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GOVERNMENT OF WEST BENGAL

Law Department

Legislative

West Bengal Act I of 1959

THE WEST BENGAL CATTLE LICENSING ACT, 1959.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 20th March, 1959.]

[20th March, 1959.]

An Act to regulate the keeping of cattle in urban areas.

WHEREAS it is expedient in the interest of public health and sanitation to regulate the keeping of cattle in urban areas and for that purpose to provide for the licensing of cattle;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Cattle Licensing Act, 1959.

Short title
and com-
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ment.

(2) It shall come into force in such urban areas and with effect from such dates as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different urban areas.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

(a) "Appellate Authority" means an Appellate Authority appointed by notification for any urban area or part thereof in which this Act has come into force;

(b) "cattle" means any animal of the bovine species and includes buffaloes;

(c) "family" means a set of parents, children, servants and other relations living together in the same mess;

(d) "householder" means a person who occupies any premises as his own dwelling;

*Price—Indian, 12 nP.; English, 3d

(Sections 3—5.)

- (e) "license" means a license issued under this Act;
- (f) "Licensing Authority" means a Licensing Authority appointed by notification for any urban area or part thereof in which this Act has come into force;
- (g) "notification" means a notification published by the State Government in the *Official Gazette*;
- (h) "prescribed" means prescribed by rules made by the State Government under this Act;
- (i) "urban area" means—
 - (i) the area within Calcutta as defined in the Calcutta Municipal Act, 1951, or any part or parts of such area, or West Ben. Act XXXIII of 1951.
 - (ii) the area within any municipality as defined in the Bengal Municipal Act, 1932, or within Chandernagore as defined in the Chandernagore Municipal Act, 1955, or any part or parts of such area, or Ben. Act XV of 1932. West Ben. Act XVIII of 1955.
 - (iii) any area which the State Government in view of its development and growing population declares to be an urban area.

Cattle not to be kept in certain areas without license.

3. After the expiry of a period of six months from the date on which this Act comes into force in any urban area no person shall keep any cattle in such area except under a valid license.

Two classes of licenses.

4. (1) There shall be two classes of licenses, namely:—

- (a) a license granted to a householder in respect of cattle kept in his own premises primarily for the consumption of the milk by himself or by members of his family and for the sale of surplus, if any, not exceeding five seers on any one day;
- (b) a license granted to any person in respect of cattle kept in any premises or place for any purpose save as mentioned in clause (a) above.

(2) Licenses referred to in clauses (a) and (b) of subsection (1) shall be called respectively Class A and Class B licenses.

Issue of license.

5. (1) Any person intending to have a Class A or a Class B license shall apply to the Licensing Authority in the prescribed manner and the licensing authority may thereafter grant a license under this Act or may, after recording reasons therefor, refuse the application for a license.

1 of 1959.]

(Sections 6—9.)

(2) Every license shall be valid for such period as may be prescribed and may be renewed on application in the prescribed manner to the Licensing Authority.

(3) Every license shall mention the address of the premises or place where the cattle are to be kept and the maximum number and the description of cattle which may be kept under the license; such address, number or description may be varied on application made in the prescribed manner to the Licensing Authority.

(4) The nature and type of shed to be provided for keeping cattle under a license shall be such as may be prescribed and no license shall be granted unless the Licensing Authority is satisfied that a shed as prescribed has been provided.

(5) Every license shall be subject to such conditions as may be prescribed and the conditions shall be stated in the license.

6. Where the Licensing Authority has reason to believe that a person to whom a license has been granted has violated or failed to comply with the conditions for the license or any provisions of this Act or the rules made thereunder, he may, after affording in the prescribed manner an opportunity to the licensee to show cause, cancel the license or refuse to renew it.

Cancellation of license in certain cases.

7. (1) Any person aggrieved by an order of a Licensing Authority, refusing his application for license, or cancelling his license or refusing to renew his license or by an order relating to any change of address or description or variation in number under sub-section (3) of section 5 may, within 30 days of the date of service of such order, prefer an appeal against such order to the Appellate Authority in the prescribed manner.

Appeal.

(2) The Appellate Authority shall deal with the appeal in the prescribed manner and shall pass such order as it deems fit.

8. No order made by, and no proceedings before, a Licensing Authority or an Appellate Authority shall be called in question in any Civil or Criminal Court.

Orders and proceedings of Licensing and Appellate Authorities not to be questioned.

9. (1) Notwithstanding anything contained in the foregoing sections, the State Government may, at any time after the date on which this Act has come into force in

Prohibited areas.

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Act
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1951.
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Act XV
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West Ben.
Act
VIII
1955.

(Sections 10—12.)

any area, declare, by notification, such area or any part thereof as a prohibited area if it thinks fit so to do in the public interest.

(2) No Class B license shall be issued in respect of any premises or place within a prohibited area and any such license already issued or in force in respect of any premises or place in such area shall stand cancelled on the expiry of six months from the date of the issue of the notification under sub-section (1) or of the remaining period of license whichever is earlier.

Power to
enter or
inspect
premises
or place.

10. The Licensing Authority or any officer of the State Government authorized by him by an order in writing in this behalf or any police officer of and above the rank of a Sub-Inspector shall have power to enter or inspect at any time between sunrise and sunset, any premises or place situate in any area in which this Act has come into force,—

(i) in order to view any cattle or the arrangements for keeping cattle, in respect of which an application for a license has been made or a license has been issued; or

(ii) in order to ascertain if any cattle are being kept in violation of the conditions of a license or the provisions of this Act or the rules made thereunder, if he has reason to believe that cattle are being so kept.

Seizure.

11. (1) Where a police officer, of or above the rank of a Sub-Inspector, has reason to believe that an offence under this Act has been committed in respect of any cattle, he may seize such cattle.

(2) On such seizure the police officer shall arrange for the custody and the maintenance of the cattle in the prescribed manner and forthwith submit a report of the seizure and a complaint in writing against the person who appears to have committed the offence to a Magistrate having jurisdiction over the area.

(3) Upon receipt of such report and after such inquiries, if any, that the Magistrate thinks fit, the Magistrate shall either order the cattle to be released or pass such orders as he thinks fit for the interim custody and maintenance of the cattle, until the complaint is disposed of.

Penalties.

12. (1) Any person, who—

(i) contravenes the provisions of section 3, or

(ii) being the holder of Class A license sells milk in excess of five seers on any one day, or

[of 1959.]

(Sections 13, 14.)

- (iii) keeps cattle in any premises or place different from that mentioned in the license, or
- (iv) keeps cattle in excess of the maximum number or different in description from that stated in the license, or
- (v) violates or fails to observe the conditions referred to in sub-section (5) of section 5.

shall be punishable with imprisonment for a term which may extend to six months or with fine not exceeding one thousand rupees or with both.

(2) Every offence under this Act shall be cognizable and bailable.

(3) Where a person is convicted of any offence under this section the Court may direct that the cattle in respect of which the offence is committed shall be forfeited to Government.

(4) The Court may also in any case where cattle have been seized under section 11, direct that the owner thereof shall pay the cost of seizure and of transport of the cattle, and the expenses for their custody and maintenance and the sum directed to be so paid shall be realised as if it were a fine.

13. (1) The State Government may make rules for Rules. carrying out the purposes of this Act.

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

- (a) the form of applications for licenses, for renewal of licenses or variations of the address, number and description in the licenses;
- (b) the fees to be paid for the grant of licenses, the renewal of licenses or variations of the address, number and description in the licenses;
- (c) the forms of licenses;
- (d) the procedure to be followed by the Licensing Authority;
- (e) any matter which may be or is required to be prescribed under this Act.

14. The State Government may, by written order, exempt any institution, authority or person from the operation of this Act on such conditions as it may think fit, in respect of the keeping of such number and description of cattle as may be specified, for a scientific, educational, or public purpose, if in its opinion, it is necessary so to do in the public interest. Power to exempt.

The West Bengal Cattle Licensing Act, 1959.

[West Ben. Act I of 1959.]

(Sections 15, 16.)

Indemnity.

15. No suit or proceeding shall lie against the State Government and no suit, proceeding or prosecution shall lie against any officer of the State Government for anything in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

Act to
override
other
enact-
ments.

16. (1) The provisions of this Act shall have effect notwithstanding anything to the contrary in any other Act.

(2) Subject to the provisions of sub-section (1), the provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Calcutta Municipal Act, 1951, the Bengal Municipal Act, 1932, and the Chandernagore Municipal Act, 1955.

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