

The

Calcutta



Gazette

सखमेव जयते

Extraordinary

Published by Authority

BHADRA 29]

FRIDAY, SEPTEMBER 20, 1985

[SAKA 1907

PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF ANIMAL HUSBANDRY AND VETERINARY SERVICES

Milk

NOTIFICATION

No. 3422-Milk.—18th September 1985.—In exercise of the power conferred by sub-section (1) of section 13 of the West Bengal Cattle Licensing Act, 1959 (West Ben. Act I of 1959), and in supersession of the rules published under notification No. 2299-Milk, dated 11th May 1960, the Governor is pleased hereby to make the following rules:—

Rules

1. **Short title.**—These rules may be called the West Bengal Cattle Licensing Rules, 1985.

2. **Definitions.**—In these rules, unless there is anything repugnant to the subject or context,

- (a) "The Act" means the West Bengal Cattle Licensing Act, 1959;
- (b) "Form" means a form appended to these rules;
- (c) "Identification mark" means tattoo No. and/or brand No. or other mark of permanent nature made under these rules on the body of a cattle;
- (d) "Inspector" means an officer appointed by the State Government by that designation for the purposes of these rules;
- (e) "Licensee" means a person to whom a licence is issued under the Act;
- (f) "Section" means a section of the Act.

3. Issue of licence.—(1) Any person intending to have a Class A or a Class B or a Class C licence shall apply to the Licensing Authority in Form I along with a fee of Rs. 10 only per head of cattle for the grant of a Class A or a Class B licence and a fee of Rs. 25 only per head of cattle for the grant of a Class C licence. No fee shall, however, be payable for calves below 6 months intended to be covered by the licence.

(2) The nature and type of shed to be provided for keeping cattle under a licence shall be as specified in Appendix I.

(3) The Licensing Authority shall on receipt of such application and fee, scrutinise the particulars of the application and may, if necessary, inspect or cause to be inspected any shed provided for keeping the cattle to find out whether such shed conforms to the specifications in Appendix I.

(4) After such scrutiny, and after such inspection (if any), if the Licensing Authority is satisfied that the shed provided for keeping the cattle conforms to the specifications in Appendix I and there is no legal objection to the grant of the licence, the Licensing Authority shall direct the applicant in writing to produce the cattle for identification marks being made on their bodies, before such officer and on such date or dates and at such place or places as may be specified in the direction and the applicant shall comply with such direction. The Licensing Authority shall thereupon grant the licence.

(5) Every licence shall be subject to the conditions mentioned in Appendix II and shall be in Form II.

(6) Every licence shall be valid up to the 31st March, next after the date of issue and may be renewed:

Provided that where the Licensing Authority is of opinion that an application for renewal cannot be disposed of before the date of the expiry of the licence, the period of validity of the licence may be extended by the Licensing Authority till the disposal of the application.

Every application for renewal of a licence shall be made to the Licensing Authority at least one month before the expiry of the licence and shall be made in Form III along with the fee prescribed in sub-rule (1).

4. Cancellation or refusal of renewal of licence.—Where the Licensing Authority has reason to believe that the applicant to whom a licence has been granted has violated or failed to comply with the conditions for the licence or any provision of the Act or the rules made thereunder he shall call upon the licensee by notice in writing, addressed by registered post to the address given in his licence or as varied on application under rule 5, and stating grounds, to show cause within such period not less than 15 days from the date of such notice as to why the licence shall not be cancelled or the renewal of the licence shall not be refused and give the licensee an opportunity of being heard.

5. Variation of address, etc.—(1) An application for variation of the address of the premises or place or the number or description of the cattle kept under a licence shall be made in Form IV. The application shall be accompanied by a fee of Rs. 5 (Rupees five) only, if the variation relates to the address of the premises or place or the description of cattle. If the variation relates to the number of cattle it shall be accompanied by a fee of Rs. 10 only per head of cattle in excess of the cattle for which fee has already been paid.

(2) Where a licence or the renewal of a licence or the variation of a licence is refused, the applicant shall be entitled to the refund of any fees paid by him for the purpose.

6. Issue of duplicate licence.—Where the Licensing Authority is satisfied that the licence has been lost or destroyed or mutilated, it may issue a duplicate licence on payment of a fee of Rs. 5 only per licence:

Provided that where a licence is mutilated, the licensee shall surrender such mutilated licence to the Licensing Authority.

7. Appeal.—(1) An appeal to the Appellate Authority under section 7 shall state clearly the grounds of appeal.

(2) The Appellate Authority shall give the Appellant an opportunity of being heard before it passes any order.

8. Seizure, forfeiture, etc.—(1) When the Licensing Authority or any officer authorised by him in this behalf or any police officer not below the rank of a sub-Inspector seizes any cattle or article used for running a khatal or both, he shall comply, as nearly as may be, with the provisions of section 100 of the Code of Criminal Procedure, 1973 relating to search and seizure. The procedure laid down in section 100 of the Code of Criminal Procedure reproduced in Form V shall be followed.

When the Licensing Authority or any officer authorised by him in this behalf or any police officer not below the rank of a Sub-Inspector seizes any cattle, such cattle shall be branded or marked for identification. The branding or marking for identification shall be done jointly by the police personnel and staff deputed by the Licensing Authority.

After seizure the seized cattle would be temporarily impounded in a Calcutta Pound. Arrangement for this intermediate custody in Calcutta Pound and for production before Authorised Officer, if required, shall be made jointly by Police and Licensing Authority. Arrangement for subsequent transport from Calcutta Pound to Government Farm under orders of Authorised Officer shall also be made by Police and Licensing Authority. A Government Farm will also include a portion of Colony set-up/being set up at Ganganagar, East Calcutta, Garden Reach and Howrah. So far as escort of the seized/forfeited cattle to a Government Farm is concerned such escort shall be provided jointly by the Calcutta Police and the West Bengal Police.

During interim police custody of cattle after seizure and pending production before the concerned Authorised Officer the feeding charges and pound charges in respect of the cattle shall be realised from the concerned cattle-keepers at the time of getting their impounded cattle released under orders of an Authorised Officer. At the time of removing the seized cattle to a Government Farm under orders of an Authorised Officer the feeding charges and pound charges shall be met from the appropriate expenditure head maintained by the Licensing Authority subject to the deduction of the sale proceeds of milk in case of milch animals.

(2) The Licensing Authority or officer authorised by him or the police officer seizing the cattle or article or both shall forthwith submit to the Officer-in-charge of the police station having jurisdiction over the area a report in Form VI with respect to such seizure. This report will state the contravention of the provisions of the Act, the place wherefrom, the persons from whom and the circumstances under which the cattle or the article or both have been seized. Another copy of this report shall forthwith be submitted to the Authorised Officer having jurisdiction.

(3) The Licensing Authority or the officer authorised by him or the police officer seizing the cattle or article or both under sub-section (1) of section 11 of the Act shall arrange for the custody and maintenance of such cattle or article or both which will be provided in a Government Farm, namely, Haringhata Farm and a portion of colony set-up/being set up at Ganganagar, East Calcutta, Garden Reach and Howrah.

(4) The owner of the cattle or article seized or the persons from whom they have been seized should be given a notice in Form VII before the cattle or article or both are forfeited (in case of unclaimed cattle/article, the question of service of such a notice does not arise). This notice shall state the ground on which it is proposed to forfeit the cattle or article or both and shall provide for making a representation in writing within such reasonable time as may be specified as well as a reasonable opportunity to the owner or the persons of being heard in the matter.

(5) The cost of maintenance per day of the cattle or article or both during the period intervening the seizure and the sale by public auction shall be determined by the Licensing Authority in consultation with Director of Animal Husbandry.

The seized animals on being transported to Haringhata Farm/Colony by the Licensing Authority or any Officer authorised by him in this behalf or any police officer shall be housed in the earmarked cattle sheds at the said farm/colony and proper maintenance of such animals including feeding and veterinary health cover shall be made by the Licensing Authority or any other Officer authorised by him till such time the animals are disposed of under orders of the Licensing Authority or any Officer authorised by him in this behalf or any police officer or the orders of the Authorised Officer.

The milch animals shall be milked at Haringhata Farm/Colony and milk so produced shall be suitably disposed of through the Greater Calcutta Milk Supply Scheme and the sale proceeds shall be deposited in the relevant head of account by the Additional Director of Animal Husbandry, Haringhata, West Bengal and Additional Director (P&R), WFP-618, respectively.

Where the owner or any other person is willing to take back the animal(s) under Orders of an authorised officer, he shall pay for the cost of transport, custody, maintenance and animal health cover which will be deposited under the relevant head of account.

All costs of transport, custody, maintenance and animal health cover shall be met from the relevant Budget head provided by the Licensing Authority. All the sale proceeds of milk, animals or articles shall be deposited in a separate receipt head.

FORM I

[See rule 3(1)]

Docket No..... Date.....

Back Ref.....

Forward Ref.....

Application for License for Keeping Cattle

To
The Licensing Authority, License Class—A/B.

1. Applicant's full name :
(in block letters)
2. Applicant's address—
(a) Permanent :
(b) Present :
3. Name and address (present and permanent) of the lawful guardian or manager in case the applicant is a minor or a person under disability :
4. Approximate number of adult cattle kept by the applicant in the urban area since 1948 :

1948	1952	1956
1949	1953	1957
1950	1954	1958
1951	1955	1959
5. (In case of Class A Licences) Number of persons in the family and their daily requirements of milk :

Quantity (in lbs.) per day

Number
Adult—
Minor—

Total—

I, hereby, apply for the grant of a license for keeping the following cattle at the following premises or place :—

(a) Description of cattle :

Number	Cows.				Heifers	Calves	
	In milk	Dry	Bulls	Bullocks		Male	Female
	Cow species						
	Buff species						

(b) Address of the premises or place where the cattle are to be kept :

(c) Full address of premises or place where the cattle are being kept at the time of applying for the license :

I hold/do not hold a license/permit from the.....Municipality/Corporation/other competent authority, for keeping the above cattle at the premises or place mentioned at (b) above. (A copy of the license/permit is to be enclosed).

I have/have not previously applied for such a license (mention particulars of such application and date if so applied)

I have read/got read, and understood the provisions of the West Bengal Cattle Licensing Act, 1959 and the relevant rules, and the conditions of the license to be issued thereunder and I agree to abide by them.

The sum of Rs..... (Rupees) only has been deposited towards the license fee.

I solemnly declare that the particulars stated above are true to the best of my knowledge and belief.

Date.....(Signature or thumb impression of the applicant)

Date.....(Signature or thumb impression of the guardian or manager, if the applicant is minor or a person under disability)

Date.....(Thumb impressions attested by)

(Strike out the particulars not applicable to you)

(Space for official use only)

Inspection Report

Date.....

(Signature of Inspector)

Order by the Licensing Authority

Date.....

Licensing Authority

APPENDIX I

[See rule 3(2)]

Specification of the nature and type of shed to be provided for cattle

A. Minimum floor space for housing per head of cattle shall be as follows:—

Class of cattle	Feeding passage	Manger or Trough	Standing	Gutter or dung channel (with rounded edge of 0.5' radius)	Passage		Total transverse dimension		Width	Total floor space	
					Rear in single row shed	Central in double row shed	Single row shed	Double row shed		Single row shed	Double row shed
1	2	3	4	5	6	7	8	9	10	11	12
Adult	3'	2'6"	5'9"	1'6"	4'	5'	16'9"	30'6"	4'6"	16'9" × 4'6"	30'6" × 4'6"
Young Stock (1 yr. and above)	3'	2'	4'9"	1'6"	3'	4'	14'3"	26'6"	3'6"	14'3" × 3'6"	26'6" × 3'6"
Calves up to 1 year										4' × 4'	4' × 4'
Down Calvers										15' × 10'	15' × 10'
Breeding Bulls										12' × 10'	12' × 10'

- (1) Cross-gangway—In case of a shed housing cattle either in single or double rows, a cross gangway 4'6" wide shall be provided at an interval of every 30 cattle in a row.
- (2) Calf-pen—Not more than ten calves shall be housed in a single enclosure.
- (3) Calving-box for down calvers—One such box for every twenty-five breeding cows and buffaloes.
- (4) Where the calf-pens, calving-boxes and bull-pens are in double rows, a 5'-wide central passage shall be provided.

B. The height of the shed shall be not less than 9 ft. and 13.5 ft. from ground to eaves and ridges respectively in case of lean-to type roof, or 12 ft. in case of flat type roof.

C. The roof of the shed shall be either of asbestos sheets, or G. I. sheets, or tiles or cement concrete.

Under no circumstances thatched or bamboo structure shall be used for the construction of any part of the shed.

D. The flooring of the shed shall be either paved or of cement concrete finished with rough surface but not grooved, with a slope of $\frac{1}{2}$ inch in 3 ft. towards the open gutter to facilitate proper drainage.

E. In the case of closed type shed, on inlet and outlet area of 3 sq.ft. per head of cattle shall be provided, for the purpose of light and ventilation.

APPENDIX II

[See rule 3(5)]

1. A license shall not be transferable.
2. The shed shall conform and continue to conform to the specifications in Appendix I to the West Bengal Cattle Licensing Rules, 1985.
3. Any calf born after the grant of the license shall, before it is one year of age, be produced for identification mark being made on its body to such officer as may be authorised in this behalf by the Licensing Authority. Any new cattle below the maximum number shall be similarly produced for identification mark.
4. A licensee must produce the license on demand for inspection by any authority referred to in section 10 of the Act.
5. The shed in which the cattle are kept shall be kept clean and tidy by removing the dung, urine or other refuse therefrom, and by washing the shed daily. Adequate drinking water shall be provided for the cattle.
6. All dung and refuse shall be removed and disposed in a manner which does not create a nuisance.
7. The licensee shall immediately inform in writing the Superintendent of Veterinary Services having jurisdiction in the area within which the shed is situated of the outbreak amongst his cattle of any contagious or infectious disease and shall comply with the instructions of such Veterinary Surgeon.
8. The licensee shall immediately inform in writing the Licensing Authority in the event of any of his cattle being dead or lost or sold or transferred.
9. The licensee shall surrender the license or apply for necessary variation, as soon as may be and in any case not later than three days, if the cattle in respect of which license was issued are dead or lost or sold or transferred.
10. The licensee shall arrange without undue delay for proper disposal of the carcass of any cattle which may be dead.
11. No fee shall be refunded in respect of any cattle lost, sold, transferred or dead.
12. The licensee may, with the written permission of the Licensing Authority, remove any of his dry cattle outside the urban area within which the shed is situate, for maintenance during its dry period and may with such permission bring back that cattle after calving.
13. The licensee himself shall neither brand nor tattoo nor make any mark of a permanent nature on the cattle similar to the identification mark. He shall not also deface or alter any identification mark.
14. The licensee shall not use or permit the use of the shed for any purpose other than the housing of cattle.

8. The licensee shall immediately inform in writing the Licensing Authority in the event of any of his cattle being dead or lost or sold or transferred.

9. The licensee shall surrender the license or apply for necessary variation, as soon as may be and in any case not later than three days, if the cattle in respect of which license was is used are dead or lost or sold or transferred.

10. The licensee shall arrange without undue delay for proper disposal of the carcass of any cattle which may be dead.

11. No fee shall be refunded in respect of any cattle lost, sold, transferred or dead.

12. The licensee may, with the written permission of the Licensing Authority, remove any of his dry cattle outside the urban area within which the shed is situate, for maintenance during its dry period and may with such permission bring back that cattle after calving.

13. The licensee himself shall neither brand nor tattoo nor make any mark of a permanent nature on the cattle similar to the identification mark. He shall not also deface or alter any identification mark.

14. The licensee shall not use or permit the use of the shed for any purpose other than the housing of cattle.

Note.—Attention is particularly drawn to the provisions of sections 3 and 10 and sub-section (1) of section 12 of the West Bengal Cattle Licensing Act, 1959 laid down below :—

“Cattle not to be kept in certain areas without license

Section 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.

Power to enter or inspect premises or place

Section 10.—The Licensing Authority or any officer of the State Government authorised 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 sun rise and sun set, 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.

Penalties

—section 12. (1) Any person, who—

- (i) contravenes the provisions of section 3, or
- (ii) being the holder of class A license sells milk in any urban area or in any part of it, or
- (iii) keeps cattle in any premises or place different from that mentioned in the license, or (imports cattle into any urban area without a license, or)
- (iv) (keeps or imports) 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, or)

- (vi) keeps cattle in any area which has been declared to be a prohibited area under sub-section (1) of section 9, without a license, (or)
 - (vii) imports cattle into an area declared to be a restricted area under sub-section (1) of section 9A without a license;
- shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to three thousand rupees or with both.

FORM III

[See rule 3(6)]

Application for Renewal of License

To
The Licensing Authority.

1. Applicant's full name :
(in block letters)
2. Applicant's address—
(a) Permanent :
(b) Present :
3. Name and address (present and permanent) of the lawful guardian or manager, in case the applicant is a minor or a person under disability :
4. (In case of Class A licenses only) Number of members in the family and their daily requirement of milk :

Number Quantity (in lbs)/day

Adult :

Minor :

Total :

I, hereby, apply for the renewal of my license No..... Class..... issued on.....for urban area.....which will expire on 31st March, 19.....for keeping the following cattle at the following premises :

	Cow		Bulls	Bullocks	Heifers	Calves	
	In milk	Dry				Male	Female
Cow species							
(a) Number							
Buff. species							

(b) Address of the premises or place :

(c) Name and address of the licensee :

I have/have not previously applied for such renewal of my license (mention particulars of such application and date if so applied).....

I have read/got read, and understood the provisions of the West Bengal Cattle Licensing Act, 1959, and the relevant rules, and the conditions of the license to be renewed thereunder and I agree to abide by them.

I, hereby, enclose the original receipt No..... dated..... for Rs..... (Rupees..... only) being the amount of license renewal fee together with late fee for the same (if any).

I solemnly declare that the particulars stated above are true to the best of my knowledge and belief.

Date..... (Signature or thumb impression of the applicant)

Date..... (Signature or thumb impression of the guardian or manager, if the applicant is minor or a person under disability)

Date..... [Signature or thumb impression(s) attested by]

Strike out the particulars not applicable
(Space for official use)

Date..... Inspection (Signature of Inspector)

Order by the Licensing Authority

Date..... Licensing Authority

FORM IV

[See rule 5(1)]

Application for variations of the address, number and description in the License

1. Name of applicant (in block letters):
 Address—
 Present :
 Permanent :
2. License No. Class Issued on.....
 Urban area.

To
 The Licensing Authority.

I, hereby apply for the following variation in my license :—

- (a) Address of the new premises or place where the cattle are to be kept.
- (b) Maximum number of cattle for which variation is sought (including the number already granted under the license).
- (c) Description of cattle for which the variation is sought :—

	Cow				Calves		
	In Milk	Dry	Bulls	Bullocks	Heifers	Male	Female
Number							
	Cow species						
	Buff. species						

(Strike out the items not required)

I have deposited Rs..... (Rupees..... only) as the fee for variation.

Date.... (Signature /thumb impression of the licensee)

Date.... (Signature/thumb impression of the guardian or manager, in case the licensee is minor or a person under disability)

Date.... [Signature/thumb impression(s) attested by]

(For official use only)

Inspection Report

Date.... (Signature of Inspector)

Order by the Licensing Authority

Date.... (Licensing Authority)

FORM V

[See rule 8(1)]

"100.(1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of, such place, shall on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in the manner provided by sub-section (2) of section 47.

(3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched and if such person is a woman, the search shall be made by another woman with strict regard to decency.

(4) Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situated or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them so to do.

(5) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

(6) The occupant of the place searched, or some person in his behalf shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witness, shall be delivered to such occupant or person.

(7) When any person is searched under sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person.

(8) Any person who, without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code."

FORM VI

[See rule 8(2)]

Report of seizure

To
The Officer-in-charge..... Police-station
Authorised officer..... Area

This is to inform that the cattle/article (give particulars of owners/persons, place, number and description) enclosed have been seized for contravention of section of the Act.

By the officer..... Cattle/article.

FORM VII

[See rule 8(4)]

Notice

To..... Name of the owner/person
Address

This is to inform him that cattle/article as per list enclosed have been seized by the..... on..... for violation of section of West Bengal Cattle Licensing Act, 1959.

As per provisions of the said section, the cattle/article so seized are liable to be forfeited on the ground of..... He may make a representation in writing within..... against such seizure/forfeiture and the matter will be heard on..... He may appear in person or by a suitable representative authorised by him on the date of hearing failing which the cattle/article so seized shall be forfeited.

Signature of Authorised Officer.

By order of the Governor,

M. K. BOSE,

Secy. to the Govt. of West Bengal.