

THE KARNATAKA LIVE-STOCK IMPROVEMENT ACT, 1961.

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STATEMENT OF OBJECTS AND REASONS

Act 30 of 1961.- At present in the different areas of the State, the enactments noted below are in force, providing for measures to be taken for the improvement of livestock in the State—

1. The Mysore Livestock Improvement Act, 1951.
2. The Coorg Livestock Improvement Act, 1950.
3. The Bombay Livestock Improvement Act, 1953.
4. The Madras Livestock Improvement Act, 1940.

With a view to have a single uniform Act applicable to the entire new State this Act has been placed before the Legislature.

The Act provides for obtaining licences to keep bulls which have attained the prescribed age and for castration of scrub bulls.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 19th March 1959).

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¹[KARNATAKA ACT]¹ No. 30 OF 1961.

(First published in the ¹[Karnataka Gazette]¹ on the Seventh day of December, 1961.)

THE ¹[KARNATAKA]¹ LIVE-STOCK IMPROVEMENT ACT, 1961.

(Received the assent of the Governor on the First day of December, 1961.)

An Act to provide for the improvement of live-stock in the ¹[State of Karnataka]¹.

WHEREAS it is expedient to provide for the improvement of live-stock in the ¹[State of Karnataka]¹;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Twelfth Year of the Republic of India as follows:—

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

1. Short title, extent and commencement.—(1) This Act may be called the ¹[Karnataka]¹ Live-stock Improvement Act, 1961.

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) It extends to the whole of the ¹[State of Karnataka]¹.

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(3) It shall come into force at once in the areas in which any of the enactments repealed by section 22 is in force, and shall come into force in any other area on such ¹[date]¹ as the State Government may, by notification, specify.

1. Act came into force in other areas of the State on 1.10.2000 by notification.
Text of the notification is at the end of the Act

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

(a) “bull” includes a buffalo bull;

(b) “cow” includes a buffalo cow and a heifer;

(c) “Director” means the officer appointed by the State Government as the ¹[Director of Animal Husbandry and Veterinary Services in Karnataka]¹, and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3;

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(d) “licence” means a licence granted under section 4;

(e) “Licensing Officer” means the Director or any other officer authorised to grant licences under section 4;

(f) “notification” means notification published in the official Gazette;

(g) “prescribed” means prescribed by rules made under this Act;

(h) a person is said to “keep a bull” if he owns the bull or has the bull in his possession or custody;

(i) a bull is said to be “castrated” if it is rendered incapable of propagating its species.

3. Conferment of powers or duties of the Director.—The State Government may, by notification, confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. Bulls which have attained a certain age to be licensed.—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the conditions of a licence granted under this section.

Explanation:—Where a person keeps more than one bull he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer not below the rank of a Veterinary Inspector authorised by the Director by general or special order. It shall be in such form, for such period, and subject to such conditions as may be prescribed:

Provided that no fee shall be charged for the grant of the licence.

5. Refusal and revocation of licences.—(1) Subject to such rules as may be prescribed, the Licensing Officer may refuse to grant a licence in respect of any bull, if in his opinion the bull appears to be,-

(a) of defective or inferior conformation and consequently, likely to beget defective or inferior progeny, or

(b) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purpose, or

(c) of a breed which is undesirable in public interest to propagate in the district or part of the district in which it is kept.

(2) (a) The Licensing Officer may revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if there has been a breach of any of the conditions of the licence.

(b) The State Government, in respect of a licence granted by the Director, and the officer of the Animal Husbandry Department immediately superior to the Licensing Officer, in respect of a licence granted by any other officer of that Department, may revoke the licence, if the licence was granted under circumstances, under which it ought not to have been granted.

(c) Before revoking a licence under clause (a) or clause (b), a notice shall be given to the person concerned of the grounds on which it is proposed to take action and he shall be given a reasonable opportunity of showing cause against it.

(3) If a licence is revoked under this section, the State Government or the officer revoking the licence shall communicate the order of revocation along with the grounds of revocation, to the person keeping the bull or to the person stated in the licence to be the owner of the bull.

(4) Against an order either refusing to grant or revoking a licence under sub-section (1) or sub-section (2) an appeal shall lie within thirty days of the communication of such order,—

(i) to the State Government, if the order is that of the Director,

(ii) to the Director, if the order is that of any officer subordinate to the Director.

The order in appeal shall be final.

6. Surrender of licence.—A licence granted in respect of a bull shall be surrendered to the Licensing Officer, if,-

(a) the period specified in the licence expires, or

(b) the licence is revoked under this Act, or

(c) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

The licence shall be surrendered within fifteen days from the date of its expiry or revocation or the date of death of the bull or the issue of the certificate that the bull has been castrated, as the case may be.

7. Grant of duplicate licence.—If the Licensing Officer is satisfied that the licence granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the licence a duplicate thereof, and all the provisions of this Act with respect to the licence so lost or destroyed shall apply to the duplicate as if it were the original licence.

8. Inspection of bulls.—The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull to submit it for inspection at any reasonable time by himself or by any officer deputed by him for the purpose, either at the place where the bull is kept for the time being, or at any appointed place in the village, town or city in which the bull is kept specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

9. Power to order castration of bulls.—(1) The Licensing Officer may, by notice served in the prescribed manner, require any person keeping a bull which has attained the prescribed age and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated within thirty days from the date of service of the notice, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the Licensing Officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the notice.

10. Production of licence.—It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence,-

(a) on demand made by a Licensing Officer or any other officer authorised in this behalf by the Director, within a reasonable time, at any place where the bull is for the time being;

(b) on demand made by the person in charge of the cow before a cow is served by the bull.

11. Penalties.—Whoever,-

(a) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any conditions of a licence; or

(b) fails to submit a bull for inspection when required to do so under section 8; or

(c) fails to comply with a notice served under section 9; or

(d) fails to produce a licence when required to do so under section 10;

-shall be punishable with fine which may extend to twenty-five rupees, and in case of any subsequent offence, with fine which may extend to fifty rupees.

12. Composition of offences.—(1) Any offence punishable under this Act or any rule made thereunder may be compounded by an officer of the Animal Husbandry Department not below the rank of Assistant Director of Animal Husbandry having jurisdiction over the area in which the offence is committed, on payment of an amount fixed by that officer.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

13. Power of Licensing Officer to castrate bulls.—(1) If a person who keeps a bull fails to have it castrated when required to do so under section 9, the Licensing Officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the Licensing Officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director, and marked with a prescribed mark in the prescribed manner, free of charge.

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid, where necessary, be sold by public auction or sent to a *pinjrapole* or infirmary, recognised by the State Government in this behalf.

(c) In case the owner of any bull seized under clause (a) appears before the Licensing Officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him,-

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull and determined in the prescribed manner; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance, and determined in the prescribed manner.

14. Power of Licensing Officer, etc., to inspect or mark bull and to enter premises.—For the purposes of this Act, a Licensing Officer or any officer authorised by the Director in this behalf shall have power at all reasonable times,-

(a) to inspect any bull;

(b) to mark any bull with a prescribed mark in the prescribed manner; and

(c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

15. Duty of Officers to report offences.—It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agriculture, Community Development and Revenue Departments, and of all officers of such other Departments as may be notified by the State Government,—

(a) to give immediate information which may come to their knowledge of the commission of any offence or any attempt or preparation to commit any offence, punishable under this Act, to the nearest Licensing Officer;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about or likely to be committed; and

(c) to assist any Licensing Officer in carrying out the provisions of this Act.

16. Cognizance of offences.—No Magistrate shall take cognizance of any offence under this Act, except upon a complaint made by a Licensing Officer or any person authorised by such officer in this behalf.

17. Officers to be public servants.—The Director, every Licensing Officer, all officers and persons authorised by the Director or the Licensing Officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

18. Bar of certain proceedings.—(1) No prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act, without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

19. Limitation for certain suits and prosecutions.—No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

20. Power to make rules.—(1) The State Government may after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

- (a) all matters expressly required or allowed by this Act to be prescribed;
- (b) the fees which may be charged for the grant of duplicates of licences and the conditions, restrictions and limitations subject to which they may be granted;
- (c) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure to be followed by such officers;
- (d) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to twenty-five rupees.

(4) Every rule made under this section, 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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree 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 modification

or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Bull dedicated to a religious purpose.—(1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith for a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner, to the Licensing Officer.

(2) If the Licensing Officer is of opinion that any such bull, as is referred to in sub-section (1), is of the description set out in sub-clause (a), or (b) or (c) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director.

22. Repeal and Savings.—The Mysore Live-Stock Improvement Act, 1951 (Mysore Act XIX of 1951) as in force in Mysore Area, the Bombay Live-Stock Improvement Act, 1933 (Bombay Act XXII of 1933) as in force in ¹[Belgaum Area]¹, the Madras Live-Stock Improvement Act, 1940 (Madras Act XV of 1940) as in force in ¹[Mangalore and Kollegal Area]¹ and Bellary District, the Coorg Live-Stock Improvement Act, 1950 (Coorg Act III of 1950) as in force in Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the ¹[Karnataka]¹ General Clauses Act, 1899 (¹[Karnataka]¹ Act III of 1899), and sections 8 and 24 of the said Act shall apply as if the said enactments had been repealed and re-enacted by this Act.

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

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NOTIFICATION

Bangalore, dated 19th September, 2000 [HF 33 AHP 99]

In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka Live-stock Improvement Act, 1961 (Karnataka Act 30 of 1961) the government of Karnataka hereby specifies 1st day of October, 2000 as the date on which the said Act shall come into force in the areas other than areas specified in the said sub-section.

By Order and in the name of the Governor of Karnataka,

(K.C. JAYALAKSHMI)

Under Secretary to Government,
Animal Husbandry and Fisheries Dept.

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