THE KUMAUN ANIMAL TRANSPORT CONTROL ACT, 1947[1]

[U. P. Act no. XV of 1947]

AMENDED BY U. P. ACT NO. V 1950

Adapted and modified by the Adaptation of Laws Order, 1950

[Passed by the United Provinces Legislative Assembly on April 25, 1947 and the United Provinces Legislative Council on May 26, 1947.

Received the assent of the Governor-General on July 1, 1947, under section 76 of the Government of India Act, 1935 and was published in the United Province Government Gazette Extraordinary of July 8, 1947.]

AN

ACT

to provide for the control of animal transport in the Kumaun Division.

WHEREAS it is necessary and expedient to control animal transport in the Kumaun Division for the purpose of distributing goods essential to the life of the community;

It is hereby enacted as follows : --

Short title, extent and commencement

1. (1) This Act may be called the Kumaun Animal Transport Control Act, 1947.

(2) It extends[2] to the whole of the Kumaun Division.

(3) It shall come into force at once.

Definitions

2. In this Act-

(1) "Essential commodity" means any of the commodities specified in Schedule I, and such other commodity as the State Government may, from time to time by notification in the *official Gazette*, specify in this behalf;

(2) "Transport animal" means a mule, pony or donkey plying for hire;

(3) "Licensing authority" means any official authorized by the District Magistrate to issue a licence under this Act;

(4) "Prescribed rates" means hire charges fixed by the District Magistrate for the transport of any essential commodity by a transport animal.

Prohibition against plying transport animal for hire without licence

3. No person shall ply for hire any transport animal except under and in accordance with the terms of a licence issued by a licensing authority in Form I, specified in Schedule II.

2. This Act has been extended to Tehri- Garhwal by section 3 and Schedule of Tehri-Garhwal (Application of Laws) Order, 1949, with effect from November 30, 1949 vide notification no. 3262/XVII, dated November 30, 1949 .

Application for licence

4. (1) An application for a licence under this Act shall be made in Form II specified in Schedule II.

(2) The licensing authority may, for reasons to be recorded refuse an application for licence under this Act.

Prohibition against charging rates higher than prescribed rates

5. No person holding a licence under this Act shall charge rates higher than the prescribed rates for carrying any essential commodity by a transport animal.

Power of District Magistrate to requisition services of transport animal

6. The District Magistrate may, by order in writing, require a person, plying a transport animal for hire, to use such animal for the carriage of any foodstuffs [cotton and woolen textiles, petroleum and petroleum products][1] in such manner for such rates and subject to such conditions as the District Magistrate may specify in this behalf :

Provided that rates fixed under this section may, in particular circumstances, be higher than the prescribed rates.

Suspension or cancellation of licence

7. The Sub-Divisional Magistrate may, for reasons to be recorded, suspend or cancel any licence granted under this Act :

Provided that no order of suspension shall remain in force for more than six weeks from the date of such order.

Appeals

8. An appeal against an order passed under sub-section (2) of section 4 and section 7 shall lie to the District Magistrate within 30 days of the date of such order.

Period and renewal of licence

9. (1) A licence granted under this Act shall be valid for a period of one year from the date of its issue. It may be renewed for a further period of one year if an application for renewal is made in Form III specified in Schedule II within one month of the expiry of the licence.

(2) Where an application for renewal is made, the licence shall continue to be valid, till it is renewed, or its renewal is refused.

Delegation of powers

10. The District Magistrate may, by order in writing authorize any officer subordinate to him to exercise all or any of the powers exercisable by him under this Act.

Penalty

11. Any person who contravenes any of the provisions of this Act, or any order made thereunder, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

1.Added by section 2 of U. P. Act No· V of 1950·

[The Kumaun Animal Transport Control Act, 1947] [Section 12-Schedule]

Effect of orders inconsistent with other enactment

12. Any order made under this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or any instrument having effect by virtue of any enactment other than this Act.

Protection of action taken under the Act

13. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under this Act.

Orders under the Act not to be questioned in any court

14. No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

power to give effect to the purposes of this Act.

16. Any order made or action taken under the Kumaun Animal Transport Control Ordinance, 1947, shall be deemed to have been made or taken under the corresponding provisions of this Act as if this Act had commenced on May 8, 1947.

SCHEDULE I

1.Foodstuffs, including edible oils and oilseeds.
2.Cotton and woollen textiles.
3.Petroleum and petroleum products.
4.Drugs.
5.Iron and steel.
[6. Resin]1.

SCHEDULES

SCHEDULE II

FORM I

Licence Form

Particulars of licence

1.Number of licence.

2.Name, parentage, caste and residence of licensee.

3.Number of ponies, donkeys and mules in respect of which licence is issued.

4.Name, parentage, caste and residence of drivers.

5.Route or area, for which the licence shall be valid.

6.Period of licence.

7.Renewed for .....
.....

1. Ios. by Notification no. 5621/XXIX-B (F) dated September 26. 1947

[The Kumaun Animal Transport Control Act, 1947]

Conditions of licence

1. The licensee shall not charge rates higher than the prescribed rates given below except as provided for in section 6;

Schedule of rates

2. The licensee shall immediately inform the licensing authority of any change in the particulars of the licence and get the licence amended, if necessary.

3. The licence shall be produced for inspection on demand by any police officer or any other official not inferior in rank to a patwari.

4. The licensee shall, within one month of the receipt of the licence, attach to the neck of the transport animal a wooden ticket, displaying the number of the licence. Such tickets shall be obtainable from the licensing authority on payment of annas four for each ticket.

5. The licensee shall obey any other instructions given to him by the licensing authority for carriage of any essential commodity.

Date. ……..... Signature of
Licensing Authority.

FORM II

Application for licence

1.Name, parentage, caste and residence of applicant.

2.Number of ponies, donkeys or mules for which licence is applied for.

3.Name, parentage, caste and residence of drivers employed.

4.Route or area over which an animal shall ply for hire.

Date .... Signature of applicant.

FORM III

Application for renewal of Licence

1. Number of licence.

2. Name, parentage, caste and residence of licensee.

3. Date of the last renewal.

4. Period of the last renewal.

5. Any change in the particulars of the licence on or after the date of the expiry of the licence.