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NOTIFICATION

NO. DCA/R-59/84/61, the 6th November, 1985. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act, made by the Pawi District Council under paragraph 3 of the said Schedule and assented to by the Administrator of Mizoram, is hereby published for general information.

K.N. Srivastava,
Secretary to the Govt. of Mizoram.

PAWI DISTRICT COUNCIL ACT NO. 1 OF 1985

The Pawi Autonomous District Animal (Control and Taxation) Act, 1984
(Received the assent of the Administrator of Mizoram on the 1st November, 1985)

THE PAWI AUTONOMOUS DISTRICT ANIMAL (CONTROL AND TAXATION) BILL, 1984.

A BILL

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

Be it enacted in the Thirty fifth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and Commencement :—

- (1) This Act may be called the Pawi Autonomous District Animal (Control and taxation) Act, 1984.
- (2) It extends to the whole of the Pawi 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 Mizoram Gazette, appoint, and different dates may be appointed for different provisions of this Act or for different areas.

2. Definitions :— 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, mares, ponies, colts, fillies, rams, ewes sheep, lambs goats and kids ;
- (c) "Cattle" means cow, oxen, bulls and calves ;
- (d) "Court" means the Intermediate District Council Court Constituted under the Pawi Autonomous District Council (Administration of Justice) Rules, 1974.
- (e) "District" means the Pawi 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 Pawi Autonomous District Council ;
- (g) "Executive Committee" means the Executive Committee of the Pawi District Council ;
- (h) "Local Fund" means any fund under the control or management of a village council or a Town Committee, as the case may be ;
- (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;

- (b) When used with reference to animal, includes the person for the time being in charge of the animal ;
- (j) "town" means any area declared as a town by the Executive Committee by notification in the Mizoram Gazette.
- (k) "Town Committee" means the Town Committee established under section 3 of the Pawi Autonomous District Council (Town Committees) Act, 1974;
- (l) "Village Council" means a village Council constituted under the the Pawi Autonomous District Council (Village Councils) Act, 1974.-

CHAPTER II.

- Animals to be kept under control.
3. (1) No animal shall be let alone any time any where 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.
- Procedure of animal control.
4. Animal shall be controlled as follows:-
- (a) Pigs. - Pigs shall be 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 wall or compound ; and
- (ii) "to keep in detention" shall mean to keep the animals effectively detained by any rope or other sufficiently strong tie.

- Animal to be kept in hygienic way. 5. 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.

- Application of Chapter III. 6. The provisions of this Chapter shall apply only to areas other than towns.
- Seizure of animals 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 there-to and to take it to the 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 a part for the purpose by the village council.
- (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 there-from the owner of the land or property shall not be liable to pay damages to owner of such animal.
- (3) Every village council shall kept 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 animal;
 - (b) the day and hour on and at which they were brought;
 - (c) the name and 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.
- Village Council to feed 8. (1) No seized animals shall be allowed to starve. The village council shall feed and water them properly.

and water the animal 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.

Delivery of animals. 9. (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 a 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.

Procedure of animals be not claimed within seven days. 10. (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 auction;

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 councils or any member or Secretary thereof or any other person in the employment of the village council shall not directly or indirectly purchase any animals 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.

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

- Power to establish animals pounds and appointment of pound keepers. 12. (1) Pounds shall be established in towns by the Towns Committee at such places as the Executive Committee may direct. The Town 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-keepers 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 poundkeeper 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 seizure
 - (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.
- Impounding 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 animals 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 or trespassing upon any private or public property.
- Delivery of animals. 15. (1) If the owner of animals which are impounded under section 14 or his agent appears and claims such animals, the poundskeeper shall deliver them to him on payment of the poundfees 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 animals 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 Town Committee. 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 animals 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 as may be necessary, shall be sold by auction :

Provided that, 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 pound-fee 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 local fund.

(4) The Town Committee or any member thereof or any person in the employment of the Town 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 fees chargeable to be fixed

18. (1) The pound-fee 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.

1. (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 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 Mizoram
 - (e) a Town Committee; or
 - (f) a village council.
 - (g) the Pawi District 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 animal taxes.

20. (1) Animal tax shall be collected by the Town Committee 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 percent of the animal tax collected under this Chapter shall be credited to the local fund and the balance of fifty percent shall be credited to the District Council Fund.

Registration of Animals

- 21 (1) Every owner of animals shall report to the Town Committee in towns and to the village in other areas, the number of animals (adult and young) and kinds of animals owned by him and register such animals by paying registration fee of 50 paise for an adult animal and 25 paise for the young one.
 - (2) The Town 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 Town Committee and the village council under this section shall be subject to checking by an officer appointed by the Executive Committee in this behalf.
22. Any person aggrieved by any order of the Town Committee, 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 for allowing animal to stray in street or trespass upon private or public property.** 23. (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 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, 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. 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 17; shall, over and above any other penalty to which he may be liable, be punished on conviction, by a court with fine which may extend to fifty rupees.
- Provisions of punishment as to taxation, ect. 26. 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
- Complaints of illegal seizure or detention. 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 of the seizure, make a complaint to a 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 a court.
- Saving of rights to sue for compensation. 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.

Prohibited areas. 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 premises or places. 30. The Executive Committee may appoint or cause to be appointed by the Town Committee or the Village council as the case may be, such Officers as may be necessary who shall—

- (1) inspect any animals or the arrangements for keeping animals in respect of which application for a licence has been made or licence has been issued, or
- (2) ascertain if any animals are 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. (1) 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 of tax per animal per annum for the following animals under this Act ;

- (1) Pigs kept in confinement—five Rupees.
- (2) Goats kept separately under the management of a firm with a keeper without causing inconvenience to public—five Rupees.
- (3) Cattle reared under stall feeding on under the management of a farm with a keeper without causing inconvenience to public.—Rupees five
- (4) Bullocks engaged for carrying purposed, 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 ten

STATEMENT OF OBJECTS & REASONS.

Animals are roaming in the jungle and in the street freely damaging crops in the field as well as in the garden. It is felt necessary to control the animals so as to enable to have good crops in the fields and in the gardens.
Hence the Bill.

T. Hranghluta,
Chief Executive Member,
Pawi District Council, Lawngtlai.

Certified that the above bill was passed by the Pawi District Council on 5.12.1984 and in authentication whereof I give my signature this 7th day of December 1984.

M.C. Darvunga,
Chairman,
Pawi District Council, Lawngtlai.