failing to perform any of the other duties imposed upon him by this Act, and any person purchasing any animal in contravention of section 10 or section 17 shall, over and above any other penalty to which he may be liable, be punished, on conviction by the Court, with fine which may extend to fifty rupees.
- Provisions of punishment as to taxation, etc. 2.
2. Any person who. —
- (1) contravenes the provisions of animal taxation under Chapter V, or
- (2) keeps animals in any premises or places different from that mentioned in the licence, or keeps animals in contravention of the provisions of this Act,

shall on conviction by a Court, be punished with fine which may extend to fifty rupees.

## CHAPTER VII

### MISCELLANEOUS

Compl-  
aints of  
illegal  
seizure  
or deten-  
tion.

27. (1) Any person whose animals have been seized or have been detained in contravention of this Act may, at any time, within ten days from the date the seizure, make a complaint to the court.

(2) The complaint shall be made by the complainant in person or by an agent personally acquainted with the circumstances.

(3) If the seizure or detention be adjudged illegal, the Court shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure and expenses incurred by the complainant in procuring the release of the animals and if the animals have not been released the Court shall, besides awarding such compensation, order their release and direct the fees and expenses leviable under this Act, be paid by the person who made the seizure or detained the animals.

(4) The compensation, fees and expenses mentioned in this section may be recovered as if they were fines imposed by the Court.

Saving of  
right to  
sue for  
compensa-  
tion.

28. Nothing herein contained shall be deemed to prohibit any person whose crops or other produce of land have been damaged by trespass of animals from suing for compensation in any competent Court.

Prohibit-  
ed area.

29. Notwithstanding anything contained in this Act, the Executive Committee may, by notification in the Mizoram Gazette, declare any area as a prohibited area for the keeping of the animals ;

Provided that the Executive Committee may allow any person to keep animals in such area or part thereof under a licence.

Power to enter  
or inspect premi-  
ses or places.

30. The Executive Committee may appoint such Officers as may be necessary who shall -

(1) inspect any animals or the arrangements of animals, in respect of which application for a licence has been made or licence has been issued, or

(2) ascertain if any animals being kept in contravention of the provisions of this Act or the rules made thereunder, or

(3) take such other action as may be prescribed by the Executive Committee, by rules, in this behalf.

- Power to make rules. 31. The Executive Committee may, with the previous approval of the Administrator, by Notification in the Mizoram Gazette, make rules for carrying into effect the provisions of this Act.

### THE SCHEDULE

(See Section 19)

Maximum rate per animal per annum for the following animals under this Act;

- |  |               |
|--|---------------|
| (1) Pig kept in confinement  | — Rupees five |
| (2) Goats kept separately under the management of a farm with a keeper without causing inconvenience to public.                | — Rupees five |
| (3) Cattle reared under stall feeding or under the management of a farm with a keeper without causing inconvenience to public. | — Rupees five |
| (4) Bullocks engaged for carrying purposes, wet rice cultivation, sugarcane crushing with a keeper.                            | — Rupees five |
| (5) Animal kept in any manner other than those specified in clauses (1) to (4) above.  | — Rupees five |