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NOTIFICATION

No. MAL. 4/79-80/20, the 20th Feb, 1980. Under Rule 67 of the Rules of Procedure and Conduct of Business in the Mizoram Legislative Assembly the following Bill which is to be introduced in the Mizoram Legislative Assembly on the 25th Feb, 1980 is published together with the statement of Objects and Reasons for general information.

BILL NO. 2 OF 1980
THE MIZORAM ANIMAL (CONTROL AND TAXATION)
BILL, 1980.

A
BILL

to provide for the control and taxation of animals in the Union territory of Mizoram and for matters connected therewith.

Be it enacted by the Legislative Assembly of Mizoram in the Thirty-first Year of the Republic of India as follows:—

CHAPTER—I Preliminary

Short title,
extent and
commencement.

1. (1) This Act may be called the Mizoram Animal (Control and Taxation) Act, 1980.
- (2) It extends to the whole of the Union territory of Mizoram except the areas within the Jurisdiction of Chakma, Lakher and Pawi District Councils in Chhimtuipui District:

Provided that the Government 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.

Definitions.

- (3) It shall come into force at once.
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;
- (d) "animal" includes pigs, mithuns, buffaloes, horses, mares, geldings, elephants, asses, mules, ponies, colts, fillies, rams, ewes, sheep, lambs, goats and kids;
- (c) "cattle" means cows, oxen, bulls and calves;
- (b) "district" means a civil district of the Union territory of Mizoram;
- (e) "Government" means the Government of Mizoram;
- (f) "local fund" means any fund under the control or management of a village council and includes fees and fines collected by the village council under this Act;
- (g) "owner" means—
- (a) 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 any animal, includes the person for the time being in charge of the animal;
- (h) "town" means a town declared as such by the Administrator;
- (i) "village council" means a village council constituted under the Lushai Hills District (Village Councils) Act, 1953 (Lushai Hills Act No. V of 1953), as adapted.

CHAPTER — II

Control of Animals

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.
- (3) It shall be lawful for any person to seize any animal found straying without a keeper in any street or trespassing upon any land or property whether private or public or causing damage thereto.

Procedure of animal control.

4. Animals shall be controlled as follows :
- (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 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.

Animals to be kept in hygienic way. 5. Animals shall be kept in such a clean and sanitary condition if may be prescribed by rule so that they may not cause a public nuisance.

C H A P T E R — III

Procedure for seizure of animals in areas where there are no pounds.

Application of Chapter III 6. The provisions of this Chapter shall apply only to villages for which no pounds are established.

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 thereto and to tie them or cause them to be tied and to report the matter to the village council concerned.

(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 or in some other manner even to the extent of death as a result therefrom, the owner of the land or property shall not be liable to pay damage to the owner of such animal.

(3) Every village council shall keep registers for the animals seized and reported to them.

(4) When seizure of animals is reported 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 (if possible), on and at which they were seized;
- (c) the name of the seizer; and
- (d) the name of the owner, if known and shall cause to be give 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 receiving the report thereof, through a village crier, announce such seizure to the people of the village or locality.

Seizer to feed and water the animals seized. 8. (1) No seized animals shall be allowed to starve.
The seizer of the animals shall feed and water them properly.

(2) The feeding charges at such rates as may be prescribed by the Government may be collected by the village council from the owner and paid to the seizer of the animals.

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 such fines at such rate as the Government 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 if animals be not claimed within three days. 10. (1) If the animals be not claimed within three 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:

Provided that if any such animals are in the opinion of the village council not likely to fetch a fair price if sold as aforesaid they may be disposed of in such manner as the village council thinks fit.

(2) The village council shall not directly or indirectly purchase any animal sold under this section.

(3) 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 areas where there are animal-pounds.

Application of Chapter- IV. 11. The provisions of this Chapter shall apply only to the towns or the places for which pounds are established.

Power to establish animal-pounds and appointment of pound-keepers. 12. (1) Pounds shall be established in towns and at such other places as the Government may direct. The Government shall appoint suitable persons to be keeper of such pounds.

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

Duties of pound-keepers. 13. (1) Every pound-keeper shall maintain such registers and furnish such returns as the Government 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.

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 village or area in which his land or property is situated for confinement therein, any animal trespassing upon such land or property or causing damage thereto

(2) 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 animals found straying in any place or trespassing upon any private or public property.

Delivery 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 Government may, by rules, prescribe. Different scales may be prescribed for different areas 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 Government by rules made in this behalf, shall stand forfeited to the Government. 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 a 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 Government 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) No police officer or other officer including the pound-keeper, shall, directly or indirectly purchase animals at a sale under this Act.

Pound-fees
chargable
to be fixed.

18. (1) The pound-fee chargable shall be such as the Government may, from time to time, by rules, prescribe for each kind of animals.

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

CHAPTER — V

Animal Taxation.

Levy of
taxes.

19. 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 owner of such animals.

Village
Council to
collect
animal taxes.

20. (1) Animal tax shall be collected by the village council in accordance with the provisions of this Chapter.

(2) The Government may make rules prescribing the manner in which animal tax may be collected under this Chapter.

Village
Council to
keep regis-
ters

21. (1) Every owner of animals shall report to the Village Council 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 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 Village Council under this section shall be subject to checking by an Officer appointed by the Government 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
for allowing
animals 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, 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 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 a pound or from any person taking to or about to take them pound, or from any person keeping them under sub-section (1) of section 7, shall, on conviction, 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 failing to perform duties. 25. Any pound-keeper releasing or purchasing or delivering animals contrary to the provisions of 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, shall, over and above any other penalty to which he may be liable, be punished, on conviction, with fine which may extend to fifty rupees.

Provisions of punishment as to taxation, etc. 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, be punished with fine which may extend to fifty rupees.

CHAPTER - VII

MESCELLANEOUS

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

(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 Magistrate 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 Magistrates shall, besides awarding such compensation, order their release and direct the fees and expert 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 Magistrate.

Saving of right 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 Government may, by notification in the Mizoram Gazette, declare any area as a prohibited area for the keeping of the animals;

Provided that the Government 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 Government may appoint 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 Government, by rules, in this behalf.

Power to make rules. 31. (1) The Government may, by notification in the Mizoram Gazette make rules for carrying into effect the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram while it is in session for a total period of seven days which may be comprised in one session or in two successive sessions, and if, before the expiry of the sessions in which it is so laid or the session immediately following, the Legislative Assembly of Mizoram makes any modification in the rule, or the Legislative Assembly of Mizoram decides that the rule should not be made, the rule shall thereafter 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 under the rule.

Repeal and saving 32. (1) The Mizoram (Control of Animals) Rules, 1973, [Mizoram (Ran khuahkhirhna) Dan, 1973], is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the rules so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken, as the case may be, under the corresponding 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	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,	Rupees Five

- sugarcane crushing with a keeper.
 (5) Animals kept in any manner other than those specified in clauses (1) to (4) above: Rupees Ten

STATEMENT OF OBJECTS AND REASONS

The Committee on Subordinate Legislation recommended in its report of 1975 that it will be more proper to enact an independent legislation in the place of the existing Mizoram (Control of Animals) Rules, 1973, with more comprehensive clauses regarding (a) control of animals, (b) trespass by animals, and (c) provisions for cattle-pouard with supporting staff and also made further recommendations on certain particulars such as registration of animals. Therefore, it is considered expedient to enact a law for the control of animals and to fix the rate of tax for different kinds of animals, from time to time, as the situation demands.

Hence this Bill.

Zairemthang,
 Minister-in-charge,
 Local Admn. T.P. & Housing

FINANCIAL MEMORANDUM

1. When this Act comes into force, the estimated revenue for a year is as follows:—

	Rs.	P.
(1) TAXES ON ANIMALS —		
(a) Pigs at the rate of Rs 5/- each	2,14,685.	00
(b) Goats at the rate of Rs 5/- each	63,445.	00
(c) Cattle at the rate of Rs 5/- each	1,46,480.	00
(d) Buffaloes at the rate of Rs 10/- each	29,740.	00
(e) Mithuns at the rate of Rs 10/- each	4,930.	00
(f) Sheep at the rate of Rs 10/- each	7,930.	00
(g) Horses & ponies at the rate of Rs 10/-	13,410.	00
Total :—	4,79,620.	00

(2) REGISTRATION FEES —

(a) Pigs — (1) Adult at the rate of 50p each	11,753.	00
(2) Young ones at the rate of 25p each	4,858.	00
(b) Goats — (1) Adult at the rate of 50p each	2,896.	00
(2) Young ones at the rate of 25p each	1,724.	00
(c) Cattle — (1) Adult at the rate of 50p each	9,538.	00

	(2) Young ones at the rate of 25p each	2,555.	00
(d) Buffaloes—	(1) Adult at the rate of 50p each	1,038.	00
	(2) Young ones at the rate of 25p each	224.	00
(e) Mithuns —	(1) Adult at the rate of 50p each	112.	00
	(2) Young ones at the rate of 25p each	67.	00
(f) Sheep —	(1) Adult at the rate of 50p each	141.	00
	(2) Young ones at the rate of 25p each	102.	00
(c) Horses & Ponies	(1) Adult at the rate of 50p each	529.	00
	(2) Young ones at the rate of 25p each	71.	00
		<hr/>	
		35,608.	00
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(3) Sale proceeds of animals not claimed	500.	00
(4) Pound fees for animals impounded	500.	00
(5) Penalty for forcibly opposing the seizure of animals or rescuing the same	200.	00
(6) Penalty on Pound Keeper	100.	00

GRAND TOTAL 5,16,528. 00

2. The estimated expenditure in the form of pay/remuneration of Pound Keeper, construction of Cattle-Pounds, Contingencies etc for 33 pounds in the towns of Aizawl, Lunglei, Tlabung, Champhai, Kolasib, N. Vanlaiphai and Sairang as shown in Annexure are as follows:—

(1) Pay/remuneration of Pound Keeper at the rate of Rs. 150/— p.m. fixed per Pound Keeper of 33 Pound-Keepers within Aizawl and Lunglei Districts for one year 150X12X33	Rs. 59,400.00
(2) Construction of 33 Cattle-pounds with barbed wire fencing at the rate of Rs. 10,000/- each	Rs. 3,30,000.00
(3) Miscellaneous Contingencies at the rate of Rs. 1,000/- each for 33 Cattle pounds.	Rs. 33,000.00

Total : 4,22,400.00

3. The Estimated revenue to be collected out of the proposed Act per year is Rs. 5,16,528.00 and the estimated expenditure per year is Rs. 4,22,400.00

Annexure

A list of Village Councils in whose area Cattle-Pounds are proposed to be constructed.

Aizawl

1. Tlangnuam
2. Kulikawn/Thakthing
3. Mission Veng
4. Maubawk/Bungkawn/Khatla
5. Venghlui
6. Republic
7. Bethlehem
8. Tuikual
9. Dawrpui
10. Saron/Chhingaveng
11. Electric
12. Zarkawt/Chandmari
13. Vengthar
14. Vaivakawn
15. Ramhlun
16. Armed Police
17. Chaltlang
18. Zemabawk
19. Luangmual
20. Melthum

Lunglei

21. Venglai
22. Bawngveng
23. Chandmari
24. Bazar
25. Rahsi Veng
26. Zohnuai
27. Zotlang
28. Lunglawn

Other Towns

Aizawl District

29. Kolasib
30. Champhai
31. Sairang
32. N. Vanlaiphai

Lunglei District

33. Tiabung.

MEMORANDUM OF DELEGATED LEGISLATION.

Clauses 5, 8, (2), 9 (1), 13 (1), 16 (1) and (2), 17 (2), 18 (1) and (2), 19, 20 (2), 22 and 31 seek to empower the Government to make rules to carry out the provisions of the Bill including, sanitary condition to be observed in keeping animals, rate of feeding charges for animals seized, registers and returns to be maintained and forwarded by the pound keeper, pound fee chargeable, the manner of collection of animal tax, etc. These being matters of detail are appropriate matters to be dealt with by rules and hence the said provisions are of normal character.