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NOTIFICATION

No. H. 12018/7/91-LJD, the 4th December, 2014. The following Act is hereby re-published for general information.

The Mizoram Animal (Control & Taxation) Act, 2014

(Act No. 12 of 2014)

{Received the assent of the Governor of Mizoram on the 28th November 2014}.

Zahmingthanga Ralte,
Deputy Secretary to the Govt. of Mizoram.

THE MIZORAM ANIMAL (CONTROL & TAXATION) ACT, 2014**AN
ACT**

to provide for the control and taxation of animals in the State of Mizoram and for the matters connected herewith.

It is enacted by the Legislative Assembly of Mizoram in the Sixty fifth year of the Republic of India as follows :-

**Chapter-1
PRELIMINARY****1. Short title, extent and commencement**

- (1) This Act may be called The Mizoram Animal (Control & Taxation) Act, 2014.
- (2) It extends to the whole of the state of Mizoram except the areas within the jurisdiction of Municipalities and of Chakma, Mara and Lai Autonomous District Councils in Lawngtlai District and Saiha District;

Provided that the Government may, by notification in the Mizoram Gazette, exempt any area from the operation of the whole or any portion of this Act but not so as to affect with anything done or any offence committed or any fine imposed or penalty incurred or any proceedings commenced in such area before such exemption, and may, in like manner, vary or cancel such notification.

- (3) It shall come into force on the date of publication in the Mizoram Gazette.

2. Definitions

In this Act, unless the context, otherwise requires

- (a) "animal" includes any animal normally domesticated for whatever purpose or for rearing purposes;
- (b) "cattle" means cows, oxen, bulls and calves;
- (c) "district" means a civil district of the State;
- (d) "government" means the State Government of Mizoram;
- (e) "municipalities" means Urban Local Bodies as constituted under the Mizoram Municipalities Act, 2007;
- (f) "owner" means
 - (i) When used with reference to land or property (whether private or public) the cultivator or occupier or owner of land or property, jhum, garden, land used for wet rice cultivation or any person who has advanced cash for the cultivation of the crop or produce on any land or the vendor or mortgagee of such crop or produce, or any portion thereof;
 - (ii) When used with reference to any animal, it includes the person for the time being in-charge of the animal;
- (g) "prescribed" means prescribed by any rules made under this Act;
- (h) "state" means the State of Mizoram;

- (i) "village council" means a Village Council constituted under the Lushai Hills District (Village Councils) Act, 1953 (Lushai Hills Act No. V of 1953) as amended from time to time;
- (j) "village council fund" means any fund under the control and management of a Village Council;
- (k) "vicious animal" means
 - (i) any animal that demonstrates any ferocious, vicious or aggressive behavior, or
 - (ii) any animal which has been the cause of any penalty incurred by the owner in any court within the past six months or
 - (iii) any animal which has bitten or maimed another animal or human without provocation within the past six months.

Chapter-II CONTROL OF ANIMALS

3. *Animals to be kept under control*

- (1) No animal shall be let alone any time anywhere except under the watch of a keeper.
- (2) No owner of an animal shall allow his animal to trespass upon any land or property, whether private or public.

4. *Procedure of animal control*

Animals shall be controlled as follows-

- (1) **Fowls and Pigs:** Fowls and Pigs shall be kept in confinement.
- (2) **Goats :**
 - (i) Every owner of goats may allow his goats to graze subject to keeping them under the watch of a keeper or by being tied with ropes to graze about;
 - (ii) Every owner of goats shall keep his goats in confinement or detention in a shed meant for the animals at night time.
- (3) **Cattle, mithuns, horses, and buffaloes :** Cattle, mithuns, horses and buffaloes shall be controlled in the like manner as under clause (2) above, or it shall be kept within a grazing ground notified by the Village Council in consultation with the State Government.
- (4) **Other animals :** Other animals shall be kept effectively confined within a fence or compound, or kept effectively detained by a rope or a sufficiently strong tie.

5. *Animals to be kept in hygienic condition*

Animals shall be kept in such a clean and sanitary condition as may be prescribed by rules so that they may not cause a public nuisance.

6. *Animal Grazing Ground*

- (1) The Village Council, if considered necessary, may declare and specify suitable land for animal grazing ground with the approval of State Government so as to keep animals to have free movement within such area in search of food for themselves.
- (2) Subject to all relevant laws in this regard, the Village Council shall have power to promulgate necessary order (s) for the control and management of animal grazing ground. However, such orders shall be referred to the State Government for prior approval.

Chapter-III**PROCEDURE FOR SEIZURE OF ANIMALS IN VILLAGE COUNCIL AREAS****7. *Seizure of animals***

- (1) It shall be lawful for any person who is the owner of any land or property, whether private or public, to seize or cause to be seized any animal trespassing upon such land or property causing damage thereto and to take it to any member of the Village Council concerned or in their absence, to the Secretary of the Village Council concerned, who shall cause such animal to be tied at such place or enclosure as may be set apart by the Village Council concerned.
- (2) If any animal trespassing upon any land or property or causing damage thereto under sub-section (1), while getting seized, meets with an accident or gets hurt by falling on the ground or into a ditch or precipice, even to the extent of death as a result thereof, the owner of the land or property shall not be liable to pay damages to the owner of such animal.

Provided that in such case the Village Council concerned shall return or cause to be returned the carcass of such animal in full to its lawful owner at the earliest possible.

- (3) Every Village Council shall keep registers for the animals seized and brought under sub-section (1) and also for the animals mentioned in sub-section (2) of this section.
- (4) When any animal is brought under sub-section (1), the Village Council shall cause to be entered in a register-
 - (a) the number and description of such animals;
 - (b) the day and hour on and at which they were brought;
 - (c) the name and full residential address of the person who made the seizure; and
 - (d) the name and full residential address of the owner (s), if known, and shall cause to be given to the person who seized it or his agent a copy of the entry.
- (5) When seizure of animals takes place under this section the Village Council shall, within twenty four hours of the time when the animals were brought under sub-section (1) through a Village Crier announce such seizure to the people of the village or the locality.

8. *Village Council to feed and water the animal seized*

- (1) No seized animals shall be allowed to starve. The Village Council shall cause to feed and water them properly.
- (2) The feeding charges will be at such rates as may be prescribed by the Government, which may be collected by the Village Council from the owner.

9. *Delivery of animals*

- (1) If the owner of the seized animals or his duly authorized agent appears and claims the animals, the Village Council shall deliver them to him on payment of feeding charges as provided under sub-section (2) of section 8, and such fines at such rate as the Government may from time to time, by rules, prescribe for each kind of animals.
- (2) The owner or his agent on taking back the animal (s) shall sign a receipt for them in the register kept by the village council.

10. *Procedure if animals are not claimed within seven days*

- (1) If the animals are not claimed within seven days from the date of announcement under sub-section (5) of section 7, the Village Council shall cause them to be sold by public auction.
- (2) If within the period specified in sub-section (1) the owner or his agent claims the animals but refuses or fails to pay the feeding charges and the fines chargeable under section 9, the Village Council shall cause the animals or any of them, as may be necessary, to be sold by public auction.

Provided that if any such animals are, in the opinion of the Village Council, not likely to fetch a fair price if sold in auction under sub-section (1) or sub-section (2), they may be disposed of in such manner as the Village Council think fit.

- (3) The Village Council or any member or secretary thereof or any member of their families or any other person in the employment of the Village Council shall not directly or indirectly purchase any animal sold under this section.
- (4) The sale proceeds thereof shall be deposited into the Village Council Fund, provided that the sale proceeds shall be refunded to the owner if the sale is proceeded under sub section (1) and the owner makes a claim within 15 days of the sale and deposits the sale proceeds together with the feeding charges, if borne any, and the fine money.

Chapter-IV ANIMAL TAXATION

11. Levy of taxes and liability to pay

- (1) Every owner of animals shall be liable to pay such taxes and fees as may be levied under this Chapter.
- (2) There shall be levied and collected at such rates and in such manner as may be prescribed by the Government from time to time under this Act, taxes on animals from the owners of such animal.

Provided that nothing in this Chapter shall apply to any animal owned by :-

- (a) the Central Government;
- (b) the State Government;
- (c) the North - Eastern Council constituted; under section 3 of the North - Eastern Council Act, 1971 (Central Act 81 of 1971);
- (d) a corporation owned or controlled by the Central Government or the State Government; and
- (e) a Village Council.
- (3) The animal tax levied under sub-section (2) shall, at the option of the owner of the animal (s), be paid annually in one installment or half yearly in two installments within such time as may be prescribed.

12. Registration

- (1) Every owner of animal (s) shall report to the Village Council of the area, within one month, the number of animals (adult and young) and kinds of animals owned by him and register such animals by paying registration fee at such rate or rates as may be, by notification, fixed by the Government from time to time. The registration fee shall be credited to the Village Council Fund.
- (2) The Village Council shall maintain registers for registration of animals and keep an account of registration fees levied and collected.

- (3) The account books and other registers maintained by the Village Council under this Chapter shall be subject to checking by the District Local Administration Officer concerned or any other officer authorized by the Government in this behalf.

13. Taxation

- (1) Animal tax at such rate or rates as may be, by notification, fixed by the Government shall be collected by the Village Council. Collection of tax may be done at the time of registration or before they have been taken apart from their mother.
- (2) Fifty percent (50%) of the Animal tax collected under this Chapter shall be credited to the Village Council Fund and the balance of fifty percent (50%) shall be credited to the Consolidated Fund of the State.
- (3) The Village Council shall maintain register for collection of taxes credited to the Village Council Fund as well as to the Consolidated Fund of the State.

14. Appeal

Any person aggrieved by any order of the Village Council or any officer under this Chapter may appeal to such authority and within such time as may be prescribed.

Chapter – V PENALTIES

15. Penalties for allowing animals to stray in street or trespasses upon private or public property or attacking a person (s)

- (1) Whoever contravenes any of the provisions as contained in section 3, 4 and 5 of this Act or allows any animals which are his property or in his charge to stray in any street or to trespass upon any private or public property shall be punished with a fine which may extend to five hundred rupees.
- (2) If any damage is caused by animals while on stray on private or public land or property, the owner of such animal or animals shall pay such reasonable amount of compensation to any person for the damage proved to have been caused to his property or to the produces of his land, by the animals, under the control of the accused, trespassing on his land, as may be ordered by the Village Council concerned.
- (3) If a vicious animal attacks a person, the owner of such vicious animal shall be liable to pay for the medical treatment of the victim as may be advised by a doctor, or a fine of five hundred rupees to the victim, or with both.

16. Penalty for forcibly opposing the seizure of animals or rescuing the same

Whoever forcibly opposes the seizure of animals liable to be seized under this Act, and who forcibly attempts to or rescues the same after seizure either from the place or any person taking or about to take the animals to the Village Council shall be punished with a fine which may extend to five hundred rupees or with both.

17. Penalty on pound-keeper etc. failing to perform duties

Any person in charge of the animals kept under section 7 or any pound-keeper releasing or delivering animals contrary to the provisions of Chapter III or failing to or omitting to provide any impounded animal with sufficient food and water, or failing to perform any of the other duties imposed upon him by this Act, and any person purchasing any animal in contravention of section 10 or section 7, shall, over and above any other penalty to which he may be liable, be punished with a fine which may extend to five hundred rupees.

18. Provision of punishment as to taxation, etc

Any person who,

- (1) contravenes the provisions of animal taxation under Chapter IV, or
- (2) keeps animals in any premises in contravention of the provisions of this Act, shall be punished with a fine which may extend to two hundred rupees and for every subsequent offence with a fine of three hundred rupees in each case of such subsequent offence.

19. Fines to be credited

All fines collected under this Act shall be credited to the Village Council Fund.

20. Saving of right to sue for compensation

Nothing herein contained shall be deemed to prohibit any person whose crops or other produce of the land have been damaged by trespass of animals from suing for compensation in any competent court.

21. Power to enter or inspect premises or places

The Government may appoint or cause to be appointed by the Village Councils such designated persons, as may be necessary, who shall -

- (1) inspect any animals or the arrangement for keeping animals, or
- (2) ascertain if any animals are being kept in accordance with the provisions of this Act, or the rules made there under, or
- (3) take such other action as may be prescribed by the Government, in this behalf.

Chapter-VI MISCELLANEOUS

22. Power to make rules

- (1) The Government may, by notification in the Mizoram Gazette, make rules for carrying into effect the provisions of this Act.
- (2) Every rules made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram while it is in session.

23. Repeal and savings

- (1) The Mizoram Animal (Control & Taxation) Act, 1980 (Act No. 4 of 1980) with its amendment(s) stands hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken, as the case may be, under the corresponding provisions of this Act.

Secretary
Law & Judicial Department,
Govt. of Mizoram.