

1976 : Mah. XLV]

**THE MAHARASHTRA KEEPING AND
MOVEMENT OF CATTLE IN URBAN
AREAS (CONTROL) ACT, 1976.**

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MAHARASHTRA ACT No. XLV OF 1976¹.

[THE MAHARASHTRA KEEPING AND MOVEMENT OF CATTLE IN
URBAN AREAS (CONTROL) ACT, 1976.]

(This Act received the assent of the President on the 15th day of September 1976; assent was first published in the Maharashtra Government Gazette, Part-IV, Extra-ordinrny, on the 20th day of September 1976.)

Amended by Mah. 33 of 1977* (29-4-1977)†

An Act to provide, in the public interest, for licensing and regulating or prohibiting, keeping and movement of cattle in urban areas in the State of Maharashtra.

WHEREAS, it is necessary to ensure maintenance of public health and sanitation, which is endangered due to keeping of a large number of much cattle in urban areas;

AND WHEREAS, it is expedient, in the public interest, to provide for licensing and regulating or prohibiting, keeping and movement of cattle in urban areas in the State of Maharashtra and for matters connected therewith; It is hereby enacted in the Twenty-seventh year of the republic of India as follows :—

1. (1) This Act may be called the Maharashtra Keeping and Movement of Cattle in Urban Areas (Control) Act, 1976.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Maharashtra.

(3) This Act shall, in the first instance, come into force in Greater Bombay and that part of Thane District, which is contiguous to Greater Bombay and is bounded by the Thane and Bassein Creek, on such² date as the State Government may, by notification in the *Official Gazette*, specify. The State Government may bring this Act into force in such other urban area or areas or parts thereof and with effect from such date or dates as the State Government may, by notification in the *Official Gazette*, specify and different dates may be specified for different urban areas or parts thereof.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Appellate Authority" means an officer or authority appointed by the State Government by notification in the *Official Gazette*, as the Appellate Authority for any urban area or part thereof in which this Act has come into force;

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1976, Part-V, Extra., pp. 272—280.

² 1st October 1976, vide G. N., A. and C. D., No. WFP. 1976/23423-7-ADF, dated 29th September 1976, published in *Maharashtra Government Gazette*, 1976, Part-IV-B, Extra., p. 870.

* Maharashtra Ordinance No. III of 1977 was repealed by Mah. 33 of 1977, s 3.

†This indicates the date of commencement of Act.

³ The reference to the name "Greater Bombay" construed as a reference to "Brihan Mumbai" by Mah. 25 of 1996, s. 3.

- (b) "cattle" means all or any of the animals specified in the Schedule;
- (c) "householder" means a person who occupies any premises as his dwelling;
- (d) "Inspector" means one or more officers appointed by the Licensing Officer as Inspector or Inspectors for any urban area or part thereof in which this Act has come into force;
- (e) "licence" means a licence granted under this Act;
- (f) "Licensing Officer" means one or more officers appointed by the State Government, by notification in the *Official Gazette*, as the Licensing Officer or Officers for any urban area or part thereof in which this Act has come into force;
- (g) "member of a family", in relation to a householder, means a spouse, father, mother, children, servants and other relations (if any) residing with the householder in the same dwelling;
- (h) "permit" means a permit granted under this Act;
- (i) "prescribed" means prescribed by rules;
- (j) "rules" means rules made under this Act;
- (k) "urban area" means—
- (i) the area comprising of *Greater Bombay and that part of Thane District, which is contiguous to *Greater Bombay and is bounded by the Thane and Bassein Creek;
- (ii) any area within the limits of any Municipal Corporation or Municipal Council constituted under any law for the time being in force and such area contiguous thereto as may be declared by the State Government, by notification in the *Official Gazette*, to be a part of the same urban area for the purposes of this Act;
- (iii) any other area in the State, which the State Government may, in view of its development and growing population, declare, by notification in the *Official Gazette*, to be an urban area for the purposes of this Act.

Cattle not
to be kept
in urban
areas
without
licence.

3. After the expiry of a period of three months from the date on which this Act comes into force in any urban area or part thereof, no person shall keep or cause to be kept or permit the keeping of any without cattle in that area or part, except under and in accordance with the conditions of a licence granted to him under this Act.

Two classes
of licences.

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

(a) a licence granted to a householder in respect of cattle kept on his premises primarily for consumption of milk by himself or members of his family :

*The reference to the name "Greater Bombay" construed as a reference to "Brihan Mumbai" by Mah. 25 of 1996, s.3.

Provided that, such licence shall not be granted to any householder in respect of more than three heads of cattle;

(b) a licence granted to any person in respect of cattle kept by him for the purpose of carrying on his trade as a dairyman or milk seller.

(2) Licences referred to in clauses (a) and (b) of sub-section (1) shall be called as Class-A Licences and Class-B Licences, respectively.

5. (1) Any person intending to have or renew a Class-A or Class-B licence shall apply to the Licensing Officer in the prescribed renewal form and in the prescribed manner. Such application shall bear a Court-fee stamp of two rupees and shall be accompanied by the prescribed licence fee.

Issue and
renewal of
licences.

(2) On receipt of such application, the Licensing Officer may, after holding such inquiry as he deems fit, either grant or renew the licence or for reasons to be recorded, by order refuse to grant or renew the licence.

(3) In granting or renewing or refusing to grant or renew a licence, the Licensing Officer shall, *inter alia*, have regard to the following matters, that is to say,—

(a) the number of cattle kept in the locality;

(b) the suitability of the area in which cattle are proposed to be kept;

(c) the suitability of the stable and the arrangements in the stable for water supply for drinking, washing and cleaning;

(d) the arrangements for proper rearing of calves;

(e) the arrangements for maintenance of cattle during dry period;

(f) any other matters prescribed in this behalf.

(4) A licence shall be in the prescribed form and shall be subject to the provisions of this Act and the rules and shall be valid for the prescribed period.

6. Where the Licensing Officer has reason to believe that any person to whom a licence has been granted has contravened any provisions of this Act or of the rules or failed to comply with the conditions of the licence, the officer may, after giving to the person a reasonable opportunity to show cause, for reasons to be recorded, by order suspend or cancel the licence.

Power to
suspend or
cancel
licences.

7. No person shall bring into any urban area or part thereof in which this Act has come into force any cattle from any place outside such area or part, except with the prior permission and under and in accordance with the conditions of a permit granted to him by the Licensing Officer :

Prohibition
of import
of cattle
into urban
areas.

Provided that, no such permission and permit shall be necessary in the case of any cattle brought into the area for the purpose of slaughter at any slaughter house maintained or licensed by the local authority of the area or by Government or in the case of any cattle passing through the area in the course of their journey to any outside area.

Appeals.

8. (1) If any person is aggrieved by an order of the Licensing Officer refusing to grant or renew or suspending or cancelling a licence or refusing to grant permission and permit to import cattle in the urban area or part thereof in which this Act has come into force, he may appeal against the order, to the Appellate Authority in the prescribed manner. Every appeal under this section shall bear a Court-fee stamp of ten rupees and it shall be preferred within thirty days of the date on which the appellant receives intimation of the order against which the appeal is preferred:

Provided that, the Appellate Authority may entertain any appeal after the expiry of the period of thirty days aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of any such appeal, the Appellate Authority may, after making such inquiry as may be necessary and giving reasonable opportunity to the appellant to be heard, pass such orders as it thinks fit.

(3) Where an appeal is preferred under sub-section (1), the Appellate Authority may stay the enforcement of the order of the Licensing Officer for such period and on such conditions as it thinks fit.

Orders of
Licensing
Officer and
Appellate
Authority
to be final.

9. Every order made by the Licensing Officer subject to an appeal to the Appellate Authority and every order made by the Appellate Authority on any such appeal, shall be final and shall not be called in question in any suit or other proceedings and no stay or injunction shall be granted by any Court, Tribunal or other authority in respect of any order made or to be made or any action taken or to be taken by the Licensing Officer or the Appellate Authority in the exercise of the powers conferred on them by or under this Act.

Prohibited
areas for
keeping
cattle.

10. (1) Notwithstanding anything contained in the foregoing provisions of this Act, the State Government may, at any time after the date on which this Act comes into force in any urban area or part thereof declare, by notification in the *Official Gazette*, the whole of that area or that part or part by part of that area, to be a prohibited area, if it thinks fit so to do in the public interest.

(2) On and after the date of such declaration, no Class-B licence shall be granted in respect of any premises in the prohibited area and any such licence already granted and in force in respect of any premises in the prohibited area shall stand cancelled on the expiry of six months from the said date or on the expiry of the remaining period of the licence, whichever is earlier and the person concerned shall remove all his cattle from the prohibited area to any other area where this Act has not been brought into force, within a period of thirty days from the date the licence stands cancelled.

⁴[(3) Notwithstanding anything contained in sub-sections (1) and (2), the State Government may, at any time, in the public interest, by notification in the *Official Gazette*, rescind any notification issued by it under sub-section (1), in respect of the whole or any part of the area specified in that notification and may, at any time, by like notification issued under sub-section (1), redeclare that area or part thereof as a prohibited area from the date specified in such subsequent notification.]

11. Any Inspector or the Licensing Officer or the Appellate Authority, or any officer authorised by the Licensing Officer, the Appellate Authority or the State Government or any police officer not below the rank of Sub-Inspector, may, at all reasonable times, enter and inspect any stable or other premises situated in the urban area or part thereof in which this Act has come into force,—

Power to enter and inspect premises.

(a) in order to view any cattle or the arrangements made for keeping cattle, in respect of which an application for grant or renewal of a licence has been made or licence has been granted or

(b) in order to ascertain whether any cattle are being kept or brought there without a licence or permit or in contravention of any other provisions of this Act or the rules or of the conditions of the licence or the permit, if he has reason to believe that cattle are being so kept or brought, as the case may be.

12. Where a police officer, not-below the rank of Sub-Inspector, has reason to believe that an offence under this Act has been committed in respect of any cattle, he may inform the person who appears to have committed the offence that he is making a complaint against the person before a Magistrate and direct the person to give a bond, with two sureties, that he shall produce the cattle before the Magistrate, from time to time, when required, until the complaint is disposed of.

Power to take bond to produce cattle before Magistrate.

13. (1) Any person, who—

(a) contravenes the provisions of Section 3 or 7; or

(b) keeps cattle in any area or part thereof declared to be a prohibited area without a licence or after his licence stands cancelled, fails to remove cattle as required by sub-section (2) of Section 10,

Offences and Penalties.

such person shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine or with both:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the Judgment of the Court, the imprisonment shall not be less than three months or the fine shall not be less than two thousand rupees.

(2) Where a person is convicted of an offence under this section, the Court trying the offence—

(a) if it is the first offence under clause (a) of sub-section (1), may,

(b) if it is a subsequent offence under the said clause (a) committed within six months of the last such offence or is a first or subsequent offence under clause (b) of sub-section (1), shall,

⁴Sub-section (3) was inserted by Mah. 33 of 1977, s. 2.

also order that all or any of the cattle in respect of which the offence has been committed, shall be forfeited to the State Government.

(3) Every offence under this section shall be cognizable and bailable.

Offences by
companies.

14. (1) Where an offence under this Act has been committed by a company, every person, who, at the time the offence was committed, was in-charge of and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any, offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or officer shall be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals and

(b) “director”, in relation to a firm, means a partner in the firm.

Special
provision
regarding
sent-ence of
fine.

15. Notwithstanding anything contained in Section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Metropolitan Magistrate and for any Magistrate of the First Class to pass a sentence of fine exceeding the pecuniary limit specified in that section, on any person convicted of an offence under this Act.

2 of
1974.

Power to try
offences
summarily.

16. Any Magistrate empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1973, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in Sections 262 to 265 of the said Code any offence punishable under this Act.

2 of
1974.

Protection of
action taken in
good faith.

17. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the State Government or any authority appointed under this Act, for anything which is in good faith done or intended to be done under this Act.

Rules.

18. (1) The power to make rules under this Act shall be exercisable by the State Government by notification in the *Official Gazette*.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act to levy fees in respect of any of the matters included in this Act and generally, to carry out the purposes of this Act.

(3) All rules made under this Act shall be subject to the condition of previous publication.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both houses agree that the rule should not be made and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification 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 or omitted to be done under that rule.

19. (1) Nothing in this Act shall apply to the cattle belonging to Government or to the local authority of the urban area or part thereof in which this Act has come into force and to any cattle kept for educational or research purposes or kept in a *Panjarpol* or like institution.

Exemptions.

(2) The State Government may, if it is necessary in the public interest so to do by general or special order, exempt any person or class of persons or the public generally, in any urban area or part thereof in which this Act has come into force, in respect of all or any class of cattle from all or any provisions of this Act, subject to such conditions as may be specified in that behalf and may at any time by like order suspend or cancel such exemption.

20. (1) The provisions of this Act and the rules shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any contract (whether express or implied), custom or usage.

Act to have overriding effect, but shall be in addition to existing local authority laws.

(2) Subject to the provisions of sub-section (1), the provisions of authority this Act shall be in addition to, and not in derogation of, the provisions of any law relating to municipal corporation, municipal council or other local authority of the urban area or part thereof in which this Act has come into force.

21. On the date on which this Act is published in the *Official Gazette*, the Bombay Essential Commodities and Cattle (Control) Act, 1958 and any orders made thereunder shall cease to apply to the cattle specified in the Schedule to this Act, except as respects anything done or omitted to be done under that Act or those orders before the date aforesaid and for that purpose that Act shall stand amended, as follows, namely :—

Repeal and savings.

In the Schedule to that Act, in Part-II, entries 1 and 3 to 6 (both inclusive) shall be deleted.

SCHEDULE

[See clause (b) of Section 2 and Section 21.]

1. Buffaloes.
2. Cows.
3. Heifers.
4. Calves.
5. Bulls.