The Tamil Nadu Animals and Birds in Urban Areas (Control and Regulation) Act, 1997

Act 46 of 1997

Keyword(s):
Animal, Bird, Prohibited Area, Urban Area

Amendment appended: 33 of 1999

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 11th August 1997 and is hereby published for general information :—

ACT No. 46 OF 1997.

An Act to provide in the public interest, for licensing and regulating or prohibiting the keeping of animals and birds in urban areas in the State of Tamil Nadu.

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

AND WHEREAS, it is expedient, in the public interest, to provide for licensing and regulating or prohibiting keeping and movement of animals and birds in urban areas in the State of Tamil Nadu and for matters connected therewith or incidental thereto ·

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-eighth Year of the Republic of India as follows :—

Short title, extent and commencemet.

1. (1) This Act may be called the Tamil Nadu Animals and Birds in Urban Areas (Control and Regulation) Act, 1997.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force,—

(*a*) at once in the City of Chennai; and

(*b*) in other urban areas on such date as the Government may, by notification, appoint, and different dates may be appointed for different urban areas and any reference in this Act to the commencement of this Act shall, in relation to an urban area, be construed as a reference to the coming into force of this Act in that urban area.

Definitions.

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

(*a*) "animal" means any animal specified in the Schedule;

(*b*) "appellate authority" means an officer of the Government or of a local authority appointed by the Government, by notification as the appellate authority, for any urban area in which this Act is in force ;

(*c*) "bird" means any bird specified in the Schedule ;

(*d*) "Government" means the State Government ;

(*e*) "Inspector" means any officer appointed by the Licensing Officer as Inspector for the purposes of this Act in respect of any urban area in which this Act is in force ;

(*f*) "licence" means a licence granted under this Act ;

(*g*) "Licensing Officer" means one or more officers of the Government not below the rank of Class B officer, or an officer of a local authority not below the rank of Class II officer, appointed by the Government, by notification, as the licensing officer or officers for the purposes of this Act in respect of any ubran area in which this Act is in force ;

(*h*) "prohibited area" means the area declared and notified under section 8 to be a prohibited area ;

(*i*) "urban area" means—

(A) the area within the limits of the City of Chennai ; and

(B) any area within the limits of any other Municipal Corporation or any Municipality or Town Panchayat or Industrial Township constituted under any law for the time being in force which is declared by the Government by notification to be

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an urban area for the purpose of this Act and such area contiguous thererto, as may be declared by the Government, by notification, to be a part of the same urban area for the pruposes of this Act :

Central Act 2 of 1924.

Provided that no area within the limits of any contonment constituted under the Contonments Act, 1924 shall be declared to be an urban area for the purposes of this Act.

Animal or bird not to be kept in urban areas without licence.

3. No person shall keep or cause to be kept or permit the keeping of animal or bird, as may be specified by the Government in this behalf, by notification (hereinafter referred to as the notified animal or bird), in any urban area, after the expiry of a period of three months from the date of such notification except under, and in accordance with the conditions of, a licence granted to him under this Act.

Grant and renewal of licence.

4. (1) Any person intending to obtain or renew a licence shall apply to the Licensing Officer in such form, in such manner and on payment of such fee, as may be prescribed.

(2) On receipt of an application under sub-section (1), the Licensing Officer may, either grant or renew the licence or for reasons to be recorded in writing, by order, refuse to grant or renew the licence :

Provided that the Licensing Officer shall before passing an order refusing to grant or renew the licence, give the person concerned, a reasonable opportunity of being heard.

(3) In granting or renewing or refusing to grant or renew a licence, the Licensing Officer shall have regard to the following matters, namely:—

(a) the number of notified animals or birds kept in the area for which licence has already been granted where the animals or birds are intended to be kept;

(b) the suitability of the premises and its neighbourhood in which the notified animals or birds are proposed to be kept ;

(c) the suitability from the public health point of view and in particular, of the stable or shed and the arrangements in the stable or shed for supply of water for drinking, washing, cleaning, disposal of waste and other sanitary arrangements;

(d) the arrangements for proper rearing of calves or young birds ;

(e) the arrangements for maintenance of notified animal or bird during dry period ; and

(f) such other matters as may be prescribed.

(4) The licence shall be in such form and be valid for such period and shall be subject to such terms and conditions as may be prescribed.

Power to suspend or cancel licences.

5. Where the Licensing Officer has reason to believe that any person to whom a licence has been granted has contravened any of the provisions of this Act or the rules made thereunder or failed to comlpy with any of the terms and conditions of the licence, he may, after giving the person concerned a reasonable opportunity to show cause and for reasons to be recorded in writing, by order, suspend or cancel the licence.

Appeal.

6. (1) If any person is aggrieved by an order of the Licensing Officer,—

(a) refusing to grant or renew a licence under section 4 or,

(b) suspending or cancelling a licence under section 5,

he may appeal against such order, to the appellate authority in such form, in such manner and on payment of such fee as may be prescribed.

(2) Every appeal under sub-section (1) shall be made within thirty days from 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 said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(3) On receipt of any such appeal, the appellate authority may, after making such inquiry as may be necessary and giving a reasonable opportunity to the appellant to be heard, pass such orders as it deems fit.

(4) 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 deems fit.

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7. 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.

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8. (1) Notwithstanding anything contained in the foregoing provisions of this Act, the Government may, at any time, declare, by notification, the whole or part of an urban area, to be a prohibited area, if it deems fit so to do in the public interest.

(2) On and after the date of such declaration,—

(a) no licence shall be granted in the prohibited area and every licence already granted and in force 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 from the prohibited area all his notified animals and birds, within the said period of six months or the said remaining period, as the case may be; and

(b) no notified animal or bird shall be brought into or kept in the prohibited area:

Provided that any notified animal or bird may be—

(i) allowed to pass through the prohibited area in the course of their journey to any outside area; or

(ii) brought into the prohibited area for such other purposes as may be prescribed, in accordance with the permit granted by the Licensing Officer in such form and in such manner and subject to such conditions as may be prescribed.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Government may, at any time, in the public interest, by notification, rescind any notification issued 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 a date specified in such subsequent notification.

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9. Any Inspector or Licensing Officer or the appellate authority, or any other Officer authorised by the Government may, at all reasonable times, enter and inspect any stable, shed or other premises where the notified animal or bird is kept or intended to be kept,—

(a) in order to satisfy as to the arrangements made for the keeping of such animal or bird 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 notified animal or bird, is being kept without a licence or otherwise kept in contravention of the provisions of this Act or the rules made thereunder or of the terms and conditions of any licence.

Seizure of stray animals or birds and animals and birds kept without licence.

10. (1) (a) The Licensing Officer, or Inspector, may seize,—

(i) any notified animal or bird found straying or gathered in any public place in an urban area on in a prohibited area :

(ii) any notified animal or bird found to be kept without a valid licence or in violation of the terms and conditions of a licence in an urban area ; or

(iii) any notified animal or bird found to be kept in a prohibited area ;

and confine such animal or bird in any pound maintained by the local authority concerned.

(b) Any Police Officer not below the rank of a Sub-Inspector may seize any notified animal or bird found straying in an urban area and confine such animal or bird in any pound maintained by the local authority concerned.

(2) If any notified animal or bird for which licence has been obtained by an owner and found straying in an urban area is seized under sub-section (1), the owner may redeem the animal or bird within a period of forty-eight hours after its seizure by paying to the local authority, such fine and such feeding and maintenance charges as may be prescribed.

(3) If any notified animal or bird, in respect of which no licence has been obtained, found straying or found to be kept in an urban area is seized under sub-section (1), the owner may, within a period of forty-eight hours of such seizure, apply for and obtain a valid licence in respect of such animal or bird and redeem it after paying to the local authority, such fine and such feeding and maintenance charges as may be prescribed :

Provided that the fine to be prescribed under this sub-section (1) or sub-section (2) shall not exceed one-fourth of the cost of the animal or bird seized.

(4) Subject to the provisions of sub-sections (2) and (3), any notified animal or bird which is seized under sub-section (1) shall be publicly sold and the proceeds of such sale shall be credited to the fund of the local authority concerned :

Provided that in the case of an animal or bird referred to in sub-section (2) or sub-section (3) the proceeds of such sale shall be paid to the owner of the animal or bird, after deducting the fine and the feeding and maintenance charges referred to in sub-section (2) or in sub-section (3), as the case may be, and if the owner of such animal or bird fails to claim such proceeds within a period of three months after such sale, the entire amount shall be credited to the fund of the local authority concerned.

Cognizance of offence.

11. No court shall take cognizance of any offence punishable under this Act except on a complaint in writing made by the Licensing Officer :

Provided that where any animal or bird has been seized under clause (b) of sub-section(1) of section 10 by a police officer, the court may take cognizance of the offence on a complaint in writing directly made by such police officer :

Provided further that no complaint shall be filed in cases where a penalty has been collected under sub-section (2) or sub-section (3) of section 10 or where a notified animal or bird has been sold under sub-section (4) of section 10, in relation to any offence committed for the first time.

Offences and Penalties.

12. Any person, who—

(a) contravenes the provisions of section 3; or

(b) keeps or brings any notified animal or bird in any area or part thereof declared to be a prohibited area or fails to remove the said animal or bird as required by sub-section (2) of section 8; or

(c) contravenes any of the provision in clause (a) of sub-section (2) of section 19 or the rules made thereunder,

shall, on conviction be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both:

Provided that in the absence of special and adequate reasons to the contrary to be recorded 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.

Offences by companies.

13. (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 any 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 other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "Company" means any body corporate and includes a firm, society or other association of individuals; and

(b) "director" in relation to—

(i) a "firm" means a partner in the firm,

(ii) a "society or other association of individuals," means the person who entrusted under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

Act to override other laws.

14. (1) The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

(2) Save as otherwise provided in sub-section (1), the provisions of this Act shall be in addition to and not in derogation of, any other Act".

Power to try offences summarily.

15. 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 made by prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said code, any offence punishable under this Act. **Central Act 2 of 1974.**

Protection of action taken in good faith.

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

Exemption.

17. (1) Nothing in this Act shall apply to any notified animal or bird brought for kept for educational or research purposes in any prohibited area.

(2) The Government may if they consider necessary in the public interest so to do, by general or special order exempt the Central Government or the State Government or any local authority or any person or class of persons or the public generally, in any urban area in respect of all or any class of notified animals or birds from all or any of the provisions of this Act or the rules made thereunder, subject to such conditions as may be specified in that behalf, and may at any time by like order, suspend, modify or cancel such exemption.

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Power to remove difficulties.

18. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette* make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made in relation to any urban area after the expiry of a period of three years from the date of commencement of this Act.

Power to make rules.

19. (1) The Government may make rules for carrying out all or any of 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 in which, the terms and conditions subject to which and the period for which, a licence under section 4 may be granted ;

(b) the fee to be paid in respect of any application for grant or renewal of licence and for appeal under this Act ;

(c) the fine and the feeding charges to be paid by the owner for redeeming the seized animals or birds under section 10 ; and

(d) any other matter which is required to be or may be prescribed under this Act.

(3) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the date on which they are published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, shall come into force on the date on which they are published.

(4) Every rule made or notification issued under this Act and every order made under section 18 shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule, notification or order or the Assembly decides that the rule, notification or order should not be made or issued, the rule, notification or order 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 that rule, notification or order.

THE SCHEDULE.

[*See* clauses (a) and (c) of section 2]

I. Animals :

1. Cattle
2. Buffaloes
3. Goats
4. Sheep
5. Pigs
6. Rabbits and hares
7. Horses, donkeys, mules and ponies
8. Dogs and Cats other than pets
9. Any domesticated wild animal

II Birds :

1. Poultry
2. Turkeys
3. Pigeons
4. Quails
5. Any domesticated wild bird

(By order of the Governor)

A.R. RAJAN,
Secretary to Government,
Law Department.

Verified Govt. of Tamil Nadu

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th June 1999 and is hereby published for general information:—

ACT No. 33 OF 1999.

An Act to amend the Tamil Nadu Animals and Birds in Urban Areas (Control and Regulation) Act, 1997.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fiftieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Animals and Birds in Urban Areas (Control and Regulation) Amendment Act, 1999.

(2) It shall come into force at one.

Amendment of section 8.

Tamil Nadu Act 46 of 1997.

2. In section 8 of the Tamil Nadu Animals and Birds in Urban Areas (Control and Regulation) Act, 1997, in sub-section (2), in clause (a), for the words "six months" occurring in two places, the words "nine months" shall be substituted.

(By order of the Governor)

K. PARTHASARATHY,
Secretary to Government,
Law Department.

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