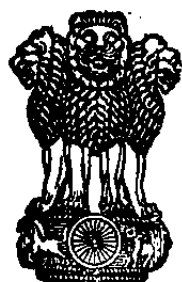


DIRECTORATE OF ECONOMICS AND STATISTICS
MINISTRY OF FOOD AND AGRICULTURE, GOVERNMENT OF INDIA

AGRICULTURAL LEGISLATION IN INDIA
Vol. VII. LIVE-STOCK AND FISHERIES



सत्यमेव जयते

ISSUED BY
ECONOMIC AND STATISTICAL ADVISER
MINISTRY OF FOOD AND AGRICULTURE

PRINTED IN INDIA, BY THE MANAGER, GOVT. OF INDIA PRESS
NASIK ROAD, PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI
1956

AGRICULTURAL LEGISLATION IN INDIA
VOL. VII. LIVE-STOCK AND FISHERIES

1—2Dt. E. & S.

PREFACE

The present volume in the series on "Agricultural Legislation in India" brings together the existing legislation on live-stock and fisheries in different States. The need for such a publication has been felt because of the growing importance of the problems of improving the quality of our livestock, prevention of wastages through the spread of disease or through indiscriminate slaughter and the development and conservation of our fisheries resources. It is hoped that a comparative study of the different acts will stimulate interest in the subject and suggest lines along which legislation on these matters need be further improved.

The detailed work in the preparation of this volume has been done in the Land Economics and Rural Institutions Branch of this Directorate.

Any expression of opinion contained in the Introduction to the volume should not be taken as representing the views of the Government of India.

S. R. SEN,
Economic and Statistical Adviser.

NEW DELHI;
March, 1955.

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INTRODUCTION

I. LIVE-STOCK

The well-being of our country is intimately linked up in numerous ways with the prosperity, in numbers and quality, of our live-stock. They provide some of the most essential constituents of human diet in forms best suited for human consumption; their performance on the field is an important determinant of the standard of farm husbandry in this country; scientific utilisation of the farm-yard manure yielded by them would easily figure as one of the most essential steps in any rational scheme for better care of the fertility of our soils while mixed farming provides the most easily available opportunity to the farmer to fill in some at least of his spare time with remunerative work. In the agricultural sector especially, the quality of our live-stock and the standards of their management, therefore, greatly influence the productivity of our lands, the standards of cultivation, the quality of human diets as also the opportunities for employment of our vast labour resources. It is, therefore, in the fitness of things that the schemes like the Key Village Scheme aiming at the preservation and improvement of our cattle wealth now form an integral part of our over-all plan for the consolidation and enlargement of the economic welfare of the rural masses. In the present publication are presented the main legal enactments on live-stock which provide legal sanctions for some of the measures being taken by the State in India to improve the quality of our live-stock and to prevent wastages through the spread of disease or through indiscriminate slaughter. The major problems arising in the sphere of live-stock management in this country are indicated in the next few paras which precede a general resume of the present state of legislation on live-stock.

2. Of the various types of live-stock in the country, bovine animals are the most numerous and also the most important from the cultivator's point of view. According to the 1951 Live-stock Census, the total number of live-stock in the country stood at 292.2 millions, the number of cattle being 155.1 millions or 53.1% of the total. Buffaloes account for another 14.9% of the total live-stock population, sheep and goats for 30.1%, horses and ponies for about 0.5% and the other types *viz.*, mules, donkeys, etc. for the remaining 1.4%. The census figures reveal the following classification of the total cattle and buffalo population in the country :—

	Cattle (In '000)	Percentage of total cattle population	Buffaloes (In '000)	Percentage of total buffalo population
Males over 3 years :				
(i) Breeding	646	0.4	306	0.7
(ii) Working	58,413	37.7	6,006	13.8
(iii) Others	2,699	1.7	465	1.1
TOTAL	61,759*	39.8	6,778*	15.6
Females over 3 years :				
(i) Breeding:				
(a) In Milk	18,933	12.2	10,217	23.6
(b) Dry and not calved	27,386	17.6	10,776	24.9
(ii) Working	2,311	1.5	533	1.2
(iii) Others	1,191	0.8	315	0.7
TOTAL	49,848*	32.1	21,842*	50.4
Young Stock	43,492	28.1	14,731	34.0
GRAND TOTAL	155,099	100.0	43,351	100.0

* Details about 1,000 head not available.

3. These figures illustrate the well-known fact of the relatively greater importance of the males among cattle and the females among buffaloes. While cows above three years form only 32·1% of the total cattle population, corresponding percentage among buffaloes is 50·4. The male buffaloes tend to be neglected while the working bullocks are valued for the labour they supply for the various farm and off-farm operations. The figures of working bullocks seem to indicate that in the country taken as a whole, a yoke of bullocks cultivates about 10 acres of land, though there would be wide variations in this respect from area to area because of differences in nature of soils, the lengths of the periods available for main agricultural operations, the cropping patterns and the extent of irrigation from wells, etc. It is not known as to how far the recent extension of canal irrigation and tractor cultivation can have reduced the need for working bullocks but the effect so far must have been negligible. However, when all the projects now in hand for canal and tube-well construction are completed, they cannot but reduce the demand for working bullocks, especially in areas where they replace well irrigation. A better management of farms and live-stock may strengthen the trend in that direction. This may partly relieve the difficulty being felt at present in the replacement of working bullocks by the growing youngstock.

4. The Royal Commission on Agriculture, while commenting on the relative numbers of the cows and youngstock in India, remarked that they showed a very deplorable state of stock management in India. We had, even in 1951, a total of 46·3 million cows (in milk and dry and not calved) as against 43·5 million youngstock below three years of age. Even keeping in view the high mortality among youngstock in India, these figures would roughly suggest a calving period of about 2 to 2 1/2 years. To the Royal Commission, this indicated a very unsatisfactory feature in cattle management in general and a neglect of the cow, when dry, in particular, for that Commission felt that Indian cows, if properly fed and managed, might be expected to calve about *once* a year, as do the cows of Europe. These figures also confirm the general complaint about the shortage of breeding bulls. The breeding problem, however, is not a problem of numbers alone; it has another aspect, namely, that of deficiencies and defects in the bulls used for breeding in many areas. This, according to many experts on animal husbandry, is one of the principal causes of the deterioration of the quality of our live-stock. This latter aspect can, however, be clearly linked up with the former as it is the shortage of stud and improved bulls in relation to their requirement that has led to deficient bulls sometimes suffering from contagious diseases being used for breeding purposes. This problem, along with many others connected with live-stock improvement, is now sought to be solved through the implementation of the Key Village Scheme under the Five Year Plan. The legislative sanction for certain parts of this programme like castration of defective bulls is provided by the *Live-stock Improvement Acts* already in force in a number of States. In view of the shortage of stud bulls in the country, the technique of artificial insemination is also utilised at the Key Village Centres set up under this Scheme.

5. Attempts at improvement of live-stock through breeding alone cannot, however, yield lasting results unless they are accompanied by equally vigorous efforts at improving the position in regard to the feeding of the live-stock and control of live-stock diseases. Improved breeds deteriorate rapidly if not fed properly and adequately. Also high cattle mortality compels many of the poorer cultivators to keep inferior and cheaper breeds and adversely affects their attitudes towards live-stock management. The problems relating to cattle feeding and control of cattle diseases need, therefore, as much attention as those relating to cattle breeding.

6. The present deficiencies in the feeding of live-stock in this country are indicated in the following table reproduced from a memorandum on "Human

Nutrition *vis-a-vis* Animal Nutrition in India" prepared jointly by the Indian Council of Medical Research and the Indian Council of Agricultural Research:—

Estimated requirements and the present-day supply of feeding stuffs

Feeding stuffs	[In million tons]		
	Estimated requirements	Present supply*	Deficit or surplus
Straw or <i>Kadhi</i>	190	130	—60
Green fodder	289	111	—178
Grazing (as green grass)	453	527	+74
Oil-cakes	8·21	2·88	—5·33
Maize	8·87	1·70	—7·17
Barley	8·41	2·34	—6·07
Gram	8·24	3·59	—4·65
Cottonseed	3·73	1·28	—2·45
Bran	2·82	1·97	—0·85

*In addition, about 1·24 million tons of husk-*chunni* from gram and pulses are available having a nutritive value approximately the same as that of bran. This material, therefore, can relieve the shortage of bran to the proportional extent.

Though the Agricultural Departments are alive to the situation and some improvement has been effected through the development and propagation of suitable fodder crops, only the fringe of the problem seems as yet to have been touched. The Planning Commission have recommended that action for improving live-stock feeding may first be attempted in Community Projects and Key Village Areas so that the benefits of improved breeding and improved feeding may be simultaneously available to the live-stock of these areas. Obviously, even at best, legislative measures can have a minor role to play in the improvement of live-stock feeding. It is through the creation of proper environments by propaganda, arranging supplies, etc., that the State can help in the solution of this problem, beginning with such areas where other development work is at present concentrated and people are psychologically prepared for the adoption—individually and collectively—of improvements suggested to them. For example, the Royal Commission on Agriculture recommended a regulated use of the common grazing lands with a view to increasing their productivity. It is for the village panchayats to frame and implement such programmes of regulation and most State Panchayat Acts confer powers on the Panchayats for this purpose.

7. Prevalence of cattle diseases presents one of the most serious obstacles to the improvement of cattle. Its direct effects on the economy of small cultivating units where live-stock is responsible for a very large proportion of the working capital of such units can be very easily imagined. One of the important causes of the indebtedness of many cultivators is considered to be the loss of live-stock through disease. The Royal Commission on Agriculture analysed the figures relating to loans granted by co-operative credit societies in the four Provinces of U. P., Punjab, Madras and Bihar (and Orissa) during 1924-25 and 1925-26 and found that in U.P. the percentage of total loans given by the societies for purchase of cattle came to 37·7 and 36·7 respectively in those two years. The corresponding figures for Punjab were 20·75 and 20·5; for Madras, 7·5 and 7·0 and for Bihar (and Orissa),

13.0 and 11.0. They also found from still more detailed analysis of the figures relating to one of these provinces that borrowing for cattle-purchase was mainly due to losses caused by disease and not to the desire just to buy additional cattle or to replace worn-out bullocks. Such conditions obviously have a very great depressing effect on the standards of cultivation. The indirect effects of a high mortality among cattle may be even more harmful, for it affects the entire attitude of cultivators towards questions of stock improvement. Many small cultivators are tempted to rear inefficiently more cattle than they require in order to maintain reserves against losses by disease. On the other hand, the more affluent among the cultivators who could, with benefit to themselves as well as others in the industry, engage in cattle breeding are deterred from that course by a high mortality among live-stock. These attitudes affect the entire live-stock economy of the country. Programmes for control of disease are, therefore, very vital to any programme of cattle improvement. Such programmes would consist of provision of adequate medical assistance at suitably situated veterinary dispensaries through qualified veterinary staff, adequate arrangements for inoculation, segregation of affected animals, special measures during any outbreak of infectious diseases, etc. The Royal Commission on Agriculture, which made detailed recommendations in regard to arrangements for research on cattle disease and organisation of a veterinary service for the country, also recommended that the State Governments must acquire powers to enforce veterinary police measures for controlling the spread of infection and suggested that a comprehensive Contagious Disease of Animals Act should be passed for the whole of British India in order to legalise all powers needed for dealing with any cattle disease. While before this Commission reported, the Madras Cattle Disease Act, 1866, applicable to Madras, was the only legislative measure on the subject adopted in any part of India, a number of such Acts are, however, now in force in various States and their provisions generally conform to the suggestions made by the Royal Commission on the subject.

8. While live-stock improvement and control of live-stock diseases are the most important subjects covered by live-stock legislation in India, legislative measures for the preservation of cattle and prevention of cruelty to animals are also in force in many States. The measures relating to preservation of cattle aim at prevention of any wanton slaughter of such cattle as can be useful for breeding, dairying or agricultural purposes and those for prevention of cruelty to animals provide for the proper care and treatment of animals suffering from injuries, mal-treatment, etc. The entire legislation on live-stock can thus be grouped under five subjects, *viz.*:—

- (a) Live-stock Improvement;
- (b) Prevention of Cattle Diseases;
- (c) Preservation of Cattle;
- (d) Prevention of Cruelty to Animals; and
- (e) Cattle Trespass.

A brief resume of the legislative enactments passed in the various States on each of these subjects is given below.

(a) Live-stock Improvement

Legislation aiming at an upgrading of the live-stock through improved breeding has been passed in the States of Bombay, Madhya Pradesh, Madras, Punjab, Jammu and Kashmir, Mysore, PEPSU, Rajasthan, Travancore-Cochin, and Coorg. There is a very large measure of uniformity in the provisions of these State enactments and, with very minor differences in procedural details, they seek the elimination of defective bulls from use for breeding purposes through compulsory castration of all bulls which are not fit or are not meant for breeding on the one hand and licensing or supply of approved bulls for breeding purposes on the other.

As explained above, in most areas there is a shortage of quality breeding bulls in relation to their total requirements. In order, therefore, to ensure that the restrictive powers assumed by the State Governments under these Acts in regard to the use of bulls for breeding are used only in such areas where an adequate supply of quality bulls can be arranged, most of these Acts (or parts thereof) come into operation in any area only when the State Government issues a notification to that effect. Thus, in some States like Madras, Jammu and Kashmir, Madhya Pradesh, Mysore and Travancore-Cochin, the authorities may, by notification, apply any or all of the provisions of their relevant Live-stock Improvement Acts to any specified area and for specified periods. In the case of Bombay, the Act applies to the whole of the former State of Kutch, but for other areas one or more provisions of the Act can be enforced on notification. In Rajasthan (except the Sambhar Shamlat area), PEPSU and Coorg, the relevant Acts came into force simultaneously in all parts of the States.

Most of the Acts lay down that unless the owner of a bull that has attained a specified age (or stage in its development) applies for a licence for keeping the bull for breeding purposes, the Licensing or the Live-stock Officer appointed under the Acts can order such a bull to be castrated. The owner is given the option to make his own arrangements for castration, if he so desires. In Rajasthan, such castration can be ordered only after consultation with the Village *Mukhia*. In cases of stray bulls when the ownership cannot be traced, the bull may be seized by the Live-stock Officer and if, in the opinion of the Live-stock Officer, the animal has attained the prescribed age and is suffering from some disease or is otherwise unsuitable for breeding purposes, he may get it castrated and give it a prescribed mark. The animal can then be auctioned off or kept in a pinjrapole. When the owner has been traced out, he will be paid the sum realised through the auction if the bull was auctioned off or, if the bull was sent to a pinjrapole, it would be returned to the owner.

In the notified areas of Bombay, Madras, Mysore, Rajasthan, Travancore-Cochin, Coorg and Kutch, the owner of a bull which is to be kept for breeding purposes has to make an application for licence for the purpose to the Live-stock Officer or, in certain cases, to the Licensing Officer appointed for the purpose. On receipt of the application, the Live-stock or the Licensing Officer will examine the bull for which the licence is required. If on examination the bull is considered to be fit for purposes of breeding, the licence is to be granted *gratis* on stipulation of specified terms, conditions and restrictions under which the animal is to be kept. The Live-stock or the Licensing Officer may refuse to issue the licence if, in his opinion,

- (i) the bull appears to be of defective or inferior conformation and is likely to beget defective or inferior progeny;
- (ii) the animal is permanently affected with contagious or infectious disease; and
- (iii) the animal is permanently affected with any disease rendering the bull unsuitable for breeding purposes.

In Madras, the Live-stock Officer may also refuse to grant the licence if, in his opinion, the bull belongs to a breed which is undesirable to propagate in the district or part of the district in which it is kept. In the case of Rajasthan, the Live-stock Officer while rejecting the application for grant of a licence, is required to consult the Village *Mukhia*. In Bombay, as in most other States, the Live-stock Officer may revoke the licence if any breach of the stipulations, terms and restrictions, etc. made therein is brought to his notice. In the States other than Bombay, the licence can also be revoked by the Officer if in his opinion it was granted under circumstances of which he was not aware at the time of its issue. The owner of a

licensed breeding bull must produce the licence when asked to do so by the Live-stock or the Licensing Officer, as the case may be. The licence so granted will have to be surrendered when its tenure expires or is revoked or when the bull dies or when the animal is castrated.

In PEPSU, the legislation is somewhat different from that in other States. Thus, under the PEPSU Branded Bulls Act applicable to the whole of the State, no person is allowed to set free any bull without the previous sanction in writing of the Tehsildar of the Tehsil in which the person resides. While granting permission to release the bull, the Tehsildar is required to take into consideration the age, breed, utility and need of the animal and may refuse the permission applied for. The bull, if released, will be given a prescribed mark and used for breeding purposes only. The Act prohibits the use of these bulls for such purposes as yoking, loading, etc. Maiming, poisoning, castrating or killing of the released bulls is prohibited under the Act.

In Jammu and Kashmir, the authorities may direct the civil veterinary departments to issue approved bulls in any locality. The bulls are given either free of charge on premium or on hire to approved agents who are required to keep, maintain and use the bulls in accordance with the rules under this Act.

In Rajasthan, the authorities are empowered to regulate the dedication* of bulls. Thus, no person is allowed to dedicate a bull unless it has been certified by the Live-stock Officer as being fit for breeding purposes. The dedicated bulls which are found to be unfit for breeding purposes are liable to be disposed of in such manner as the authorities may consider fit.

For an efficient implementation of the various provisions of the Acts, the Acts in practically all the States provide for a suitable machinery for the purpose. Thus, State employees of certain departments like Revenue, Agriculture, Veterinary and Animal Husbandry, Village Officers, Village Servants, etc. residing within the notified areas are required to be vigilant about the enforcement of the Acts. Officers are expected to (i) give immediate information to the Live-stock or Licensing Officer about the commission of an offence or intention or preparation to commit an offence which may come to their notice; (ii) use their power to prevent the commission of offence and (iii) assist the Live-stock or Licensing Officer in the enforcement of the provisions of the Act.

(b) Prevention of Cattle Diseases

Legislative measures for the prevention of out-break and spread of contagious or infectious diseases among animals have been passed in the States of Assam, Bombay, Madhya Pradesh, Madras, Orissa, Punjab, West Bengal, Jammu and Kashmir, Mysore, Rajasthan, Coorg and Vindhya Pradesh. The Madras Cattle Disease Act, 1866 was the first enactment passed on the subject and it is rather surprising to find that from 1866 right up to the time the Royal Commission reported in 1928, no other province or State had passed any similar legislation. The Royal Commission commented favourably on the contents of the Madras legislation and suggested that all the Provincial Governments should arm themselves with similar powers in order to be able to deal effectively with any out-break or threat of an out-break of contagious or infectious cattle disease.

The Cattle Diseases Acts in force in various States are very similar to one another except that the Madras Act mentioned above is not so comprehensive as those enacted more recently. The Madras Rinderpest Act, 1940, on the other hand, follows the lines of these recent Acts, to which the analysis given below generally

* The term "dedication" includes any of the ceremonies or acts, whether religious or secular, by which an intention to make a privately owned bull the property of the public is evinced.

applies. These various Cattle Diseases Acts are enabling legislations empowering the State Governments to take certain steps which can broadly be classified into three categories, *viz.*,

- (i) Regulation of entry and movement of cattle;
- (ii) Isolation of infected areas and infective animals; and
- (iii) Supplementary.

(i) *Regulation of entry and movement of cattle into specified areas.*—In order to be able to check the entry either of such animals as may carry infection into the State or any specified area or of uninoculated animals into areas where they would be exposed to the danger of getting infected with disease, the State Governments have the powers under all these Acts to specify the times or routes by which animals may be imported into the State or the specified area and to establish quarantine stations at suitable places along these routes for the inspection of animals and their inoculation, if considered necessary. Such animals can proceed beyond a quarantine station only after grant of a permit for this purpose by the officer-in-charge of the quarantine station.

(ii) *Isolation of infected areas and infective animals.*—All the Acts make it incumbent upon the owner or the veterinary practitioner attending upon any infected animal to inform the Inspector concerned about that matter. According to the procedure laid down in the rules, the State Governments can declare an area in which an animal infected with any of the diseases specified in the Schedules to be an infected area. In regard to these infected areas, the Governments are empowered to take special measures. Movements into or out of an infected area of any animal or animal product, fodder, harness or bedding, etc., are prohibited. Animal markets or fairs are banned in infected areas. The State Governments can take measures for compulsory inoculation or vaccination of healthy animals and for compulsory segregation and treatment of infected animals.

Besides these provisions for dealing with infected areas, the Acts contain other provisions for the segregation and treatment of infected animals and certain articles required for the feeding of such animals or otherwise coming in contact with such animals. An officer authorised by the State Government in this behalf can direct any animal suspected of suffering from an infectious disease to be taken to any specified place of segregation. The animal can, after examination by a veterinary surgeon, be destroyed if found to be really suffering from an infectious disease. In such cases of the destruction of animals, compensation is to be paid to the owners. Further, the Acts provide for penalties against any person taking any infective animal to any animal market or fair. While most of the State Acts confine themselves to the provisions mentioned above, some of the Acts like Bombay and Punjab are more comprehensive and lay down some further requirements in regard to regulation of traffic of infected animals, cleansing and disinfection of vessels and vehicles, etc. The Bombay Act also prohibits grazing of any infected animal on any unenclosed land to which other persons have a right of access for grazing their animals.

(iii) *Supplementary.*—Supplementary provisions generally relate to the powers given under the Acts to the State Officers, *viz.*, the Inspectors and the Veterinary Surgeons charged with the responsibility for the implementation of the Acts and laying down certain requirements on the owners and private veterinary practitioners for rendering assistance to these State Officers. Penalties are laid down for breach of any of the provisions in the Acts or the Rules framed thereunder.

(c) Cattle Preservation

The Cattle (or Animal) Preservation Acts enacted in the States of Assam, Bombay, Madhya Pradesh, West Bengal, Hyderabad, Mysore and Ajmer aim at the prevention of any wanton slaughter of cattle which are or can become useful. These

Acts lay down that an animal belonging to any of the classes specified in their respective schedules can be slaughtered only after a certificate has been obtained about the fitness of that animal for such a slaughter from the specified authority. The classes of animals usually included in the schedules and to which the Acts apply are cows, bulls, bullocks, calves, male and female buffaloes and buffalo calves.

The certifying authority in most cases is either a Veterinary Officer acting alone as in Bombay or a Government, Municipal or District Board Officer acting in conjunction with a Veterinary Officer as in Assam, Madhya Pradesh, etc. Most of the Acts either specify the circumstances under which a certificate can be issued or the grounds on which a request for such a certificate can be refused. The Assam, Madhya Pradesh and West Bengal Acts prohibit the issue of a certificate for the slaughter of an animal below fourteen years in age. The Hyderabad (Slaughter of Animals) Act, on the other hand, bans the slaughter of the cattle below three years in age. The other grounds on which a request for a certificate can be refused generally are—

- (i) that the animal is useful for the purpose of draught or any kind of agricultural operations;
- (ii) the animal, if male, is useful for the purpose of breeding;
- (iii) the animal, if female, is useful for the purpose of yielding milk or bearing offspring.

Under the Madhya Pradesh Act, the slaughter of a cow is banned under all circumstances. In other cases, the State Governments may exempt from the operation of these Acts the slaughter of animals for any religious, medicinal or research purposes.

The Mysore Prevention of Cow Slaughter Act, 1948 is a type in itself in that it totally bans the slaughter of a cow, bull, bullock, buffalo or calf except when it has been certified to be suffering from rales. Even the export of such cattle for slaughter outside Mysore is prohibited. Further, the State Government can establish or direct any local authority or private individual to establish institutions for taking care of cows sent there and the State Government can levy taxes to maintain such institutions.

(d) Prevention of Cruelty to Animals

The Central Prevention of Cruelty to Animals Act, 1890 is a simple permissive measure generally empowering the State Governments, through extension of this Act to any area, to render commission of specified offences against animals punishable under the law. The Act provides for penalties against a number of specified acts of cruelty, the more important among which are :—

- (i) Over-driving, beating, binding, etc. of animals;
- (ii) Abandoning any animal in circumstances which render it likely that it will suffer pain;
- (iii) Overloading an animal;
- (iv) Practising 'phooka' or 'doom-dev';
- (v) Killing animals with unnecessary cruelty;
- (vi) Employing in any labour any animal unfit for that type of labour;
- (vii) Baiting or inciting animals to fight unless such fighting is not likely to cause injury or suffering;
- (viii) Permitting diseased animals to go at large in public places.

The Act also prohibits the offer for sale of (a) any animal suffering from pain due to mutilation, starvation, etc. and (b) the dead part(s) of any animal which has been killed in an unnecessarily cruel manner.

The State Governments may establish infirmaries for the treatment and care of animals against which any offence is committed. The other provisions relate to consequential matters like the destruction of mortally injured animals, recovery of expenses on animals treated in infirmaries, etc.

(e) Cattle Trespass

The Central Cattle Trespass Act, 1871, which in its application to certain States like West Bengal, Assam, Bombay and Orissa has been amended in some of its details, is a permissive legislation generally empowering State Governments to take certain steps for checking the damage caused by stray animals to crops, public roads, canals, embankments, etc. The Act provides for the establishment of a pound for each village, the appointment of a pound-keeper, the seizure of stray cattle found damaging crops and their deposit at the pound, management, delivery or sale of impounded cattle, etc. and lays down directions in respect of other procedural and consequential matters.

Any cattle found damaging any land or crop grown thereon can be seized by any individual interested in such land or crop and handed over to the keeper of the pound for the locality. Persons in charge of public roads, embankments, etc. can take similar action in respect of cattle found damaging such public property. The keeper of the pound is to feed and water the cattle till such time when they leave the pound. In case the owner of the cattle does not claim it within seven days of its being impounded, it can be sold off after a proclamation to that effect has been made according to the procedure laid down in the Act. Details regarding procedure for realisation of fines and charges for feeding, etc. and disposal of the sale proceeds in case some cattle is sold out are laid down in the Act.

II. FISHERIES

In view of the vast scope for the development of fisheries in India, it is difficult to over-emphasise its importance in improving the standard of Indian diets on the one hand and for enlarging the opportunities for employment available to our rural population on the other. Fish is rich in those very constituents of food, like proteins, mineral substances and assimilable fats, in which Indian diets are known to be specially deficient. On the other hand, the *per capita* consumption of fish in India, which has been estimated to be about 3·4 lbs. per annum, compares very unfavourably with the estimated consumption in certain other Asian countries like Burma (70 lbs.), Ceylon (16 lbs.) and Japan (90 lbs.). This indicates roughly how great is the scope for the expansion of demand for fish even in a country where certain sections of the population are averse to including it in their diet. The scope for increasing the supplies is also equally large, for, till recently only very little attention was paid to the development or even conservation of fisheries. As stated by the Planning Commission in their First Five Year Plan, "only a small portion of the resources is being exploited at present".

The fisheries development programme under the First Five Year Plan aims at raising the production of fish in the country from the pre-Plan figure of 1·0 million tons to 1·5 million tons. The programme embraces both inland and marine fisheries and lays down priorities for dealing with their various problems of conservation and development. For inland fisheries, the Planning Commission have suggested a rapid survey to determine the culturable waters and simultaneously to determine fish seed resources for undertaking large-scale stocking. Prevention

of overfishing, conservation of fisheries and fish-seed sources, research aiming at evolving suitable methods for inducing artificial spawning of certain species of fish, destruction of water hyacinth, reclamation of swamps, improvement of tanks and acquisition of necessary powers for development of private waters are some of the other aspects of the programme relating to inland fisheries. Suggestions regarding development of marine fisheries relate to: mechanisation of country craft and introduction of new mechanised boats; introduction of mothership operations, charting for deep sea fishing and development of the located fishing grounds; provision of training facilities; creating adequate ground organisation; supply of fishery requisites to fishermen; facilities for provision of ice and cold storage and efficient marketing.

For the implementation of this programme, modifications in the legal framework governing this industry have probably a very small role to play. The Planning Commission themselves have made only one suggestion in this regard, namely, the acquisition by the State Governments of fishery rights in such private waters whose owners fail to carry out the suggestions made by the State Fisheries Department. This is in line with the similar recommendation of the Planning Commission in regard to large individual holdings which are not efficiently managed.

But though legislation does not occupy a very important place in the present programmes for the development of fisheries, the importance of the State acquiring powers for the conservation of fisheries has been realised ever since 1873 when Dr. F. Dey, the then Inspector-General of Fisheries, published his two reports on "Fresh-water Fish and Fisheries of India and Burma" and "Sea Fish and Fisheries of India". In these reports, Dr. Dey directed attention to the need for adopting, *inter alia*, legislative measures to counter the deleterious effects on our fisheries, of irrigation works on the one hand and indiscriminate fishing on the other. After a lengthy correspondence on this subject of fisheries legislation between the Central and the Provincial Governments, the first legislative enactment on fisheries, namely, 'The Indian Fisheries Act', was passed in 1897. This was a purely protective measure firstly, prohibiting the use of any explosive or poisonous material for catching or destroying fish (except when permitted by a Provincial Government through a notification to that effect) and secondly, empowering the Provincial Government to make rules for certain purposes and apply them to any specified waters in which no person had any exclusive right of fishery. In case of private waters, these rules could be made applicable only with the consent of persons having exclusive rights of fishery therein. Through such rules, the Provincial Governments could regulate :

- (i) the erection and use of fixed engines;
- (ii) the construction of weirs; and
- (iii) the dimension and kind of the nets to be used and the modes of using them.

Further, the Provincial Governments could prohibit all fishing in any specified water for a period not exceeding two years.

Most of the larger States have adapted this Indian Fisheries Act (1897) for their own areas with slight extensions. Only the States of Orissa, Ajmer, and PEPSU do not have any legislation on fisheries in force in their areas. As most of the Acts follow a uniform pattern, some of the Acts *e. g.*, those in force in Rajasthan, Hyderabad and Jammu & Kashmir have not been reproduced in the body of book.

Prohibition of fishing except under a licence is an important measure for the preservation and conservation of fish resources. In order to be able to prevent depletion of any fisheries, most State Governments have assumed powers to prescribe various measures for this purpose such as closed season, mesh of nets, minimum size for certain species of fish and modes of fishing operations.

The above account of the nature of Fisheries Acts in force in most States shows that they generally provide an adequate sanction for the measures needed for the conservation and protection of all fisheries except the private ones. Action in respect of private waters on the lines recommended by the Planning Commission has been taken in West Bengal, while it is under consideration in certain other States.

The major problem in regard to fisheries, however, is the problem of development and that, as stated above, is being tackled under a well-defined programme whose scope, it is hoped, will be adequately expanded in the Second Five Year Plan.

II. ACTS ON LIVE-STOCK

A. Live-stock Improvement

**THE BOMBAY LIVE-STOCK IMPROVEMENT ACT,
1933**

BOMBAY ACT XXII OF 1933¹

An Act to provide for the improvement of live-stock

5 & 6 Geo.
5. v. 61.

WHEREAS it is expedient to provide for the improvement of live-stock in the manner herein provided;

AND WHEREAS the previous sanction of the Governor General required under sub-section (3) of section 80-A and the previous sanction of the Governor required under section 80-C of the Government of India Act, have been obtained for the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the *Bombay Live-stock Improvement Act, 1933*. Short title.

2. (a) Section 1 and this section extend to the whole Extent of the Presidency of Bombay.

(b) On a written application made—

(i) by the district local board with the previous concurrence of the Director of Agriculture, or

(ii) by the Director of Agriculture with the previous concurrence of the district local board

the ²[State] Government may, by notification in the ³[Official Gazette], direct that the remaining provisions of this Act shall extend to any village in respect of which the application has been made.

(c) Section 1 and this section shall come into force at once and the remaining provisions of this Act shall come into force in any village to which the said provisions shall have been extended under sub-section (b) on such date as the ²[State] Government may by notification in the ³[Official Gazette] appoint.

3. In this Act, unless there is anything repugnant in the Definitions, subject or context,

(1) "Cow" includes a heifer;

(2) "Director of Agriculture" means the officer appointed for the time being to be the Director of Agriculture;

(3) "Licence" means a licence granted under section 6;

(4) "Live-stock Officer" means an officer or person appointed or invested with powers under section 4;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette, 1933, Part V, pp. 1000-1001* and for Proceedings in Council, see *Bombay Legislative Council Debates, 1933, Vol. XXXVIII.*

² Subs. by the A. O. 1950.

³ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

- (5) "Prescribed", with its grammatical variations, means prescribed by rules;
- (6) "Rules" means rules made under section 23;
- (7) "Village" means a village as defined in the Bombay Land Revenue Code, 1879; and Bom. V of 1879.
- (8) "A person is said to keep a bull" if such person owns the bull or has the bull in his possession or custody.

Appointment of Live-stock Officer. 4. The ¹[State] Government may, by notification in the ²[Official Gazette], appoint the Director of Agriculture or any other officer of the Department of Agriculture to be a Live-stock Officer and assign to such officer such powers and duties under this Act, as they may deem fit.

Prohibition for keeping a bull for breeding purposes. 5. No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under section 6.

Grant of licences. 6. Every licence for the keeping of a bull shall be granted by a Live-stock Officer authorised by the ¹[State] Government by *general or special order* in this behalf in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed:

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

Refusal to grant or revocation of licence. 7. (1) Subject to rules, the Live-stock Officer authorised to grant the licence may refuse to grant or may revoke a licence, if in the opinion of such authority, the bull appears to be—

- (a) of defective or inferior conformation and likely to beget defective or inferior progeny; or
- (b) permanently affected with any contagious or infectious disease; or
- (c) permanently affected with any other disease rendering the bull, unsuitable for breeding purposes.

(2) The Live-stock Officer granting a licence may also revoke a licence if in the opinion of such officer there be any breach of any of the terms or conditions of the licence.

(3) No person shall be entitled to any compensation for the revocation of a licence under sub-section (1) or (2).

(4) If a licence is revoked under sub-section (1) or (2), the Live-stock Officer revoking the licence shall give notice to that effect to the owner or the person stated therein to be the owner of the bull and any such notice given in respect of a licence shall state the grounds for the revocation.

¹ Subs. by the A.O. 1950.

² The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

(5) If the notice is duly given in accordance with the last foregoing sub-section to a person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner accordingly, and if he fails to do so, he shall indemnify the owner against any loss the owner may suffer by reason of the failure.

8. When the Live-stock Officer granting the licence is satisfied that a licence granted under section 6 has been lost or destroyed, such officer may, subject to such conditions as may be prescribed, issue to the holder of the licence a duplicate thereof, and thereupon all the provisions of this Act with respect to the licence shall apply to the duplicate as if it were the original licence. Grant of duplicate licence.

9. A licence granted in respect of a bull shall remain in force until— Duration of licence.

- (a) the period specified therein expires, or
- (b) it is revoked under this Act, or
- (c) the bull dies or is castrated in the prescribed manner.

10. Any person who keeps a bull shall at any reasonable time, either at the place where the bull is for the time being or at any other reasonable place, submit the bull for inspection by any Live-stock Officer when required by such officer to do so and render all reasonable assistance to that officer for the purpose of inspection. Inspection of bulls.

11. (1) A Live-stock Officer may, by notice served in the prescribed manner, require that any bull which has attained the prescribed age at the date when the notice is served and in respect of which no licence is for the time being in force under this Act, shall be castrated in a prescribed manner within one month after the notice takes effect. Such castration shall, if the owner or other person who keeps the bull, requires, be performed or caused to be performed by the Live-stock Officer free of charge. Power to order castration of bulls.

(2) For the purpose of this section, a notice shall be served on the owner of the bull or on any other person who keeps the bull.

(3) If a notice under this section is duly served on a person who is not the owner of the bull, it shall be the duty of the person forthwith to take all reasonable steps to inform the owner accordingly, and, if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may suffer by reason of the failure.

12. It shall be the duty of any person who for the time being keeps a bull, if a licence is in force in respect of the bull, to produce the licence— Duty to produce licence.

- (a) within a reasonable time on demand made by a Live-stock Officer or an officer of the Agricultural or Veterinary Department authorized by general or

special order by the ¹[State] Government in this behalf in any place where the bull is for the time being,

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

Penalty for keeping a bull in contravention of this Act or rules or with-out or in con-travention of licence.

13. Whoever in contravention of this Act or any rule or order made under this Act or of any terms, conditions or restrictions of licence keeps a bull shall, on conviction, be punishable with fine which may extend to Rs. 25.

Penalty for neglect or failure to comply with notice under section 7 or 11

14. Whoever neglects or fails to comply with a notice served in accordance with section 7 or 11 shall, on conviction, be punishable with fine which may extend to Rs. 25.

Penalty for neglect or failure to comply with requisition under section 10 or 12.

15. Whoever neglects or fails to submit a bull for inspection when required by a Live-stock Officer for inspection under section 10 or whoever fails to produce a licence when required to do so in accordance with the provisions of section 12 shall, on conviction, be punishable with fine which may extend to Rs. 25.

Power of Live-stock Officer to castrate.

16. (1) Whenever an offence under section 15 has been committed, or whenever any bull has not been castrated in compliance with the notice served under section 11, it shall be competent to a Live-stock Officer to castrate or cause to be castrated in the prescribed manner, the bull in respect of which such offence was committed or such notice was served, as the case may be. Such castration shall be performed or caused to be performed by a Live-stock Officer free of charge.

(2) It shall also be competent to a Live-stock Officer to seize any bull, if the person in whose ownership, possession or custody it is, for the time being, is not known or cannot be ascertained after an inquiry in the prescribed manner. On such seizure the Live-stock Officer may, if he is of opinion that such bull has attained the prescribed age or is suffering from any of the defects or diseases specified in section 7, direct that the said bull shall be—

(a) castrated in the prescribed manner, and

(b) sold by public auction or sent to a pinjrapole:

Provided that if the owner of the said bull appears within fifteen days of such seizure and proves to the satisfaction of the Live-stock Officer that the said bull is of his ownership,

the said bull—

(i) if not sold by public auction, or

(ii) if sent to a pinjrapole,

shall be delivered to such owner on payment of the costs, charges and expenses incurred for the maintenance of the said bull and determined in the prescribed manner, or

¹ Subs. by the Adaptation of Laws Order, 1950.

- (iii) if sold by public auction, the proceeds of such sale shall be paid to such owner after deducting therefrom the costs, charges, and expenses incurred for the maintenance and sale of the said bull and determined in the prescribed manner.

17. For the purposes of this Act, a Live-stock Officer shall have power at all reasonable times—

(a) to inspect any bull,

(b) to mark any bull with any prescribed mark in the prescribed manner,

(c) to enter any premises or other place in the prescribed manner where he has reason to believe that a bull is kept.

Power of Live-stock Officer to inspect or mark a bull or to enter premises.

18. All village officers, all village servants useful to the ¹[State] Government and all officers of the departments of revenue, agriculture and veterinary shall be bound—

Officers bound to assist Live-stock Officers.

- (a) to give immediate information to a Live-stock Officer of the commission of any offence, or the intention or preparation to commit any offence punishable under this Act which may come to their knowledge;
- (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 to be committed; and
- (c) to assist any Live-stock Officer in carrying out the provisions of this Act.

19. No Court shall take cognizance of any offence under this Act, except on a complaint made by a Live-stock Officer or any person authorised by such officer in that behalf.

Cognizance of offences under the Act.

20. Every Live-stock Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Live-stock Officer to be public servant.

21. (1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules.

Protection of persons acting in good faith and limitation of suits and prosecutions.

(2) No suit shall be instituted against the ¹[Government] and no prosecution or suit shall lie against any Live-stock Officer in respect of anything done or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the Act complained of.

22. The ¹[State] Government may call for and examine the record of any order or the proceedings of any Live-stock Officer for the purpose of satisfying themselves as to the legality and propriety of any order passed and as to the

Revision.

¹ Subs. by the Adaptation of Laws Order, 1950.

regularity of the proceedings of such officer. If in any case it shall appear to the ¹[State] Government that any order or proceedings so called for should be modified, annulled or reversed, they may pass such order as they may deem fit.

Power of ¹[State] Government to make rules. **23.** (1) The ¹[State] Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely:—

- (a) under section 4, prescribing the powers and duties to be exercised and performed by a Live-stock Officer and the assignment of such powers or duties,
- (b) under section 5, prescribing the age of a bull after which it shall not be kept without a licence,
- (c) under section 6, prescribing the form of, the manner in which, the terms, conditions and restrictions on which, a licence shall be granted, transferred or renewed,
- (d) under section 7, prescribing the conditions subject to which a licence may be revoked,
- (e) under sections 7 and 11, prescribing the manner in which notice shall be served,
- (f) under section 8, prescribing the conditions subject to which a duplicate of a licence may be granted,
- (g) under sections 11 and 16, prescribing the manner in which a bull shall be castrated, and the manner in which inquiry regarding the ownership of a bull shall be made, and the costs, charges and expenses for the maintenance and sale of a bull shall be determined,
- (h) under section 17, prescribing the manner and form in which a bull shall be marked and the manner in which a Live-stock Officer shall enter any premises or other place.

(3) Rules made under this section shall be subject to the condition of previous publication in the ²[Official Gazette].

(4) Rules made under this section shall be laid ³[before each of the ¹[Houses] of the ¹[State] Legislature] at the session ⁴[thereof] next following and shall be liable to be modified or rescinded by a resolution ⁵[in which both the Chambers

¹ Subs. by the Adaptation of Laws Order, 1950.

² The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

³ The words "before each of the Chambers of the Provincial Legislature" were substituted for the words "upon the table of the Bombay Legislative Council" by the Adaptation of Indian Laws Order in Council.

⁴ The word "thereof" was substituted for the words "of the said Council" by the Adaptation of Indian Laws Order in Council.

⁵ The words "in which both the Chambers concur" were substituted for the words "of the said Council", *ibid.*

concur] and such rule shall after notification in the ¹[Official Gazette] be deemed to have been modified or rescinded accordingly:

Provided that when in the opinion of the ²[State] Government such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, the ²[State] Government may, by notification in the ¹[Official Gazette], declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded.

24. The ²[State] Government may, by notification in the ¹[Official Gazette] direct that all or any of the provisions of this Act which shall have been extended to any village under section 2 shall apply to buffalo-bulls in such village from the date specified in such notification and thereupon the references to bulls and cows in the provisions of this Act so applied shall be construed as references to buffalo-bulls and buffalo-cows respectively and this Act shall apply accordingly.

25. Nothing in this Act shall apply to a bull dedicated in good faith to a religious purpose according to religious custom and usage.

THE BOMBAY LIVE-STOCK IMPROVEMENT ACT, 1933 (AS EXTENDED TO KUTCH)

THE Bombay Live-stock Improvement Act, 1933, is extended to Kutch by Notification dated September 8, 1952 subject to the following modifications :—

- (1) Throughout the Act for the words "Presidency of Bombay" the words "State of Kutch" shall be substituted.
- (2) For the words "State Government" wherever they occur, the words "Chief Commissioner" shall be substituted.
- (3) For clause (b) of section 2, the following clause shall be substituted, namely:—

“(b) On a written application made by (i) the District Local Board, a Municipal Borough, or a Gram Panchayat with the previous concurrence of the Collector, or (ii) the Collector, the Chief Commissioner may, by notification in the Official Gazette, direct that the remaining provisions of this Act shall extend to any village in respect of which the application has been made.”
- (4) Sub-section 4 of section 23 shall be omitted.

¹ The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

² Subs. by the Adaptation of Laws Order, 1950.

**MADHYA PRADESH LIVE-STOCK IMPROVEMENT
ACT, 1950**

ACT XX OF 1950

**An Act to provide for the improvement of live-stock in
Madhya Pradesh**

- Preamble.** WHEREAS it is expedient to provide for the improvement of live-stock in Madhya Pradesh;
It is hereby enacted as follows:—
- Short title and extent.** 1. (1) This Act may be cited as Madhya Pradesh Live-stock Improvement Act, 1950.
(2) It extends to the whole of Madhya Pradesh.
- Definitions.** 2. In this Act, unless there is anything repugnant in the subject or context,—
(a) “approved bull” means a bull certified as such under section 7 or supplied by Government in a local area for breeding purpose;
(b) “bull” means a male calf above such age as the State Government may, by notification, prescribe for any local area;
(c) “Director” means Director of Veterinary Services, Madhya Pradesh;
(d) “Live-stock Officer” means the Director and includes any officer authorised by him to exercise all or any of the powers under the Act;
(e) “prescribed” means prescribed by rules made under this Act.
- Power to specify area.** 3. (1) The State Government may, by notification, declare any part of the State to be a specified area for the purposes of this Act and thereupon the provisions of sections 4 to 20 shall come into operation in such area.
(2) No such notification shall be issued unless the State Government is satisfied that the number of bulls in the specified area which are fit to be certified as approved under section 7 together with such number of bulls as may be supplied by State Government, in any local area for breeding purpose will be adequate to maintain the rate of propagation of the species.
(3) The State Government may, after recording reasons for doing so, cancel at any time a notification issued under sub-section (1).
(4) The validity of any notification issued under sub-section (1) or (3) shall not be called into question in any proceeding before any court or authority.

4. Except as provided by or under this Act, no person shall keep in his possession any bull which has not been marked in accordance with the provisions of this Act. Prohibition. to keep a bull unmarked.

5. Every person, who on the date of the issue of the notification under section 3 has in his possession any bull or who, at any time thereafter, comes into possession of any bull which is not branded with a distinguishing mark prescribed under this Act, shall give intimation of such possession to the Live-stock Officer within such period as may be prescribed. Intimation about un-marked bulls.

6. On receipt of the intimation under section 5, or on his own motion, the Live-stock Officer may, by order, require any person keeping a bull to submit the bull for inspection at any reasonable time and at a specified place in the village in which the bull is usually kept 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. Submission of bulls for inspection.

7. Where on such inspection of a bull, the Live-stock Officer is satisfied that the bull is capable of being used for breeding purposes, and— Certification of bulls as approved.

- (a) is not of defective or inferior conformation and is not likely to beget defective or inferior progeny, or
- (b) is not suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or
- (c) is not of a breed which it is undesirable to propagate in the specified area or part thereof,

he shall certify the bull as approved and cause it to be branded with a mark prescribed for the purpose.

8. Where on inspection, the Live-stock Officer is satisfied that a bull is effectively castrated, he shall cause it to be branded with a mark prescribed for the purpose. Marking of castrated bulls.

9. (1) Where on inspection the Live-stock Officer is satisfied that a bull is not fit for being certified as an approved bull and is also not effectively castrated, he shall order the person keeping the bull to have it castrated within such period as may be prescribed from the date of the service of the order. Castrating of unapproved bulls.

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

(3) If the keeper of the bull fails to comply with the order within the time allowed under sub-section (1), then without prejudice to any action that may be taken under section 17 the Live-stock Officer shall get the bull castrated free of charge.

(4) The Live-stock Officer shall cause every bull so castrated to be branded with the appropriate mark.

Castration of
bulls without
owners.

10. (1) If after such enquiry as the Live-stock Officer may deem fit to make, he finds that any bull is not owned or possessed by a known person, he shall cause the bull to be seized and inspected.

(2) If on such inspection, he finds that action under section 7 or section 8 is appropriate, he shall take such action; and if he finds that the bull is not fit for being certified as approved and is also not effectively castrated, he shall have it castrated and cause it to be branded with the appropriate mark.

Power of
Live-stock
Officer to ins-
pect or mark
bulls and to
enter premi-
ses.

11. (1) For the purposes of this Act, a Live-stock Officer or any other officer or person authorised by him in this behalf shall have power at all reasonable times—

- (a) to inspect any bull;
- (b) to brand any bull with a prescribed mark in the prescribed manner;
- (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.

(2) If the Live-stock Officer on inspection of an approved bull finds that the bull has contracted a heritable disease or has otherwise become unfit to function as an approved bull, he may take action for the castration and marking of the bull afresh in accordance with section 9.

Marking to
be made free
of charge.

12. Every marking required to be made under this Act shall be made free of charge.

Service of
notice and
order.

13. Any notice or order which is to be served on any person under the provisions of this Act may be served in the manner which may be prescribed.

Maintenance
of registers.

14. The Live-stock Officer shall maintain in the prescribed form such register giving particulars of inspections, castrations and markings made and bulls approved under this Act, and such other particulars as may be prescribed.

Duty of offi-
cers to report
offences, etc.

15. It shall be the duty of all persons entrusted with the performance of any duty under the provisions of this Act and of all officers, of such grade as may be specified by the State Government by general or special order, of the Veterinary, Agriculture, Co-operative and Revenue Departments—

- (a) to give immediate information to the nearest Live-stock Officer of the commission of any offence or of the intention or preparation to commit any offence punishable under this Act, which may come to their knowledge;
- (b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about, or likely to be committed; and

(c) to assist the Live-stock Officer in carrying out the provisions of the Act.

16. If any person without lawful authority brands or causes to be branded any bull with any mark prescribed under this Act or with any mark resembling such prescribed mark intending by means of that resemblance to practise deception, he shall be liable to imprisonment which may extend to three months or with a fine which may extend to five hundred rupees. Penalty for unauthorised marking.

17. Whoever—

- (a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or Penalty for other offences.
- (b) neglects or fails to submit a bull for inspection when required to do so under section 6 or section 11, or
- (c) neglects or fails to comply with an order served under section 9,

shall be punishable with fine which may extend to fifty rupees and in the case of a second or any subsequent offence with fine which may extend to one hundred rupees.

18. No magistrate or court shall take cognizance of any offence under this Act except upon a complaint made by a Live-stock Officer or any person authorised by him in this behalf. Cognizance of offences.

19. No suit, prosecution or other proceedings shall lie against an 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. Bar of proceedings.

20. (1) The State Government may make rules to carry out the purposes of this Act. Power to make rules.

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

- (a) all matters required to be prescribed under this Act; and
- (b) the powers and duties to be exercised and performed by officers acting under this Act and the procedure to be adopted by them in so acting.

(3) All rules shall be subject to previous publication.

(4) In making any rule, the State Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees.

**THE MADRAS LIVE-STOCK IMPROVEMENT
ACT, 1940**

ACT XV OF 1940

**An Act to provide for the improvement of live-stock
in the province of Madras**

WHEREAS it is expedient to provide for the improvement of live-stock in the province of Madras;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature.

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :— 26 Geo. 5.
Ch. 2.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Madras Live-stock Improvement Act, 1940.

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

(3) This section shall come into force at once, and the ¹[State] Government may from time to time by notification in the *Fort St. George Gazette* apply all or any of the remaining provisions of this Act to the whole or any portion of the ¹[State] of Madras from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

- (a) "bull" includes a buffalo-bull;
- (b) "cow" includes a buffalo-cow and a heifer;
- (c) "Director" means the officer appointed by the ¹[State] Government as the Director of Veterinary Services for the ¹[State] of Madras 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;
- (d) "licence" means a licence granted under section 4;
- (e) "licensing officer" means the Director or any other officer or person authorized to grant licences under section 4;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and
- (h) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

¹ Subs. by the Adaptation of Laws Order, 1950.

3. The ¹[State] Government may, by general or special Appointment order confer or impose on any person all or any of the powers of Director. or duties of a Director under this Act.

4. (1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section, unless it is certified by the prescribed officer that the bull has been effectively castrated by a method and in a manner approved by the Director. Bulls which have attained a certain age to be licensed.

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 or person authorized by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed.

No fee shall be charged for the grant of the licence.

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

- (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 purposes, or
- (c) of a breed which it is undesirable to propagate in the district or part of the district in which it is kept.

(2) The licensing officer may also 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 in his opinion—

- (a) the licence was granted under circumstances of which the licensing officer was not aware at the time of granting the licence, or
- (b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

6. A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, if— Surrender of licence.

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

¹ Subs. by the Adaptation of Laws Order, 1950.

- (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.

Inspection of bulls.

7. The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, either at the place where the bull is kept for the time being or at any other reasonable place 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 connexion with such inspection to the officer concerned.

Power to order castration of bulls.

8. (1) The licensing officer may by order require any person keeping a bull which in his opinion 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 castrated within one month from the date of the service of the order, 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 order.

Duty to inform owner of contents of notice, or order of castration.

9. If any notice or order is served under section 5, section 7, or section 8 on any person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner of the contents of such notice or order, and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of such failure.

Production of licence.

10. 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) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or an officer of the Veterinary Department not below the rank of Veterinary Assistant Surgeon, or an officer of the Agricultural Department not below the rank of Upper Subordinate, or an officer of the Revenue Department not below the rank of Revenue Inspector, or such other officer as may be authorized in this behalf by the ¹[State] Government by general or special order, or
- (b) before a cow is served by the bull, on demand made by the person incharge of the cow.

Penalties.

11. Whoever—

- (a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence, or

¹Subs. by the Adaptation of Laws Order, 1950.

- (b) neglects or fails to submit a bull for inspection when required to do so under section 7, or
- (c) neglects or fails to comply with an order served under section 8, or
- (d) neglects or fails to produce a licence when required to do so under section 10,

shall be punishable with fine which may extend to fifty rupees and in the case of a second or any subsequent offence with fine which may extend to one hundred rupees.

12. (1) If a person who keeps a bull neglects or fails to submit it for inspection, or to have it castrated when required to do so under section 7, or section 8, 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. Power of licensing officer to castrate bulls.

(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 inquiry 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 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.

(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 recognized by the ¹[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
- (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.

(d) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be determined in the prescribed manner.

13. For the purposes of this Act, a licensing officer or any officer or person authorized by him in this behalf shall have power at all reasonable times— Power of licensing officer, etc., to inspect or mark bulls and to enter premises.

(a) to inspect any bull;

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

¹ Subs. by the Adaptation of Laws Order, 1950.

- (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.

Duty of officers to report offences, etc.

14. It shall be the duty of all village officers and servants and of all officers of the Veterinary, Agricultural and Revenue Departments—

- (a) to give immediate information to the nearest licensing officer of the commission of any offence, or of the intention or preparation to commit any offence punishable under this Act, which may come to their knowledge;
- (b) to take all reasonable measures in their power to prevent the commission of any such offence which they may 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.

Cognizance of offences.

15. No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorized by such officer in this behalf.

Officers to be public servants.

16. The Director, every licensing officer, all officers and persons authorized by the Director or a 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.

XLV of 1860.

Bar of certain proceedings.

17. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the ¹[State] Government for any act done or purporting to be done under this Act without the previous sanction of the ¹[State] Government.

(2) No officer or servant of the ¹[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.

Limitation for certain suits and prosecutions.

18. No suit shall be instituted against the ¹[Government] and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the ¹[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.

Revision.

19. The ¹[State] Government may at any time either *suo motu* or on application, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings and may pass such order in reference thereto as they think fit.

¹ Subs. by the Adaptation of Laws Order, 1950.

Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

20. (1) The ¹[State] Government may make rules ^{Power to 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 circumstances in which duplicates of licences may be granted, the fees which may be charged for the grant of such duplicates, 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 of such officers; and
- (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 ¹[State] Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act.

21. Nothing contained in this Act shall apply to a bull Saving. dedicated in good faith to 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.

¹ Subs. by the Adaptation of Laws Order, 1950.

**THE PUNJAB LIVE-STOCK IMPROVEMENT
ACT, 1953**

PUNJAB ACT XLVII OF 1953

**An Act to provide for the improvement of live-stock
in the State of Punjab**

It is hereby enacted as follows:—

Short title, extent and commencement. **1.** (1) This Act may be called the Punjab Live-stock Improvement Act, 1953.

(2) It shall extend to the whole of the State of Punjab.

(3) It shall come into force, in any specified area, on such date as the State Government may by notification appoint; and different dates may be appointed for different areas.

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

(a) "Approved Bull" means a bull certified as such under section 6 of this Act, as fit for breeding purposes in a local area;

(b) "Bull" means an uncastrated male calf above such age as the State Government may prescribe for any local area;

(c) "Cow" includes a heifer;

(d) "Director" means the Director of Veterinary Services, Punjab;

(e) "Live-stock Officer" means the Director and includes any other officer authorised by him to exercise all or any of the powers of a Live-stock Officer under the Act;

(f) "Prescribed" means prescribed by rules made under this Act;

(g) A person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody, for the time being;

(h) A bull is said to be "castrated" if it is rendered incapable of propagating its species; and

(i) "Local Area" means the whole or a part of the area to which this Act applies, and in which an approved bull is, in the opinion of the Director, fit for breeding purposes.

Prohibition to keep a bull unmarked. **3.** In any area to which this Act applies, no person shall keep a bull except under and in accordance with the provisions of this Act.

Intimation about unmarked bulls. **4.** Every person, who in any local area, keeps any bull which is not branded with a distinguishing mark as provided under this Act, shall give intimation of such possession to the Live-stock Officer within such period as may be prescribed.

5. On receipt of the intimation under section 4, or on his own motion, the Live-stock Officer may, by order, require any person keeping a bull to present the bull for inspection at any reasonable time and at a place specified in the order and thereupon it shall be the duty of the person keeping the bull to produce it for inspection accordingly and render all reasonable assistance in connection with such inspection.

6. After such inspection of a bull, the Live-stock Officer, if satisfied that the bull is suitable for being used for breeding purposes in the local area shall certify the bull as "approved" and cause it to be branded with a mark prescribed for the purpose.

7. (1) If, after inspection, the Live-stock Officer is satisfied that a bull is unsuitable for breeding purposes in a local area he shall cause it to be effectively castrated or specify by order a period during which such castration shall be effected.

(2) Such castration shall be performed or caused to be performed by the Live-stock Officer unless the owner or the other person keeping the bull desires to make his own arrangements for complying with the order and if the bull is not castrated within the time allowed by the Live-stock Officer, then without prejudice to any action that may be taken under section 14, the Live-stock Officer shall get the bull castrated.

(3) The Live-stock Officer shall cause every bull so castrated to be branded with the prescribed mark.

8. (1) If after such enquiry as the Live-stock Officer may deem fit to make, he finds that any uncastrated bull is not owned or possessed by a known person, he shall cause the bull to be seized and inspected.

(2) If on such inspection, he finds the bull not fit for being certified as 'approved' he shall have it castrated and branded with the appropriate mark and if he finds such bull fit for breeding purposes, he shall mark it as an approved bull.

9. (1) For the purposes of this Act, a Live-stock Officer or any other officer or person authorised by him in this behalf shall have power at all reasonable times :—

- (a) to inspect any bull;
- (b) to brand any bull with a prescribed mark;
- (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.

(2) If the Live-stock Officer, at any time on inspection of an approved bull, finds that the bull has become unfit as an approved bull he may take action as for an unapproved bull, in accordance with section 7.

Marking to be made free of charge. **10.** Every castration or marking required to be done or made under this Act by a Live-stock Officer shall be done or made free of charge.

Service of notice and order. **11.** Any notice or order which is to be given or served on any person under the provisions of this Act may be given or served on the owner or keeper of a bull primarily liable to comply with such notice or order and in case of doubt or when he is unknown, it may be given or served on the person last known as owner or keeper thereof, and any seizure or inspection under section 8, shall be deemed to have been done after compliance with the notice aforesaid.

Maintenance of registers. **12.** The Live-stock Officer shall maintain in the prescribed form a register giving particulars of inspections, names of owners or keepers of bulls, castrations and markings made, and bulls approved under this Act, and such other particulars as may be prescribed.

Penalty for unauthorised markings. **13.** If any person without lawful authority brands or causes to be branded any bull with any mark prescribed under this Act or with any mark resembling such prescribed mark, he shall on conviction be punishable with imprisonment which may extend to three months or with a fine which may extend to five hundred rupees or both.

Penalty for other offences. **14.** Whoever—
 (a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or
 (b) neglects or fails to produce a bull for inspection when required to do so under the provisions of this Act, or obstructs any officer or person in the discharge of his functions under this Act or rules made thereunder, or
 (c) neglects or fails to comply with any order under this Act or rules thereunder, shall on conviction be punishable with fine which may extend to fifty rupees, and in the case of a second or any subsequent offence with fine which may extend to one hundred rupees.

Cognizance of offence. **15.** No Magistrate or Court shall take cognizance of any offence under this Act except upon a complaint made by a Live-stock Officer or any person authorized by him in this behalf.

Bar of proceedings. **16.** (1) No suit, prosecution or other proceeding shall lie against an officer or servant of the State Government for anything which is in good faith done or intended to be done under or in pursuance of this Act.

(2) No suit, or other legal proceedings shall lie against the State Government or against any of its officers for any damage caused or likely to be caused by anything in good faith done or intended to be done under or in pursuance of this Act.

17. (1) The State Government may make rules to carry out the purposes of this Act. ^{Power to make rules.}

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

- (a) all matters required to be prescribed under this Act;
- (b) the powers and duties to be exercised and performed by officers or persons acting under this Act and the procedure to be adopted by them in so acting; and
- (c) the approved age of a bull for purposes of breeding in any local area.

(3) All rules shall be subject to the conditions of previous publication.

**THE JAMMU AND KASHMIR LIVE-STOCK
IMPROVEMENT ACT, SAMVAT 1996**

ACT XXIII OF SAMVAT 1996

An Act to provide for improvement of live-stock

- Preamble.** WHEREAS it is expedient to provide for the improvement of the live-stock in the Jammu and Kashmir State;
- It is hereby enacted as follows:—
- Short title.** 1. This Act may be called the Jammu and Kashmir Live-stock Improvement Act, Samvat 1996.
- Extent.** It shall extend to such places in the Jammu and Kashmir State as may from time to time be notified in the Jammu and Kashmir Government Gazette by the Government in this behalf.
- Definitions.** 2. In this Act, unless there is anything repugnant in the subject or context—
- (a) "Live-stock" includes bull, bullock, cow, heifer, calf and buffalo;
 - (b) "Live-stock Officer" means an officer or person appointed or invested with power under section 3;
 - (c) "Prescribed" means prescribed by rules made under this Act;
 - (d) "Keeper" means the person who keeps any live-stock as owner or hirer or as an approved agent under section 9;
 - (e) "Improvement" includes castration of males unfit for breeding work and distribution of improved sires for breeding purposes;
 - (f) "Premium Bulls" means bulls issued by the Government for breeding purposes;
 - (g) "Licence" means a licence granted under section 5.
- Live-stock Officer.** 3. The Government may, by general or special order published in the Jammu and Kashmir Government Gazette, invest an officer or officers of the Civil Veterinary Department with powers to function as Live-stock Officer or Officers.
- Prohibition for keeping a bull for breeding purposes.** 4. No keeper will keep a bull for breeding purposes; except under and in accordance with terms, conditions and restrictions of a licence granted under section 5.
- Grant, refusal to grant or revocation of a licence.** 5. (1) A licence for the keeping of a bull for breeding purposes shall be granted in the prescribed form by the Live-stock Officer.
- (2) No fee shall be levied for the grant of such licence.

(3) The Live-stock Officer may refuse to grant, or may revoke, a licence, if in the opinion of such officer, the bull is—

- (i) of defective or inferior conformation and likely to beget defective or inferior progeny; or
- (ii) permanently affected with any contagious or infectious disease; or
- (iii) permanently incapacitated rendering the bull unsuitable for breeding purposes.

(4) The Live-stock Officer may revoke a licence after giving 30 days' notice to the licence-holder if in the opinion of such officer, the terms and conditions under which it was issued have not been complied with or fulfilled.

(5) No person shall be entitled to any compensation for the revocation of a licence under sub-clause (3) or (4).

6. A licence granted under section 5 shall remain in force— Duration of licence.

- (i) for the period specified therein; or
- (ii) until it is revoked under this Act;
- (iii) until the bull dies or is castrated.

7. The Live-stock Officer may, when he is satisfied that a licence granted under section 5 has been lost or destroyed, issue to the holder a duplicate of the licence on the applicant paying a fee of eight annas, and thereupon all the provisions of this Act shall apply to the duplicate as if it were the original licence. Grant of duplicate copies of licence.

8. (1) If the Live-stock Officer is satisfied that a bull whether in possession of a keeper or not is unfit for breeding purposes, he shall pass a provisional order for its castration and notify such order in the locality in the prescribed manner. Castration.

(2) The keeper or owner of such bull may within 30 days of such notification appear before the Live-stock Officer to show cause against such order and the Live-stock Officer may withdraw, either make the order absolute or suspend it.

(3) If no cause is shown against the order within 30 days of such notification, the order shall be made absolute and carried into effect.

9. (a) Government may direct that bulls be issued by the Civil Veterinary Department to approved agents in any locality either free of charge on premium, or on hire for breeding purposes. Premium bulls.

(b) Such bulls shall be kept, maintained and used for covering purposes by the agents in accordance with the rules made under this Act.

10. (1) Every keeper, shall, when so required by the Live-stock Officer or any other officer of the Veterinary Department, produce any bull in his possession for the inspection of such officer at such reasonable time and place as may be notified by such officer and shall render all reasonable assistance for the purpose of such inspection. Inspection of bulls.

(2) It shall be the duty of every person holding a licence issued to him under section 5 for keeping a bull to produce such licence on demand by—

- (i) the Live-stock Officer or any other officer of the Veterinary Department at the place where the bull is for the time being kept; or
- (ii) the keeper of a cow before such cow is covered by such bull.

Penalty.

11. Any person, who—

- (a) keeps a bull for covering purposes without licence or in contravention of the terms of a licence issued to him under this Act; or
- (b) does not produce the bull or bulls as required by section 10 (1);
- (c) does not render reasonable assistance in conducting the inspection; or
- (d) does not produce the licence as required by section 10 (2);
- (e) obstruct the castration of bulls declared unfit for breeding purposes; or
- (f) in any other manner contravenes this Act or any rules or orders made under this Act;

shall be served with a notice by that Live-stock Officer to comply with the requirements of this Act or rules or orders as the case may be and if the keeper in spite of such notice fails so to comply within 30 days from the date of the receipt of such notice he shall be deemed to have committed an offence under this Act and shall be punishable on conviction before a magistrate with a fine which may extend to Rs. 50 for each such offence.

Cognisance.

12. (a) Information as to commission of an offence under this Act may be given to the officers of the Civil Veterinary Department and Revenue Department who shall convey the same to the Live-stock Officer.

(b) No court shall take cognisance of any offence under this Act, except on a complaint presented by a Live-stock Officer in that behalf.

Assistance from other Departments.

13. All village officials and all officers of the departments of Revenue, Agriculture and Co-operative shall, when called upon to do, render all reasonable assistance to the Live-stock Officer in carrying out the provisions of this Act.

Live-stock Officer a public servant.

14. Every Live-stock Officer shall be deemed to be a public servant within the meaning of section 21 of the Ranbir Penal Code.

Protection.

15. No suit or prosecution or other legal proceeding shall lie against the Live-stock Officer for anything done or intended to be done in good faith, under this Act or of the rules made thereunder.

Powers to frame rules.

16. (a) Government may make rules for carrying into effect the provisions of this Act.

(b) All rules made under this Act shall be subject to the condition of previous publication in the Government Gazette.

Form of Licence of Approved Private Stud Bulls issued under Section 5 of Live-stock Improvement Act

Licence No. issued on son of
 resident of Village Tehsil District is
 authorised to use the bull, description given below for covering purposes subject to the following
 conditions :—

- | | | |
|--------------------------|---|---|
| A. Description | } | Breed Colour
Age Marks of identification
Brand No. V. D. No. |
| B. Conditions | } | 1. Periodical inspection of the bull by the
Veterinary Assistant or the Live-stock
Officer.
2. Continuance in all good condition of the
bull for breeding purposes. |

NOTE.—The keeper shall be responsible that the bull is not permitted to cover a cow, if during the period intervening between two consecutive inspections the bull does not maintain the standard of health necessary for breeding purposes.

This licence is good to of 19 ..

Live-stock Officer,
Civil Veterinary Department,
His Highness' Government, Jammu and Kashmir.

Dated ;

Notice under Section 4 of Live-stock Improvement Act

A bull of the description noted below has been found to be unfit for being used for breeding. It is notified for the information of the public that this bull will be castrated on at

- Breed.
- Age.
- Colour.
- Mark of Identification.

Live-stock Officer,
Civil Veterinary Department,
His Highness' Government, Jammu and Kashmir.

Dated ;

OFFICE OF THE LIVE-STOCK OFFICER

Notice under Section 4 of the Live-stock Improvement Act served on.....

1. In terms of section 4 of Live-stock Improvement Act every bull used for breeding purposes has to be covered with a licence.
2. Your bull, description given below, is reported to have attained the prescribed age.
3. You are therefore hereby desired to secure a licence for this bull within 30 days from the receipt of this notice.
4. In case you do not comply with the requirements of the Act—
 - (i) the bull will be castrated under section 8 if found unsuitable for breeding purposes; or
 - (ii) the bull will be permitted to continue breeding if found suitable and you will be liable to action under section 11.

Description of the bull :—

- Breed.
- Colour.
- Age (approximately).
- Mark of identification.

Live-stock Officer,
Civil Veterinary Department,
His Highness' Government, Jammu and Kashmir.

Dated ;

**THE MYSORE LIVE-STOCK IMPROVEMENT
ACT, 1951**

MYSORE ACT XIX OF 1951

**An Act to provide for the improvement of live-stock
in the State of Mysore**

WHEREAS it is expedient to provide for the improvement of live-stock in the State of Mysore;

It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Mysore Live-stock Improvement Act, 1951.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply all or any of the remaining provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry Services in Mysore 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;

(b) "licence" means a licence granted under section 4;

(c) "licensing officer" means the Director or any other officer or person authorised to grant licences under section 4;

(d) "prescribed" means prescribed by rules made under this Act;

(e) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(f) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

3. The State Government may, by general or special order, confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. (1) No person shall keep a bull which has attained the age corresponding to the eruption of the two central incisor teeth for the purpose of serving cows except under and in accordance with the terms, conditions and restriction of a licence granted under this section.

Bulls which
have attained
a certain age
to be licen-
ced.

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 or person not below the rank of Veterinary Inspector authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed. No fee shall be charged for the grant of the licence.

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

- (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 purposes, or
- (c) of a breed which is undesirable to propagate in the district or part of the district in which it is kept.

(2) The licensing officer may also 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 in his opinion—

- (a) the licence was granted under circumstances of which the licensing officer was not aware at the time of granting the licence; or
- (b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Where the officer or person refusing to grant or revoking a licence under sub-clause (1) or sub-clause (2) is not the Director, an appeal shall lie against such order to the Director.

(5) No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

6. A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, if— Surrender of
licence.

- (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.

7. 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 Grant of
duplicate
licence.

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.

Inspection of
bulls.

8. The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, at the place where the bull is kept for the time being 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.

Power to
order castra-
tion of bulls.

9. (1) The licensing officer may, by order, require any person keeping a bull required to be licensed under section 4 and in respect of which no licence is for the time being in force under this Act, to have it effectively castrated, within three months from the date of service of 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 order.

Production
of licence.

10. 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) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or any officer of the Animal Husbandry Department not below the rank of Veterinary Inspector, or

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

Penalties.

11. Whoever—

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

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

(c) neglects or fails to comply with an order served under section 9; or

(d) neglects or fails to produce a licence when required to do so under section 11;

shall be punishable with fine which may extend to fifty rupees and in case of a second or any subsequent offence, with fine which may extend to one hundred rupees.

Power of
licensing
officer to
castrate bulls.

12. (1) If a person who keeps a bull neglects or 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 age specified in section 4 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

(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.

(d) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be determined in the prescribed manner.

13. For the purposes of this Act, a licensing officer or Power of
any officer or person authorised by him in this behalf shall have licensing
power at all reasonable times— officer, etc.,
to inspect or
mark bulls
and to enter
premises.

(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.

14. It shall be the duty of all village officers and servants Duty of
and of all officers of the Animal Husbandry, Agricultural officers to
and Revenue Departments: report
offences.

(a) to give immediate information to the nearest licensing officer, of the commission of any offence, punishable under this Act which may come to their knowledge;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they may 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.

- Cognizance of offences.** 15. 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.
- Officers to be public servants.** 16. The Director, every licensing officer, all officers and persons authorised by the Director or 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 (XLV of 1860).
- Bar of certain proceedings.** 17. (1) No suit, 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.
- Limitation for certain suits and prosecutions.** 18. 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.
- Revision.** 19. The State Government may, at any time, either *suo moto* or on application, call for and examine the record of any order passed by, or any proceedings recorded by any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such orders in reference thereto as they think fit.
- Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.
- Power to make rules.** 20. (1) The State Government may 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 circumstances in which duplicates of licences may be granted, the fees which may be charged for the grant of such duplicates, 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 of such officers; and
 - (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 fifty rupees.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

21. (1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith to 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 sub-clause (b), or sub-clause (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 or cause such bull to be removed to a prescribed place.

**THE PATIALA BRANDED BULLS ACT,
SAMVAT 1994**

ACT VI OF SAMVAT 1994

**An Act to regulate the release and to prohibit the
unauthorised use of branded bulls**

- Preamble.** WHEREAS it is expedient to provide for the breeding of bulls and to regulate the release and to prohibit the unauthorised use of branded bulls;
- It is hereby enacted as follows:—
- Short title, extent and commencement.** 1. (i) This Act may be called the Patiala Branded Bulls Act, Samvat 1994.
(ii) It extends to the whole of Patiala State.
(iii) It shall come into force a week after its publication in the Patiala Government Gazette.
- Definition.** 2. The "Bull" includes he-buffalo.
- Previous sanction.** 3. No one shall release or set free any bull without the previous sanction in writing of the Tehsildar of the Tehsil in which such person resides.
- Things to be considered in granting sanction.** 4. (1) The Tehsildar shall in granting sanction applied for under section 3 take into consideration the age, the breed, the utility and necessity of each such animal and may for sufficient reasons refuse the sanction applied for.
(2) An appeal against Tehsildar's order refusing sanction shall lie to the District Magistrate concerned whose order shall in this respect be final.
- Appeal.**
- Maintenance of register.** 5. (1) The Tehsildar shall maintain a register of all the bulls released under his sanction giving the serial No. and date of release, particulars of the bull as to age and breed and the name and full address of the person releasing the bull.
- Brand Marks** (2) The bull whose release has been sanctioned under the foregoing section, shall before it is set free, be branded on the right buttock with the following mark:—
- | | | | | | |
|--------------------------|---|---|---|---|------|
| 1. For Patiala District | . | . | . | . | P.P. |
| 2. For Bassi District | . | . | . | . | P.B. |
| 3. For Barnala District | . | . | . | . | P.A. |
| 4. For Sunam District | . | . | . | . | P.S. |
| 5. For Narnaul District | . | . | . | . | P.N. |
| 6. For Kohistan District | . | . | . | . | P.K. |
- (3) Under the District mark shall be branded the serial number of the bull released with capital letter of the Tehsil concerned.

Illustration.—A bull released in Tehsil Rajpura of Patiala District and registered at number 25 shall be marked as PP/25R.

(4) The size of the letters and figures used for branding shall be at least $2\frac{1}{2}$ " long and $\frac{1}{2}$ " thick.

6. No person shall yoke, load or use otherwise than for breeding purposes any bull released and branded under provisions of this Act or under the circular No. 30, dated 26th January, 1923, Home Department, or circular letter, dated 24th Baisakh, 1979, Revenue Department. Offences.

7. The bulls released in contravention of the above-said Home Department and Revenue Department circulars before this Act comes into force or in contravention of the provisions of this Act after its enforcement; and the bulls released under proper sanction who become wild and cause harm to the people shall be liable to be captured and handed over to Gaushala in the Tehsil or District as the case may be, under the order of the Tehsildar within whose jurisdiction they are captured. Provided if the bulls so captured are not received by the Gaushala concerned they shall be liable to sale and the sale proceeds thereof shall be credited to the State Treasury. Capture and sale of bulls.

8. Whoever releases or sets free any bull except in accordance with section 3 or contravenes any provision of section 6 shall be liable to fine which may extend to Rs. 100. Penalty for unauthorised release and use of bulls.

9. Whoever maims, poisons, castrates or kills any bull released under the provisions of this Act or the above-said Home Department and Revenue Department circulars shall be punished with rigorous imprisonment to the extent of 7 years with fine. The minimum rigorous imprisonment awarded shall be 3 years with fine. The rigorous imprisonment in default of payment of fine shall be one year. Penalty for maiming, castrating or killing of branded bulls.

10. The Police may arrest any offender under this Act without a warrant. Power of Police to arrest without warrant.

11. No Magistrate below the rank of Magistrate 2nd class shall try any offence punishable under this Act. Trial of offences.

12. Home Department circular No. 30, dated 26-1-1923, and the Revenue Department circular, dated 24th Baisakh, 1979, are hereby repealed. Repeal.

**THE MARWAR LIVE-STOCK IMPROVEMENT ACT,
1947**

ACT I OF 1947

WHEREAS it is expedient to provide for the improvement of live-stock in Marwar;

It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Marwar Live-stock Improvement Act, 1947.

(2) It extends to the whole of Marwar except the Sambhar Shamlat area.

(3) It shall come into force one month after the date of its publication in the Jodhpur Government Gazette.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(a) "bull" includes a buffalo-bull;

(b) "cow" includes a buffalo-cow and heifer;

(c) "Government" means the Government of Jodhpur;

(d) "Director" means the officer appointed by the Government as the Director, Animal Husbandry Department 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;

(e) "licence" means a licence granted under section 4;

(f) "licensing officer" means the Director or any other officer or person authorised to grant licences under section 4;

(g) "Minister-in-Charge" means the Minister-in-Charge of Animal Husbandry Department;

(h) "prescribed" means prescribed by Rules made under this Act;

(i) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(j) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

Delegation of
powers and
Duties of
Director.

3. The Government may by general or special order confer or impose on any person all or any of the powers or duties of the Director under this Act.

Bulls which
have attained
a certain age
to be licensed.

4. (1) No person shall keep a bull which is older than three years except under and in accordance with the terms, conditions and restrictions of a licence granted under this section, unless it is certified by the prescribed officer that the bull has been effectively castrated.

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 or person authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed.

(3) No fee shall be charged for the grant of the licence.

5. (1) Subject to such Rules as may be prescribed, the licensing officer in consultation with Village Mukhias may refuse to grant or may revoke a licence in respect of any bull if in his opinion the bull appears to be—

Refusal and
revocation of
licence.

(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 purposes; or

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

(2) The licensing officer may also 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 in his opinion—

(a) the licence was granted under circumstances of which the licensing officer was not aware at the time of granting the licence; or

(b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

(5) In case of difference of opinion between the licensing officer, if he is a person other than the Director, and Mukhias or the owner regarding castration in the village or town the Director will be the final authority to decide.

6. A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, if—

Surrender of
licence.

(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.

Inspection of bulls. 7. The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, either at the place where the bull is kept for the time being or at any other reasonable place in the village or town, as the case may be, 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.

Power to order castration of bulls. 8. (1) With the concurrence of the village Mukhias the licensing officer may by order require any person keeping a bull which in his opinion 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 castrated, within one month from the date of the service of the order.

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge.

Production of licence. 9. 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 within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or an officer of the Veterinary Department not below the rank of Stockman or such other officer as may be authorised in this behalf by the Minister-in-Charge by general or special order.

Prohibition against dedication of bulls under certain conditions. 10. (1) No person shall dedicate a bull unless such bull has been certified by the licensing officer as being fit for breeding purposes.

(2) The dedicated bulls which are found to be fit for breeding purposes shall be distributed under the orders of the Director in the districts where they may be in demand.

(3) The dedicated bulls which are found to be unfit for breeding purposes are liable to be disposed of in such manner as the Director may consider fit.

Explanation.—For the purpose of this section the term “dedication”, includes any of the ceremonies or acts, whether religious or secular, by which an intention to make a privately owned bull, the property of the public is evinced.

Power of licensing officer to castrate bulls. 11. (1) If a person who keeps a bull neglects or fails to submit it for inspection or to have it castrated when required to do so under section 7, or section 8 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 inquiry 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 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.

(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 (Gowshala) or infirmary recognized by the 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 deduction therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull; 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.

(d) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be determined in the prescribed manner.

12. For the purposes of this Act, a licensing officer or any officer or person authorised by him in writing 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.

13. It shall be the duty of all Government Officers or servants in a Village, or a Jagirdar, Mukhias and of all officers of the Veterinary and Revenue Departments :

- (a) to give immediate information to the nearest licensing officer of the commission of any offence, or of the intention or preparation to commit any offence punishable under this Act, which may come to their knowledge;
- (b) to take all reasonable measures in their power to prevent the commission of any such offence which they may 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.

Power of licensing officer, etc., to inspect or mark bulls and to enter premises.

Duty of officers to report offences, etc.

- Penalties.** **14.** Whoever—
- (a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence, or
 - (b) neglects or fails to submit a bull for inspection when required to do so under section 7, or
 - (c) neglects or fails to comply with an order served under section 8, or
 - (d) neglects or fails to produce a licence when required to do so under section 9, or
 - (e) dedicates any bull in contravention of sub-section (1) of section 10,
- shall be punishable with fine which may extend to fifty rupees and in the case of a second or any subsequent offence with fine which may extend to one hundred rupees.
- Cognizance of offences.** **15.** No Magistrate other than a Magistrate of the 1st Class 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.
- Officers to be public servants.** **16.** The Director, every licensing officer, all officers and persons authorized by the Director or a licensing officer under this Act, and all Government Officers and servants in the village and all Jagirdars and Mukhias shall be deemed to be public servants within the meaning of section 21 of the Marwar Penal Code.
- Bar of certain proceedings.** **17.** (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act without the previous sanction of the Minister-in-Charge.
- (2) No officer or servant of the 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.
- Limitation for certain suits and prosecutions.** **18.** No suit, prosecution or other proceeding shall be instituted against any officer or servant of the 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 knowledge of the sanction accorded under section 17 of this Act.
- Revision.** **19.** The Minister-in-Charge may at any time either *suo motu* or on application, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Act, for the purpose of satisfying himself as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such order in reference thereto as he may think fit.
- Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

20. (1) The Government may make Rules to carry out the purposes of this Act. Powers to
make Rules.

(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 circumstances in which duplicates of licences may be granted, the fees which may be charged for the grant of such duplicates, 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 of such officers; and
- (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 Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make Rules conferred by this section shall be subject to the condition of the Rules being made after previous publication.

(5) All Rules made under this section shall be published in the Jodhpur Government Gazette and upon such publication shall have effect as if enacted in this Act.

21. The Jodhpur City Ordinance for the Prevention of Indiscriminate Dedication of Bulls, 1939, is hereby repealed. Repeal.

Provided that all orders passed, notifications issued and other things done under the said ordinance shall, so far as they are not inconsistent with this Act, be deemed to have been respectively passed, issued and done under this Act.

**THE COCHIN LIVE-STOCK IMPROVEMENT ACT,
1944**

ACT III OF THULAM 1120

- Preamble.** WHEREAS it is expedient to provide for the improvement of live-stock in Cochin State;
- It is hereby enacted as follows:—
- Short title, extent and commencement.** 1. (1) This Act may be called the Cochin Live-stock Improvement Act, III of 1120.
- (2) It extends to the whole of Cochin State.
- (3) This section shall come into force at once and Government may from time to time by notification in the Cochin Government Gazette apply all or any of the remaining provisions of this Act to the whole or any portion of Cochin State from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.
- Definitions.** 2. In this Act, unless there is anything repugnant in the subject or context—
- (a) "bull" includes a buffalo-bull;
 - (b) "cow" includes a buffalo-cow and a heifer;
 - (c) "Director" means the officer appointed by Government as the Director of Veterinary Services for Cochin State 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;
 - (d) "licence" means a licence granted under section 4;
 - (e) "licensing officer" means the Director or any other officer or person authorised to grant licences under section 4;
 - (f) "prescribed" means prescribed by rules made under this Act;
 - (g) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and
 - (h) a bull is said to be "castrated" if it is rendered incapable of propagating its species.
- Appointment of Director.** 3. Government may by general or special order confer or impose on any person all or any of the powers or duties of a Director under this Act.
- Bull which has attained a certain age to be licensed.** 4. (1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section, unless it is effectively castrated.

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 or person authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed. No fee shall be charged for the grant of the licence.

5. (1) Subject to such rules as may be prescribed, the Refusal and licensing officer may refuse to grant or may revoke a licence ^{revocation} in respect of any bull if in his opinion the bull appears to be— _{of licences.}

- (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 purposes, or
- (c) of a breed which it is undesirable to propagate in the area in which it is kept.

(2) The licensing officer may also 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 in his opinion—

- (a) the licence was granted under circumstances of which the licensing officer was not aware at the time of granting the licence, or
- (b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

6. A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, if— ^{Surrender of} _{licences.}

- (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.

7. The licensing officer may by order require any person ^{Inspection of} keeping a bull to submit it for inspection by himself or by _{bulls.} any officer or person deputed by him for the purpose, at any reasonable time, either at the place where the bull is kept for the time being or at any other reasonable place 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.

Power to order castration of bulls.

8. (1) The licensing officer may by order require any person keeping a bull which in his opinion 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 castrated, within one month from the date of the service of the order, 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 order.

Duty to inform owner of contents of notice, or order of castration.

9. If any notice or order is served under section 5, section 7, or section 8 on any person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner of the contents of such notice or order, and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of such failure.

Production of licence.

10. 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) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or an officer of the Veterinary Department not below the rank of Veterinary Assistant Surgeon, or an officer of the Agricultural Department not below the rank of Agricultural Inspector, or an officer of the Revenue Department not below the rank of Revenue Inspector, or such other officer as may be authorised in this behalf by Government by general or special order, or
- (b) before a cow is served by the bull, on demand made by the person in charge of the cow.

Penalties.

11. Whoever—

- (a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence, or
- (b) neglects or fails to submit a bull for inspection when required to do so under section 7, or
- (c) neglects or fails to comply with an order served under section 8, or
- (d) neglects or fails to produce a licence when required to do so under section 10,

shall be punishable with fine which may extend to fifty rupees and in the case of second or any subsequent offence with fine which may extend to one hundred rupees.

12. (1) If a person who keeps a bull neglects or fails to submit it for inspection, or to have it castrated when required to do so under section 7, or section 8 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.

Power of
licensing
officer to
castrate bulls.

(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 inquiry 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 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.

(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 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
- (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.

(d) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be determined in the prescribed manner.

13. For the purposes of this Act, a licensing officer or any officer or person authorised by him in this behalf shall have power at all reasonable times—

Power of
licensing
officer, etc.,
to inspect or
mark bulls
and enter
premises.

- (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.

14. It shall be the duty of all village officers and servants and of all officers of the Veterinary, Agricultural and Revenue Departments—

Duty of
officers to
report offen-
ces, etc.

- (a) to give immediate information to the nearest licensing officer of the commission of any offence, or of the intention or preparation to commit any

offence punishable under this Act, which may come to their knowledge;

- (b) to take all reasonable measures in their power to prevent the commission of any such offence which they may 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.

Cognizance of offences. 15. No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorized by such officer in this behalf.

Officers to be public servants. 16. The Director, every licensing officer, all officers and persons authorised by the Director or a licensing officer under this Act, and all Village officers and servants, shall be deemed to be public servants within the meaning of section 15 of the Cochin Penal Code.

Bar of certain proceedings. 17. (1) No suit, prosecution or other proceedings shall lie against any officer or servant of Government for any act done or purporting to be done under this Act without the previous sanction of Government.

(2) No officer or servant of Government shall be liable in respect of any such act in any Civil or Criminal proceedings 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.

Limitation for certain suits and prosecutions. 18. No suit shall be instituted against Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of 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.

Revision. 19. Government may at any time either *suo motu* or on application, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such order in reference thereto as they think fit.

Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

Power to make rules. 20. (1) Government may 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 circumstances in which duplicates of licences may be granted, the fees which may be charged

for the grant of such duplicates, 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 of such officers ; and
- (d) the service of notices and orders issued under this Act.

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

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the Cochin Government Gazette and upon such publication shall have effect as if enacted in this Act.

**THE COORG LIVE-STOCK IMPROVEMENT ACT,
1950**

GOORG ACT III OF 1950

**An Act to provide for the improvement of Live-stock
in the Province of Coorg**

Preamble. WHEREAS it is expedient to provide for the improvement of live-stock in the Province of Coorg;

AND WHEREAS the previous sanction of the Governor-General has been obtained under section 97 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, to the passing of this Act;

It is hereby enacted as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Coorg Live-stock Improvement Act, 1950.

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

(3) This section shall come into force at once, and the Chief Commissioner may from time to time by notification in the *Coorg Gazette* apply all or any of the remaining provisions of this Act to the whole or any portion of the ¹[State] of Coorg from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context—

(a) "bull" includes a buffalo-bull;

(b) "cow" includes a buffalo-cow and a heifer;

(c) "Director" means the officer appointed by the Chief Commissioner as the Director of Veterinary Services for the ¹[State] of Coorg 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;

(d) "licence" means a licence granted under section 4;

(e) "licensing officer" means the Director or any other officer or person authorized to grant licences under section 4;

(f) "prescribed" means prescribed by rules made under this Act;

(g) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(h) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

¹ Subs. by the Adaptation of Laws Order, 1950.

3. The Chief Commissioner may by general or special order confer or impose on any person all or any of the powers or duties of a Director under this Act. Appointment of Director.

4. (1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section, unless it has been effectively castrated by a method and in a manner approved by the Director. Bulls which have attained a certain age to be licensed.

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 or person authorized by him by general or special order. It shall, be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed.

No fee shall be charged for the grant of the licence.

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

- (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 purposes, or
- (c) of a breed which it is undesirable to propagate in the district or part of the district in which it is kept.

(2) The licensing officer may also 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 in his opinion—

- (a) the licence was granted under circumstances of which the licensing officer was not aware at the time of granting the licence, or
- (b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

6. A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, if— Surrender of licence.

- (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.

Inspection of
bulls.

7. The licensing officer may by order require any person keeping a bull to produce it for inspection by himself, or by any officer or person deputed by him for the purpose, at any reasonable time, either at the place where the bull is kept for the time being or at any other reasonable place within the village specified in the order, and thereupon it shall be the duty of the person keeping the bull to produce it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

Power to
order castra-
tion of bulls.

8. (1) The licensing officer may by order require any person keeping a bull which in his opinion 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 castrated, within one month from the date of the service of the order, 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, within the village unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

Duty to in-
form owner
of contents
of notice, or
order of cas-
tration.

9. If any notice or order is served under section 5, section 7, or section 8 on any person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner of the contents of such notice or order, and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of such failure.

Production
of licence.

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

- (a) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or an officer of the Veterinary Department not below the rank of Veterinary Assistant Surgeon, or an officer of the Agricultural Department not below the rank of Agricultural Demonstrator, or an officer of the Revenue Department not below the rank of Parpattigar or such other officer as may be authorised in this behalf by the Chief Commissioner by general or special order, or
- (b) before a cow is served by the bull, on demand made by the person in charge of the cow.

Penalties.

11. Whoever—

- (a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence, or

- (b) neglects or fails to produce a bull for inspection when required to do so under section 7, or
- (c) neglects or fails to comply with an order served under section 8, or
- (d) neglects or fails to produce a licence when required to do so under section 10,

shall be punishable with fine which may extend to fifty rupees and in the case of a second or any subsequent offence with fine which may extend to one hundred rupees.

12. (1) If a person who keeps a bull neglects or fails to produce it for inspection, or to have it castrated when required to do so under section 7, or section 8, 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.

Power of
licensing
officer to cas-
trate bulls.

(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 inquiry 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 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.

(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 recognized by the 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

(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.

(d) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be determined in the prescribed manner.

13. For the purposes of this Act, a licensing officer or any officer or person authorized by him 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

Power of
licensing
officer, etc.,
to inspect of
mark bulls
and to enter
premises.

- (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.

Duty of officers to report offences, etc. **14.** It shall be the duty of all village officers and servants and of all officers of the Veterinary, Agricultural and Revenue Departments—

- (a) to give immediate information to the nearest licensing officer of the commission of any offence, or of the intention or preparation to commit any offence punishable under this Act, which may come to their knowledge;
- (b) to take all reasonable measures in their power to prevent the commission of any such offence which they may 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.

Cognizance of offences. **15.** No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorized by such officer in this behalf.

Officers to be public servants. **16.** The Director, every licensing officer, all officers and persons authorized by the Director or a 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 (XLV of 1860).

Bar of certain proceedings. **17.** (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the ¹[State] Government for any act done or purporting to be done under this Act without the previous sanction of the ¹[State] Government.

(2) No officer or servant of the ¹[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.

Limitation for certain suits and prosecutions. **18.** No suit shall be instituted against the ¹[State] Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the ¹[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.

Revision. **19.** The Chief Commissioner may, at any time either *suo motu* or on application, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Act, for the purpose of satisfying himself as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such order in reference thereto as he thinks fit.

¹ Subs. by the Adaptation of Laws Order, 1950.

Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

20. (1) The Chief Commissioner may make rules to carry out the purposes of this Act. **Power to make rules.**

(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 circumstances in which duplicates of licences may be granted, the fees which may be charged for grant of such duplicates, 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 of such officers; and
- (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 ¹[State] Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section shall be subject to the conditions of the rules being made after previous publication.

(5) All rules made under this section shall be published in the *Coorg Gazette* and upon such publication shall have effect as if enacted in this Act.

21. Nothing contained in this Act shall apply to a bull dedicated in good faith to 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. **Saving.**

¹ Subs. by the Adaptation of Laws Order, 1950.

B. Prevention of Cattle Diseases

THE DOURINE ACT, 1910

ACT V OF 1910¹

An Act to provide for the prevention of the spread of Dourine

WHEREAS it is expedient to provide for the prevention of the spread of dourine;

It is hereby enacted as follows :—

1. (1) This Act may be called the Dourine Act, 1910. Short title and extent.

(2) This section extends to ²[the whole of India except Part B States] : the rest of this Act extends only to such areas as the ²[State] Government may, by notification³ in the ⁴[Official Gazette], direct.

2. (1) In this Act, the expressions “inspector” and “veterinary practitioner” mean, respectively, the officers appointed as such under this Act, acting within the local limits for which they are so appointed. Definitions.

(2) The provisions of this Act in so far as they relate to entire horses shall, if the ²[State] Government, by notification as aforesaid, so directs, apply also to entire asses used for mule-breeding purposes.

3. The ²[State] Government may, by notification as aforesaid, make such orders as it thinks fit directing and regulating the registration of entire horses maintained for breeding purposes. Registration of horses.

4. (1) The ²[State] Government may, by notification as aforesaid appoint any persons it thinks fit to be inspectors, and any qualified veterinary surgeons to be veterinary practitioners, under this Act, and to exercise and perform, within any area prescribed by the notification, the powers conferred and duties imposed by this Act upon such officers respectively. Appointment of inspectors and veterinary practitioners.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

¹ For Statement of Objects and Reasons, see Gazette of India, 1909, Pt. V, p. 96; for Report of Select Committee, see *ibid.*, 1910, Pt. V, p. 27; and for Proceedings in Council, see *ibid.*, 1909, Pt. VI, p. 157, and *ibid.*, 1910, Pt. VI, pp. 13, 90 and 121, dated 5th February, 1910, 26th February, 1910, and 12th March, 1910, respectively.

This Act has been declared to be in force in the Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936), s. 3 and Sch.; and in the Angul District by the Angul Laws Regulations, 1936 (V of 1936), s. 3 and Sch.

² Subs. by the Adaptation of Laws Order, 1950.

³ It has been so extended to Coorg, see Coorg Gazette, 1919, Part I, p. 118; to Bombay, see Bombay Gazette, 1919, Part I, p. 3001; to the C. P., see C. P. Gazette, 1922, Part I, p. 1151.

⁴ Subs. by the Adaptation of Laws Order, 1937 for “Local Official Gazette”.

- Powers of inspector.** 5. An inspector, may, subject to such rules as the ¹[State] Government may make in this behalf,—
- (a) enter and search any building, field or other place for the purpose of ascertaining whether there is therein any horse which is affected with dourine²;
 - (b) prohibit, by order in writing, the owner or keeper of any horse, which in his opinion is affected with dourine, from using such horse for breeding purposes, pending examination by the veterinary practitioner;
 - ³[(c) direct, by order in writing, the owner or keeper of any horse which, in the opinion of the Inspectors, is affected with dourine to remove it or permit it to be removed for the purpose of segregation to a place specified in the order, and such direction shall be sufficient authority for the detention of the horse in that place for that purpose.]
- Duties of Inspector.** 6. An inspector issuing an order under section 5, ⁴[* *] shall forthwith forward a copy of such order to the veterinary practitioner.
- Inspection of horses.** 7. A veterinary practitioner receiving a copy of an order forwarded under section 6 shall, as soon as possible after receipt of such copy, examine the horse mentioned therein, and may for such purpose enter any building, field or other place.
- Powers of veterinary practitioner.** 8. A veterinary practitioner may—
- (a) cancel any order issued under section 5 ⁴[* *]; or
 - (b) if on microscopical examination ⁵[or by other scientific test] he finds that any horse is affected with dourine—
 - (i) in the case of an entire horse, cause it to be castrated,
 - ⁶[(ii) in the case of a mare, with the previous sanction of such authority as the ¹[State] Government may appoint in this behalf, or if so empowered by the ¹[State] Government, without such sanction, cause it to be destroyed.]
- Compensation for horse destroyed, etc.** 9. When any horse is castrated or destroyed under section 8, the market-value of such horse immediately before it became affected with dourine shall be ascertained; and the ¹[State] Government shall pay as compensation to the owner thereof—
- (a) in the case of a mare which has been destroyed or of an entire horse which has died in consequence of castration, such market-value, and

¹ Subs. by the Adaptation of Laws Order, 1950.

² The word "and" rep. by the Dourine (Amendment) Act, 1920 (8 of 1920), s. 2.

³ Ins. by the Dourine (Amendment) Act, 1920 (8 of 1920), s. 2.

⁴ The word and letter "clause (b)" rep. by s. 4, *ibid.*

⁵ Ins. by s. 4, *ibid.*

⁶ Subs. by s. 4, *ibid.*, for the original sub-clause.

(b) in the case of an entire horse which survives castration, half the amount by which such value has been diminished owing to infection with dourine and castration.

10. (1) A veterinary practitioner may award, as compensation to be paid under section 9 in respect of each horse castrated or destroyed under section 8, a sum not exceeding two hundred and fifty rupees. ^{Settlement of compensation.}

(2) If, in the opinion of the veterinary practitioner, the amount which should be paid as such compensation exceeds two hundred and fifty rupees, he shall report accordingly to the Collector, who shall decide the amount to be so paid.

11. (1) The ¹[State] Government shall by rules published in the ²[Official Gazette], make provision for the constitution of a committee or committees for the hearing of appeals from decisions under section 10. ^{Committees for hearing appeals.}

(2) Such rules shall provide that not less than one member of any committee constituted thereunder shall be a person not in the ³[service of the ¹[Government]] or of a local authority.

12. Any owner may, within two months from the date of a decision under section 10, appeal against such decision to the committee constituted in that behalf by rules made under section 11, and the decision of such committee shall be final. ^{Appeals.}

13. (1) Whoever, being an inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both. ^{Vexatious entries and searches.}

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

14. (1) The ¹[State] Government may make rules for the purpose of carrying into effect the provisions of this Act. ^{Rules.}

(2) In particular, and without prejudice to the generality of the foregoing power such rules as aforesaid may—

⁴[(a) regulate the exercise of the powers conferred on Inspectors under section 5;]

(b) regulate the action to be taken by veterinary practitioners under section 8; ⁵[*].

⁵[* * * * *]

¹ Subs. by the Adaptation of Laws Order, 1950.

² Subs. by the Adaptation of Laws Order, 1937 for "Local Official Gazette".

³ Subs. by the Adaptation of Laws Order, 1937 for "employ of Government".

⁴ Subs. by the Dourine (Amendment) Act, 1920 (8 of 1920), s. 5, for the original cls. (b) and (c).

⁵ The word "and" at the end of cl. (b) and the whole of cl. (c) rep. by s. 5, *ibid.*

(3) All such rules shall be published in the ¹[Official Gazette], and, on such publication, shall have effect as if enacted in this Act.

(4) In making any rule under this section the ²[State] Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

Penalties. **15.** Whoever uses or permits to be used for breeding purposes—

(a) any horse which has not been registered in accordance with the requirements of a notification under section 3, or

³[(b) any horse in respect of which an order under clause (b) or clause (c) of section 5 is in force,]

shall be punishable with fine which may amount, in the case of a first conviction, to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

Protection **16.** No suit, prosecution or other legal proceeding shall to persons lie against any person for anything which is, in good faith, acting under done or intended to be done under this Act.
Act.

¹ Subs. by the Adaptation of Laws Order, 1937 for "Local Official Gazette".

² Subs. by the Adaptation of Laws Order, 1950.

³ Subs. by the Dourine (Amendment) Act, 1920 (8 of 1920), s. 6, for the original cls. (b) and (c).

THE LIVE-STOCK IMPORTATION ACT, 1898

ACT IX OF 1898¹

An Act to make better provision for the regulation of the importation of live-stock

WHEREAS it is expedient to make better provision for the regulation of the importation of live-stock which is liable to be affected by infectious or contagious disorders;

It is hereby enacted as follows :—

1. (1) This Act may be called the Live-stock Importation Act, 1898. Short title and local extent.

(2) It extends to ²[the whole of India except the State of Jammu and Kashmir].

³[* * * * *]

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) the expression “infectious or contagious disorders” includes tick-pest, anthrax, glanders, farcy, scabies and any other disease or disorder which may be specified by the ⁴[Central Government] by notification in the ⁵[Official Gazette];

(b) “Live-stock” includes horses, kine, camels, sheep and any other animal which may be specified by the ⁴[Central Government] by notification in the ⁵[Official Gazette]; and

⁶[(c) “import” means the bringing or taking, by sea, land or air, into the territories to which this Act extends].

3. (1) The ⁴[Central Government] may, by notification in the ⁵[Official Gazette] regulate, restrict or prohibit, in such manner and to such extent as ⁷[it] may think fit, the ⁸[import] into ⁹[the territories to which this Act extends] or any specified place therein, of any live-stock which may Power to regulate Importation of live-stock.

¹ For Statement of Objects and Reasons. see Gazette of India, 1898, Pt. V, p. 282; and for Proceedings in Council, see *ibid.*, Pt. VI, pp. 362 and 364.

This Act has been declared to be in force in the Sonthal Parganas by the Sonthal Parganas Settlement Regulation (3 of 1872), s. 3.

² Subs. by s. 2 of Act 40 of 1953.

³ The word “and” and sub-section (3) rep. by the Repealing and Amending Act, 1914 (10 of 1914).

⁴ Subs. by the Adaptation of Laws Order, 1937 for “G. G. in C.”.

⁵ Subs. by the Adaptation of Laws Order, 1937 for “Gazette of India”.

⁶ Ins. by s. 3 of Act 40 of 1953.

⁷ Subs. by the Adaptation of Laws Order, 1937 for “he”.

⁸ Subs. by s. 4 of Act, 40 of 1953.

⁹ Subs. by s. 3 and Sch. II of Act 48 of 1952.

be liable to be affected by infectious or contagious disorders, and of any fodder, dung, stable-litter, clothing, harness or fittings appertaining to live-stock or that may have been in contact therewith.

(2) A notification under sub-section (1) shall operate as if it had been issued under section 19 of the Sea Customs Act, 1878, and the officers of customs at every port shall have the same powers in respect of any live-stock or thing, with regard to the importation of which such a notification has been issued, and the vessel containing the same, as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the law relating to sea customs and the vessel containing the same; and the enactments for the time being in force relating to sea customs or any such article or vessel shall apply accordingly. VIII of 1878

Power for ¹[State] Gov- 4. (1) The ¹[State] Government may ²* * * *
 ernment to make rules. to make rules for the detention, inspection, disinfection or destruction of imported live-stock, and of fodder, dung, stable-litter, clothing, harness or fittings appertaining to imported live-stock or that may have been in contact therewith, and for regulating the powers and duties of the officers whom it may appoint in this behalf.

(2) In making any rule under this section the ¹[State] Government may direct that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

Protection to 5. No suit, prosecution or other legal proceeding shall persons act- lie against any person for anything in good faith done or ing under intended to be done under this Act.
 Act.

¹ Subs. by the Adaptation of Laws Order, 1950.

² The words "Subject to the control of the G. G. in C." rep. by the Adaptation of Laws Order 1937.

THE ASSAM CATTLE DISEASES ACT, 1948

ASSAM ACT XXVI OF 1948

An Act to provide for the prevention of the spread of contagious diseases among cattle in the Province of Assam

WHEREAS it is expedient to take measures to prevent the spread of contagious diseases among cattle in the Province of Assam;

IT is hereby enacted as follows:—

1. (1) This Act may be called the Assam Cattle Diseases Act, 1948. Short title, extent and commencement.
- (2) This Act, except sections 3 to 8, extends to the whole of the ¹[State] of Assam and shall come into force at once. Sections 3 to 8 shall extend to such areas and come into force on such dates as the ¹[State] Government may, by notification, direct.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

- (i) "Cattle" means cows, bull, bullocks, buffaloes, sheep and goats and the young ones of these species of both sexes and such other domesticated animals as may be prescribed;
- (ii) "Contagious disease" means a disease specified in the Schedule to this Act and any other disease which the ¹[State] Government may, by notification in the official Gazette, declare to be a contagious disease;
- (iii) "infected area" means an area in respect of which a notification under section 10 is in force;
- (iv) "infective" used with reference to an animal means affected by a contagious disease or having recently been in contact with or proximity to an animal so affected;
- (v) "Inoculation" means inoculation with any protective serum or vaccine or with both;
- (vi) "Owner" in relation to any animal includes a person having charge of such animal;
- (vii) "Prescribed" means prescribed by rules made under this Act;
- (viii) "Veterinary Officer" means any officer of the Civil Veterinary Department not below the rank of Veterinary Assistant Surgeon.

¹ Subs. by the Adaptation of Laws Order, 1950.

- Seasons and routes for importation of cattle.** 3. (1) When sections 3 to 8 have been extended to any area, the ¹[State] Government may, by notification, appoint the season or seasons during which and the route or routes by which cattle may be imported into such area, and no person shall import cattle into such area otherwise than during the season and by the route so appointed.
- Quarantine stations.** (2) The ¹[State] Government may establish quarantine stations for the inspection and detention of such cattle along the routes appointed under sub-section (1).
- Vaccination and marking of cattle.** 4. (1) All cattle on arrival at a quarantine station shall—
- (a) be vaccinated against such contagious disease, as may be notified in this behalf unless the Veterinary Officer of the station is satisfied that they have been vaccinated against such disease within 18 months immediately preceding their arrival or within such longer period so preceding as may be prescribed; and
- (b) be marked in the prescribed manner.
- Period of detention of cattle at quarantine station.** (2) The period of detention of cattle at a quarantine station for the purpose of inspection and vaccination shall be such as may be prescribed.
- Assistance to Veterinary Officer for inspection, etc., of cattle.** (3) Every person in charge of cattle shall give reasonable assistance to the Veterinary Officer of the station and his subordinates for the inspection, vaccination and marking of such cattle.
- Feeding and upkeep of detained cattle.** 5. (1) All cattle detained in a quarantine station shall remain under the care of the person in charge who shall be responsible for their feeding and up-keep.
- (2) The ¹[State] Government shall make appropriate arrangements for the supply of cattle-food, grazing and water and may recover the charges incurred by the levy of fees as may be prescribed.
- Precautions against straying of cattle.** (3) Every person in charge of cattle shall, during the period of their detention, take reasonable precautions against their straying from the limits of the quarantine station or from the place allotted for their halt.
- Liability to pay vaccination and marking fees.** 6. (1) The person in charge of cattle shall pay all dues in respect of detention of such cattle in a quarantine station including such fee as may be prescribed for vaccination and marking.
- (2) If such dues are not paid, the Veterinary Officer of the station may seize as many cattle as will, in his opinion, suffice to defray the dues leviable under sub-section (1) and such incidental charges in connection with the seizure and sale and forthwith report the fact to the Deputy Commissioner or such other officer as may have been appointed by the Deputy Commissioner in this behalf.

¹ Subs. by the Adaptation of Laws Order, 1950.

(3) The Deputy Commissioner or other officer so appointed may, if satisfied that such dues have not been paid, issue such notice or proclamation as may be prescribed and cause the cattle so seized, or as many as will, in his opinion, suffice to defray the dues and incidental charges, to be sold by auction and the proceeds of the sale applied to the payment of—

- (a) the amount due under sub-section (1),
- (b) the charges in connection with the seizure, custody, feeding and upkeep of the cattle and the proceedings of the sale.

(4) The balance of the purchase money, if any, shall be delivered to the person who was in charge of the cattle when they were seized or their owner, together with an account showing—

- (a) the number of cattle seized and sold,
- (b) the time during which they had been in custody,
- (c) the proceeds of sale, and
- (d) the manner in which those proceeds have been disposed of.

7. The Veterinary Officer of a quarantine station shall, at the time of release of cattle from the station, grant, in such form as may be prescribed, a permit to the person in their charge, and such person shall, while in charge of the cattle, produce it whenever so required by such officers as may be prescribed. If such person fails to produce a permit, the officers aforesaid shall give him reasonable facility to produce the same within a given time.

8. No person importing cattle into any area during a season and by route appointed for such area under section 3 shall pass beyond a quarantine station unless he holds a permit under section 7 in respect of the cattle in his charge.

9. Every owner or person in charge or having control of an animal, and every veterinary practitioner, attending any animal in the course of his veterinary practice or otherwise, who has reason to believe that such animal is infective shall forthwith report and any other person who has reason to believe that an animal is infective may report the fact to the Veterinary Officer within the area of which such animal is for the time being kept.

10. The [State] Government or such officer as it may authorise in this behalf may, in the manner prescribed, declare any local area in which any cattle is affected by or exposed to any contagious disease specified in such notification to be an infected area.

11. (1) Save in accordance with the conditions of a licence granted by a Veterinary Officer—

- (a) no person shall remove any animal, alive or dead, or any product of any animal (including its excreta)

¹ Subs. by the Adaptation of Laws Order, 1950.

or any part of any animal or any fodder, bedding, harness or other things used in connection with an animal, and

(b) no person owning or having charge of control of any animal shall allow such animal to proceed, from any place within an infected area to any place outside such area or from any place outside an infected area to any place within such area.

(2) Nothing in sub-section (1) shall prevent the carriage by railway or by any mechanically propelled vessel of a type approved by the ¹[State] Government of any animal or thing referred to in that sub-section through an infected area:

Provided that if such animal or thing at any stage during its carriage by railway or such vessel through an infected area is unloaded therein it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

Prohibition of markets, fairs, etc., in infected areas.

12. No person shall organise, promote or hold in any infected area any animal market, animal fair, animal exhibition or other concentration of animals whether for the purpose of sport or trade, without the permission in writing of the ¹[State] Government or such officer as the ¹[State] Government may authorise in this behalf.

Inoculation of animals.

13. (1) On the issue of a notification under section 10 a Veterinary Officer appointed for the infected area may inoculate every healthy animal of the species affected by or exposed to the contagious disease specified in such notification.

(2) For the purpose of inoculating any such animal the Veterinary Officer may, by notice in writing, call upon the owner of the animal to produce it for inoculation at the time and place specified in such notice and such owner shall give that officer reasonable facility and assistance in carrying out the inoculation.

Compulsory segregation and treatment of animals in infected areas.

14. If a Veterinary Officer, after due examination of an animal and such enquiry as may be necessary, is of opinion that such animal is infective, he may by order in writing, direct the owner of such animal—

(a) to keep it where it is for the time being, or remove it, or allow it to be removed to such place of isolation or segregation as may be specified in the order;

(b) to subject it to such treatment as may be specified in the order; and such owner shall comply with such order.

Compulsory inoculation of animals.

15. (1) The ¹[State] Government may, in the manner prescribed, notify any local area as a compulsory inoculation area in respect of Rinderpest or any other contagious disease specified in the Schedule.

(2) A Veterinary Officer may inoculate any animal of the species specified in a notification under sub-section (1).

¹ Subs. by the Adaptation of Laws Order, 1950.

(3) For the purpose of inoculation of any such animal, a Veterinary Officer may, by notice in writing, call upon the owner of the animal to produce it for inoculation at the time and place specified in such notice and such owner shall give that officer reasonable facility and assistance in carrying out the inoculation.

16. For the purpose of identification, the Veterinary Marking Officer may mark the inoculated animal by branding or tattooing with letters or numerals, or with both.

17. When inoculation has been carried out under section 13, 14, or 15 the Veterinary Officer shall, if requested by the owner of the inoculated animal, issue a certificate in the prescribed form showing that the animal has been inoculated against the disease shown in such certificate.

18. Except as provided in sub-section (1) of section 6 no fee shall be recoverable for inoculation carried out in accordance with the provision of this Act.

19. If the owner of an animal in respect of which a notice has been issued under sub-section (2) of section 13, section 14 or sub-section (3) of section 15 fails to observe a direction issued by the Veterinary Officer in accordance with the provisions of the said sections, the Veterinary Officer concerned shall report the default to the nearest Police Station and the Officer-in-charge of such Police Station or such other Police Officer as may be deputed by him in this behalf shall thereupon seize the animal and detain it for production before the Veterinary Officer reporting the default.

20. The expenses of detention and production before the Veterinary Officer incurred under section 19 shall be recoverable at such rates as may be prescribed from the owner of the animal. If he fails to pay the amount due, it may, without prejudice to any other mode of recovery, be recovered by sale, by public auction, of such number of the owner's animals as may be sufficient to realise such amount.

21. (1) On the issue of a notification under section 10, the owner of any animal, which has died or is believed to have died of any contagious disease, shall bury such animal at least six feet below the surface of the ground or deal with it in such manner as may be prescribed.

(2) A Veterinary Officer may, when he has reason to believe that any animal had died of any contagious disease, issue a notice to the owner to bury such animal in the manner provided under sub-section (1).

(3) No person shall disinter or otherwise remove the carcass of any animal buried in compliance with the provisions of sub-section (1) or (2).

- Penalty.** **22.** Whoever contravenes any of the provisions of this Act, or of any rule or order made thereunder shall, on conviction, be punishable with fine not exceeding fifty rupees, or in default with simple imprisonment for a term not exceeding one month.
- Bar of legal proceedings.** **23.** No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.
- Rules.** **24.** (1) The ¹[State] Government may make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing provisions, the ¹[State] Government may make rules—
- (a) prescribing the manner in which an area may be declared to be an infected area or a compulsory inoculation area;
 - (b) prescribing the form of notice issued under sub-section (2) of section 13, section 14 and sub-section (3) of section 15;
 - (c) prescribing the form of certificate granted under section 16;
 - (d) providing for the custody of animals detained under this Act and for their feeding and watering while under detention and prescribing the charges to be levied for feeding and watering such animals and for their production by the Police before the Veterinary Officer;
 - (e) regulating the sale of animals liable to be sold under section 20;
 - (f) providing for the disinfection of buildings where infective animals are kept in infected areas;
 - (g) prescribing the manner of disposal of carcasses of infective animals under section 21;
 - (h) prescribing the fee for vaccination and marking under section 6.
- (3) All rules made under this Act shall be laid before the Assam Legislative Assembly, as soon as possible after they are made, and shall be subject to such modifications or amendments as may be made by the said Assembly.

SCHEDULE

(See section 2)

- | | |
|---|-------------------------------|
| (1) Anthrax. | (4) Contagious Abortion. |
| (2) Black Quarter. | (5) Haemorrhagic Septicaemia. |
| (3) Bovine Contagious Pleuro-pneumonia. | (6) Rinderpest. |
| | (7) Rabies. |

¹ Subs. by the Adaptation of Laws Order, 1950.

**THE BOMBAY ANIMAL CONTAGIOUS DISEASES
(CONTROL) ACT, 1948**

BOMBAY ACT LIX OF 1948¹

**An Act to provide for the prevention and control
of contagious diseases affecting animals**

WHEREAS it is expedient to provide for the prevention and control of contagious diseases affecting animals;

It is hereby enacted as follows :—

PART I

PRELIMINARY

1. This Act may be called the Bombay Animal Contagious Diseases (Control) Act, 1948. **Short title.**

2. (1) This Act extends to the whole of the ²[State] of Bombay. **Extent and commencement.**

(2) This section shall come into force at once. The ²[State] Government may, from time to time, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force in such area in respect of such scheduled disease and on such date as may be specified in the notification and may by similar notification direct that such provisions shall cease to be in force in any area from such date as may be specified therein.

3. In this Act unless there is anything repugnant in the Definitions, subject or context,—

- (a) "animal" means any domesticated animal or bird, or any animal or bird kept in confinement;
- (b) "export" means to take out of the ²[State] otherwise than across a customs frontier as defined by the *Dominion** Government;
- (c) "import" means to bring into the ²[State] otherwise than across a customs frontier as defined by the *Dominion** Government;
- (d) "infective animal" means an animal which is affected with a scheduled disease or has recently been in contact with or in close proximity to an animal so affected;
- (e) "Inspector" means an Inspector appointed under section 4;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, Part V, page 475.

² Subs. by the Adaptation of Laws Order, 1950.

* *Sic*. It should be 'Central'.

- (f) "prescribed" means prescribed by rules made under section 36;
- (g) "rules" means rules made under section 36;
- (h) "scheduled disease" means any disease specified in the Schedule to this Act;
- (i) "transport" means to remove to one place from another place within the ¹[State];
- (j) "Veterinary Surgeon" means a Veterinary Surgeon appointed under section 4.

Appointment of Veterinary Surgeons and Inspectors.

4. (1) The ¹[State] Government may, by notification in the *Official Gazette*, appoint a person to be a Veterinary Surgeon for the purposes of this Act for such local area as may be specified in the notification and may specify the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

(2) The ¹[State] Government may, by a similar notification, in the *Official Gazette*, appoint a person to be an Inspector for all or any of the purposes of this Act and specify the area within which he shall exercise the powers and perform the duties of an Inspector under this Act.

(3) A Veterinary Surgeon shall, within the area for which he is appointed, exercise all the powers which an Inspector may exercise under this Act and may exercise such powers in addition to his powers as Veterinary Surgeon.

Veterinary Surgeons and Inspectors to be public servants.

5. Every Veterinary Surgeon and every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860

PART II

PREVENTION AND CONTROL OF SCHEDULED DISEASES

Power to prohibit or regulate import, export or transport of, holding of markets, fairs, etc. of, and traffic in, infective animals, etc.

6. (1) The ¹[State] Government may, for the purpose of preventing the outbreak or spread of any scheduled disease by notification in the *Official Gazette*, prohibit, control or regulate in such manner and to such extent as it may think fit—

- (a) the import, export or transport of any animals, or the carcasses thereof, or of any part of animals or carcasses thereof or of any fodder, bedding or other thing used in connection with animals, which may, in the opinion of the ¹[State] Government, carry infection, or
- (b) the holding of animal markets, animal fairs, animal exhibitions or other concentration of animals in any specified area, or
- (c) the sale or other dealings in, infective animals or the carcasses of animals, which at the time of their death were infective, or any fodder, bedding or

¹ Subs. by the Adaptation of Laws Order, 1950.

other thing used in connection with such animals which may, in the opinion of the ¹[State] Government, carry infection.

(2) The ¹[State] Government may, by notification in the *Official Gazette*, specify the season or seasons during which and the route or routes by which animals may be imported into the ¹[State] and no person shall import animals into the ¹[State] otherwise than during the season and by the route so appointed.

7. (1) The ¹[State] Government may establish quarantine stations for the inspection and detention of animals along the route appointed under sub-section (2) of section 6. Establishment of quarantine stations.

(2) All animals inspected or detained at a quarantine station shall be liable—

(a) to be vaccinated against any scheduled disease if in the opinion of the officer in charge of such station it is necessary to do so; and

(b) to be marked in the prescribed manner.

(3) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination and marking shall be such as may be prescribed.

(4) The animals detained at a quarantine station shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep and for the payment of such fee for their vaccination and marking as may be prescribed.

(5) The officer in charge of the quarantine station shall, at the time of release of an animal from the station, grant in such form as may be prescribed a permit to the person in charge of the animal and such person shall, while in charge of the animal, produce it whenever required to do so by an Inspector or a Police Officer.

8. (1) Where an Inspector has reason to believe that any animal is infective he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order : Power to isolate infective animals and their examination.

Provided that where there is no person in charge of the animal and the owner is unknown, or where the order cannot be communicated to the owner of the animal without undue delay or where the person in charge of the animal refuses to comply with the order under this sub-section, the Inspector may seize the animal and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report to the Veterinary Surgeon every order or seizure under sub-section (1).

¹ Subs. by the Adaptation of Laws Order, 1950.

Power of
Veterinary
Surgeons to
examine
animals.

9. (1) On receipt of a report under sub-section (2) of section 8 the Veterinary Surgeon shall, as soon as practicable examine the animal and all animals with which it has been in contact or to which it has been in close proximity, and for this purpose may submit any animal to any prescribed test.

(2) If after such examination the Veterinary Surgeon—

(a) is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person who, in his opinion, is entitled to its possession:

Provided that where such person cannot, in the opinion of the Inspector, be found after reasonable inquiry, he shall send the animal to the nearest cattle pound or deal with it in such other manner as may be prescribed,

(b) certifies in writing that any animal is affected with a scheduled disease, the Inspector, shall destroy the animal, or deal with it in such other manner as may be prescribed, or

(c) certifies in writing that any animal is infective, though not diseased the animal shall be dealt with in such manner as may be prescribed.

(3) The decision of the Veterinary Surgeon whether any animal has been in contact with or in close proximity to an animal suspected to be affected with a scheduled disease shall be final.

Compensa-
tion for
animals
destroyed.

10. (1) The owner of an animal destroyed under sub-section (2) of section 9 may be paid such compensation as shall be determined in the manner prescribed:

Provided that no compensation shall be paid—

(i) to any person convicted of any offence punishable under this act committed in respect of such animal; or

(ii) in respect of any animal which, when it was imported, was affected with a scheduled disease on account of which it was destroyed.

(2) The decision under sub-section (1) regarding the right of a person to be paid any compensation or the amount of such compensation shall be final.

Declaration
of private
infected
places and
examination
of such places
by Veteri-
nary Sur-
geon.

11. (1) If an Inspector has reason to believe that an infective animal is kept on any land, or in any building or other place he shall, forthwith, by order in writing, declare such land, building or place to be an infected place. The Inspector shall deliver a copy of the order to the owner, occupier or person in charge of the infected place and report his action to the Veterinary Surgeon.

Nothing in this sub-section shall apply to any place which is owned by or is under the control or management of, any local authority or a railway administration and in which animals are kept temporarily for purposes of sale or exhibition or while in transit.

(2) On receipt of a report under sub-section (1), the Veterinary Surgeon shall, as soon as practicable, examine the infected place and the animals kept therein. After such examination, he shall either confirm or cancel the order passed by the Inspector.

(3) If the Veterinary Surgeon confirms the order passed by the Inspector, he may declare all places in which animals are kept, temporarily or otherwise, within a radius not exceeding one mile from the infected place, to be infected places. The Veterinary Surgeon shall give a written notice of such declaration to the owners, occupiers or persons in charge of such places. The Veterinary Surgeon shall thereafter report the action taken by him under this section to the prescribed authority.

(4) If the Veterinary Surgeon cancels the order passed by the Inspector, the place specified in such order shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

12. (1) Where the Veterinary Surgeon has reason to believe that an infective animal is or has been kept in any place which is owned by or is under the control or management of any local authority or railway administration or a port authority and in which animals are kept temporarily for purposes of sale, or exhibition, or while in transit, he may, by order in writing, declare such place to be an infected place.

Declaration of public infected places.

(2) The Veterinary Surgeon shall—

- (a) cause a copy of the order passed by him under sub-section (1) to be exhibited prominently in the infected place in the regional language of the locality;
- (b) cause a copy of such order to be delivered at the office of the local authority or to the station master of the nearest railway station or to the Officer in charge of the port or in charge of a shipping office at such port, as the case may be;
- (c) cause a copy of the order to be sent to the nearest police station; and
- (d) forthwith report the action taken by him to the prescribed authority.

13. (1) On receipt of the report of the Veterinary Surgeon under sub-section (3) of section 11 or sub-section (2) of section 12, the prescribed authority shall, after making such further inquiry as it thinks fit, submit such report with his remarks thereon, to the ¹[State] Government.

Power of ¹[State] Government to declare infected areas.

(2) The ¹[State] Government on receipt of the report from the prescribed authority may—

- (a) confirm the declaration under sub-section (1) or (3) of section 11 or sub-section (1) of section 12 either with or without modification; or
- (b) cancel any such declaration.

¹ Subs. by the Adaptation of Laws Order, 1950.

(3) Where the ¹[State] Government confirms any such declaration, either with or without modification, a notification, shall be published in the *Official Gazette*, defining the limits of the area to which the declaration, with the modifications, if any, made therein shall apply and declaring such area to be an infected area.

(4) The ¹[State] Government may by notification in the *Official Gazette* add to, amend, vary or rescind any notification published under sub-section (3) either on its own motion or on a further report of the Veterinary Surgeon submitted to it through the prescribed authority.

(5) On publication of a notification under sub-section (3) or (4) any place declared by the Inspector or the Veterinary Surgeon to be an infected place and not included in the infected area as defined in such notification shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(6) The Inspector shall cause to be exhibited, in some prominent place in the infected area and in the regional language thereof a copy of the notification issued under sub-section (3) or (4).

(7) Where the ¹[State] Government cancels any declaration referred to in sub-section (2), any place specified in such declaration shall cease to be an infected place and the Inspector shall give notice accordingly to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

Removal of animals and other things from infected area or place prohibited without licence.

14. (1) Where any area or place has been declared to be an infected area or place under the foregoing provisions, no person shall, while such a declaration remains in force, remove any infected animal, alive or dead, or any part of an animal or any food, bedding or other thing used in connection with an animal, save in accordance with the conditions of a licence granted by the Inspector.

(2) Nothing contained in sub-section (1) shall apply to the carriage by railway of any animal or thing referred to in that sub-section through an infected area or place:

Provided that where any such animal or thing while in transit through an infected area or place is unloaded therein, it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

Power to require animals, etc. to be brought to infected areas.

15. Where any animal or thing referred to in section 14 is removed from an infected area or place otherwise than in accordance with the conditions of a licence granted under the said section 14, any Inspector or Police Officer may require the owner or person in charge of such animal or thing to take it back to such area or place:

¹ Subs. by the Adaptation of Laws Order, 1590.

Provided that nothing in this section shall affect the powers of an Inspector under section 8 to deal with infective animals.

16. (1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected by him at such periods and in such manner as may be prescribed.

Cleansing and disinfection of vessels and vehicles.

(2) The person in charge of every such vessel or vehicle shall, when required to do so by an Inspector, cause the vessel or vehicle to be taken to such place as the Inspector may direct and to stop and remain stationary for so long as may reasonably be necessary for the purpose of enabling the Inspector to inspect such vessel or vehicle. The Inspector may, after such inspection, if in his opinion the vessel or vehicle is not in a sanitary condition, require it to be cleansed and disinfected in the prescribed manner.

(3) Nothing in this section shall apply to the rolling stock of any railway.

17. Subject to such rules as may be prescribed, the Veterinary Surgeon, by order in writing, require the owner, occupier or person in charge of any land, building, or other place or of any vessel or vehicle in which an infective animal has been kept to have such land, building, place, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto to be disinfected or destroyed, in such manner and to such extent as may be specified in the order.

Power to require disinfection of infected premises, vessels or vehicles.

18. Subject to such rules as may be prescribed the Veterinary Surgeon may make or cause to be made a post-mortem examination of any animal which at the time of its death was infective or is suspected to have been infective, and for this purpose he may cause the carcass of such animal to be exhumed.

Power of Veterinary Surgeon to hold post-mortem.

19. Every owner or person in charge of, and every Veterinary practitioner who has been called to treat, an animal which he has reason to believe to be affected with a scheduled disease shall forthwith report the fact to the Inspector having jurisdiction in the area.

Duty of certain persons to report scheduled disease.

20. No person shall keep or graze in open or unenclosed land to which other persons have a right of access for their animals, any animal which he knows to be infective.

Keeping or grazing infective animal prohibited.

21. No person shall bring or attempt to bring into any market, fair, exhibition or other concentration of animals, any animal which he knows to be infective.

Bringing of infective animals in market, etc., prohibited.

22. No person shall place or cause or permit to be placed in any river, lake, canal or other water or in the sea within such distance from the shore, as may be prescribed, the carcass or any part of the carcass of any animal which at the time of its death was infective or which was destroyed on account of its being infective or suspected to be infective.

Placing of carcass of infective animals in river, etc., prohibited.

- Disinterring without lawful authority carcass of animal prohibited.** **23.** No person shall without lawful authority disinter or cause to be disinterred the carcass or any part of the carcass of any animal which, at the time of its death, was infective or which was destroyed on account of its being infective or suspected to be infective.
- Powers of entry and inspection.** **24.** Subject to such rules as may be prescribed, an Inspector may enter upon and inspect any land, building or other place or any vessel or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.
- Enforcement of orders and recovery of expenses.** **25.** (1) Where by any notice, requisition, or order made under this Act or under any rule or notification issued thereunder, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such notice, requisition or order within which such measures shall be taken or such things shall be done, as the case may be.
- (2) If such measures are not taken or such thing is not done within the time so specified, the authority issuing the notice, requisition or order may cause the measures to be taken or the thing to be done at the cost of the person concerned.
- (3) The cost of any measures taken or thing done under sub-section (2) shall be recoverable from the person concerned in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court as if such costs were a fine imposed by a Court.
- Power of Inspector to decide whether or not animal is infective.** **26.** If any question arises under this Act whether or not an animal is an infective animal, the question shall be decided by the Veterinary Surgeon and his decision shall be final.
- Penalties.** **27.** Whoever—
- (i) fails to carry out any direction specified in, or contravenes the terms of, any notification issued under section 6 or imports any animal in contravention of the provisions of sub-section (2) thereof, or
 - (ii) fails to feed or look after the upkeep of the animal under sub-section (4) of section 7 or fails to produce the permit under sub-section (5) thereof, or
 - (iii) fails to comply with an order made by an Inspector under sub-section (1) of section 8, or
 - (iv) removes any animal or thing from an infected area or place in contravention of the provisions of section 14, or
 - (v) fails to comply with any direction given by an Inspector or a Police Officer under section 15, or

- (vi) fails to cleanse or disinfect any vessel, or vehicle used for removing animals in the manner prescribed as required under sub-section (1), or fails to cause any vessel or vehicle to stop and remain stationary when required to do so under sub-section (2) of section 16, or
- (vii) fails to comply with an order made by a Veterinary Surgeon under section 17, or
- (viii) fails to report that an animal is infective as required by section 19, or
- (ix) keeps or grazes any animal which he knows to be infective in contravention of the provisions of section 20, or
- (x) brings or attempts to bring any animal which he knows to be infective in contravention of the provisions of section 21, or
- (xi) disinters or causes to be disinterred the carcass or any part of the carcass of any animal which at the time of its death was infective or was destroyed on account of its being infective or suspected to be infective in contravention of the provisions of section 23,

shall, on conviction, be punished with fine which may extend in the case of a first conviction to one hundred rupees, and in the case of a second or subsequent conviction whether under the same or any other clause of this section to five hundred rupees.

28. Whoever places or causes or permits to be placed in any river, lake, canal or other water or in the sea within such distance from the shore, as may be prescribed, the carcass or any part of the carcass of any animal which at the time of its death was infected or which was destroyed on account of its being infective or suspected to be infective, in contravention of the provisions of section 22 shall, on conviction, be punished, in the case of a first conviction with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both, and in the case of a subsequent conviction with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

29. (1) Whoever, being an Inspector or a Veterinary Surgeon, appointed under this Act, vexatiously and unnecessarily enters or inspects any land, building or other place or any vessel or vehicle or seizes or detains any animal shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

- Officers bound to assist Inspectors and Veterinary Surgeons.** **30.** All village officers and all officers of the departments of revenue, agriculture and veterinary shall be bound—
- (a) to give immediate information to the Veterinary Surgeon and Inspector having jurisdiction in the area regarding the prevalence of a scheduled disease among animals in the area,
 - (b) to take all necessary measures to prevent the spread of disease, and
 - (c) to assist the Veterinary Surgeon and Inspector to carry out the provisions of this Act.
- Institution of proceedings.** **31.** No Magistrate shall take cognizance of any offence punishable under this Act except upon the complaint of a Veterinary Surgeon.
- Jurisdiction of Magistrate.** **32.** No Magistrate, other than a Presidency Magistrate, a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf by the ¹[State] Government shall try any offence punishable under this Act.
- Bar of claim to compensation.** **33.** No person shall except as provided for in section 10 be entitled to any compensation on account of the destruction of any animal or thing under provisions of this Act or of any loss, injury or inconvenience caused to him by reason of anything lawfully done under this Act.
- Officers to act subject to orders of Government.** **34.** All officers shall exercise the powers and perform the duties conferred and imposed on them by or under this Act in accordance with such orders, not inconsistent with the provisions of this Act, as the ¹[State] Government may from time to time make.
- Protection for action taken under this Act.** **35.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made under this Act.
- Rules.** **36.** (1) The ¹[State] Government may make rules for the purpose of carrying into effect the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely :—
- (i) the manner of marking animals under sub-section (2), the period of detention under sub-section (3), the amount of fee for the vaccination and marking of animals under sub-section (4), and the form of permit under sub-section (5), of section 7;
 - (ii) the test to which an animal may be submitted under sub-section (1), and the manner in which an animal may be dealt with under sub-section (2), of section 9;
 - (iii) the manner in which compensation shall be determined under section 10;

¹ Subs. by the Adaptation of Laws Order, 1950.

- (iv) the authority to be prescribed for the purposes of sections 11, 12 and 13;
- (v) the periods at which and the manner in which the vessels and vehicles shall be cleansed and disinfected under section 16;
- (vi) for disinfecting land, building or other place or vessel or vehicle under section 17;
- (vii) the making of post-mortem examinations under section 18;
- (viii) the distance from the shore within which carcasses shall not be placed under section 22;
- (ix) for regulating the powers of an Inspector under section 24.

(3) In making a rule under sub-section (1) or sub-section (2), the ¹[State] Government may provide that a breach thereof shall be punishable with fine which may extend in the case of a first conviction to Rs. 50 and in the case of a second or subsequent conviction to Rs. 100.

(4) The rules made under this section shall, subject to the condition of previous publication, be published in the *Official Gazette*.

SCHEDULE

- | | |
|---------------------------------|---------------------|
| 1. Rinderpest or cattle plague. | 5. Anthrax. |
| 2. Foot and Mouth Disease. | 6. Tuberculosis. |
| 3. Haemorrhagic Septicaemia. | 7. Johne's Disease. |
| 4. Blackquarter. | 8. Rabies. |

¹ Subs. by the Adaptation of Laws Order, 1950.

**THE BOMBAY ANIMAL CONTAGIOUS DISEASES
(CONTROL) ACT, 1948, AS EXTENDED TO
KUTCH**

THE Bombay Animal Contagious Diseases (Control) Act, 1948 is extended to Kutch by Notification dated September 8, 1952 subject to the following modifications :—

- (1) Throughout the Act for the words "Province of Bombay" the words "State of Kutch" shall be substituted.
- (2) Throughout the Act for the words "State Government" the words "Chief Commissioner" shall be substituted.
- (3) Throughout the Act for the word "Dominion" the word "Union" shall be substituted.
- (4) In section 32, the words "a Presidency Magistrate" shall be omitted.

**THE ¹[MADHYA PRADESH] CATTLE DISEASES ACT,
1934**

CENTRAL PROVINCES ACT XVI OF 1934

**An Act to provide for the prevention of the spread of
contagious diseases among cattle in the Central
Provinces**

WHEREAS it is expedient to provide for the prevention of ^{Preamble.}
the spread of contagious diseases among cattle;

AND WHEREAS the previous sanction of the Governor
General required by sub-section (3) of section 80-A of the
Government of India Act has been obtained to the passing
of this Act;

It is hereby enacted as follows :—

1. (1) This Act may be called the ¹[Madhya Pradesh] <sup>Short title,
Cattle Diseases Act, 1934. extent and
commence-
ment.</sup>

(2) This Act, except sections 3 to 9, extends to the whole
of the Central Provinces and shall come into force at once.
²[Sections 3 to 8 and section 9] shall extend to such areas
and come into force on such dates as the ³[State] Government
may, by notification, direct.

2. In this Act, unless there is anything repugnant in the ^{Definitions.}
subject or context,—

(a) "cattle" means such domesticated animals as may
be prescribed;

(b) "contagious disease" means rinderpest and such
other disease as may be prescribed; and

⁴[(b-1) "Infective" means affected by a contagious di-
sease or having recently been in contact with or
proximity to a Cattle so affected, or residing in an
area declared to be infected area];

(c) "prescribed" means prescribed by rule made under
this Act.

⁵[CHAPTER I

**REGULATION OF ENTRY AND MOVEMENT OF CATTLE
IN A LOCAL AREA]**

3. (1) When sections 3 to ⁶[8] have been extended to ^{Seasons and}
any area, the ³[State] Government may, by notification, ^{routes for}
appoint the season or seasons during which and the route or ^{importation}
of cattle.

¹ Subs. by the Adaptation of Laws Order, 1950.

² Amended by s. 2 of C.P. Act XXVII of 1936.

³ Sub. by the Adaptation of Laws Orders, 1937 and 1950.

⁴ Ins. by s. 2 of C.P. and Berar Act, XXXV of 1948.

⁵ Ins. by s. 3 of *ibid.*

⁶ Subs. by s. 3 of C.P. Act XXVII of 1936.

- routes by which cattle may be imported into such area, and no person shall import cattle into such area otherwise than during the season and by the route so appointed.
- Quarantine stations.** (2) The ¹[State] Government may establish quarantine stations for the inspection and detention of such cattle along the routes appointed under sub-section (1).
- Vaccination and marking of cattle.** 4. (1) All cattle on arrival at a quarantine station shall be liable—
- (a) to be vaccinated against contagious disease, unless the veterinary officer of the station is satisfied that they have been vaccinated against such disease within 18 months immediately preceding their arrival or within such longer period so preceding as may be prescribed; and
- (b) to be marked in the prescribed manner.
- Period of detention of cattle at quarantine station.** (2) The period of detention of cattle at a quarantine station for the purpose of inspection and vaccination shall be such as may be prescribed.
- Assistance to Veterinary Officer for inspection, etc., of cattle.** (3) Every person in charge of cattle shall give reasonable assistance to the Veterinary Officer of the station and his subordinates for the inspection, vaccination and marking of such cattle.
- Feeding and upkeep of detained cattle.** 5. (1) The cattle so-detained shall remain, under the care of the person in charge who shall be responsible for their feeding and upkeep.
- (2) The ¹[State] Government shall establish fodder depots through the agency of the Forest Department at quarantine stations for the supply of fodder on payment to persons in charge of cattle so detained or provide facilities for the grazing of such cattle on payment in any adjoining Government forest. The ¹[State] Government shall, likewise, make watering arrangements at every such station, unless there is a natural supply of water close thereto, and persons in charge of cattle shall be entitled to water free of charge.
- Precautions against straying of cattle.** (3) Every person in charge of cattle shall, during the period of their detention, take reasonable precautions against their straying from the limits of the quarantine station or from the place allotted for their halt.
- Liability to pay vaccination and marking fee.** 6. (1) The person in charge of cattle shall be liable to pay the prescribed fee for their vaccination and marking under section 4.
- (2) If such fee is not paid, the Veterinary Officer of the station may seize as many cattle as will, in his opinion, suffice to defray the fee leviable under sub-section (1) and forthwith report the fact to the Deputy Commissioner or such other officer as may have been appointed by the Deputy Commissioner in this behalf.
- (3) The Deputy Commissioner or other officer so appointed may, if satisfied that such fee has not been paid, issue such notice or proclamation as may be prescribed, and cause

¹ Subs. by Adaptation of Laws Order, 1937 and 1950.

the cattle so seized to be sold by auction and the proceeds of the sale applied to the payment of—

- (a) the amount due on account of the fee leviable under sub-section (1), and
- (b) the charges in connection with the seizure, custody, feeding and upkeep of the cattle and the proceedings of the sale.

(4) The balance of the purchase money, if any, shall be delivered to the person who was in charge of the cattle when they were seized or their owner, together with an account showing—

- (a) the number of cattle seized,
- (b) the time during which they had been in custody,
- (c) the proceeds of sale, and
- (d) the manner in which those proceeds have been disposed of.

7. The veterinary officer of a quarantine station shall, at the time of release of cattle from the station, grant, in such form as may be prescribed, a permit to the person in their charge, and such person shall, while in charge of the cattle, produce it whenever so required by such officers of the Revenue, Police, Forest, Medical or Veterinary Department as may be prescribed. If such person fails to produce a permit, the officers aforesaid shall give him reasonable facility to produce the same within a given time. Permit of release of cattle.

8. No person importing cattle into any area during a season and by route appointed for such area under section 3 shall pass beyond a quarantine station unless he holds a permit under section 7 in respect of the cattle in his charge. Prohibition to pass beyond quarantine station.

9. No professional dealer in cattle shall purchase or sell cattle ¹[from or to any person] and no person shall sell cattle to such dealer, unless such cattle have been vaccinated against contagious disease within 18 months immediately preceding the date of purchase or sale, as the case may be, or within such longer period so preceding as may be prescribed. Prohibition to purchase or sell unvaccinated cattle.

CHAPTER II

PREVENTION AND CONTROL OF CONTAGIOUS DISEASES

9-A. The provisions of this Chapter shall come into force in such area and on such date as the ²[State] Government may by notification specify. Commencement of Chapter.

9-B. (1) Every owner or person-in-charge or having control of any cattle, who has reason to believe that such cattle is infective, shall forthwith report the fact to the mukaddam or patel, as the case may be, of the village in which Report of contagious disease.

¹ Subs. by s. 4 of C. P. Act XXVII of 1936.

² Ins. by s. 4 of C. P. and Berar Act XXXV of 1948.

³ Subs. by the Adaptation of Laws Order, 1950.

the cattle is kept or if the cattle is kept in any other place and if such place has a veterinary dispensary to the Veterinary Officer in charge of the dispensary or to the secretary or executive officer of the local authority having jurisdiction over the area in which the cattle is kept.

(2) Every *mukaddam, patel*, secretary or executive officer of the local authority concerned, who becomes aware of any case of infective cattle, whether from report received under sub-section (1) or otherwise, shall forthwith send intimation of the same to the appropriate Veterinary Assistant Surgeon.

(3) Whenever a Veterinary Officer receives a report under sub-section (1) or sub-section (2) or has reason to believe that any cattle within his jurisdiction is infective, he shall proceed as soon as possible to the place where the cattle is and shall take such action as may be prescribed for the declaration of the area as infected area and for the enforcement of the provisions of the Act in that area, and shall send a report of the action taken to such authority as may be prescribed.

Explanation.—For the purposes of this section the expression “Veterinary Officer” means any officer of the Civil Veterinary Department not below the rank of Veterinary Assistant Surgeon.

9-C. (1) The ¹[State] Government or such officer as it may authorise in this behalf may, by notification published in the manner prescribed, declare any area in which any contagious disease has broken out, or any area within which, in the opinion of the ¹[State] Government, or such officer, there is a danger of the spread of any such disease, to be an infected area.

Declaration of the infected areas.

(2) Every notification under sub-section (1) shall specify the limits of the area which is declared to be an infected area and shall also specify the contagious disease in respect of which the area is declared to be an infected area.

9-D. (1) On the issue of a notification under section 9-C the ¹[State] Government or the officer authorised under the said section may take or require or empower any person to take such measures and enforce such rules to be observed by the public or by any person or class of persons as the ¹[State] Government or such officer deems necessary to prevent the out-break of a contagious disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation, if any), shall be defrayed.

Power to take special measures and make rules as to contagious diseases.

(2) In particular and without prejudice to the generality of the foregoing provision, the ¹[State] Government may take measures and make rules for—

- (a) prohibition of movement of cattle, cattle carcasses or articles appertaining to them, into or out of infected areas;

¹ Subs. by the Adaptation of Laws Order, 1950.

- (b) preventive vaccination or inoculation of cattle in infected areas and marking of cattle for purposes of identification;
- (c) compulsory segregation and treatment of cattle in infected areas.]

10. The ¹[State] Government may, for the purpose of preventing the outbreak or spread of a contagious disease, by order, disperse, prohibit or regulate in such manner and to such extent as it may think fit, the holding of a cattle-market, cattle-fair, cattle-exhibition or other concentration of cattle. Such order shall be published in such manner as the ¹[State] Government may think fit.

Power of local Government to disperse, prohibit or regulate the holding of cattle-market, cattle-fair, cattle-exhibition, etc.

CHAPTER III

SUPPLEMENTAL

10-A. Subject to such rules as may be made a Veterinary Officer may enter and inspect any land, building or other place or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

Power of Veterinary Officer to enter and inspect land etc.

10-B. A Police Officer not below the rank of Sub-Inspector shall at the request in writing of a Veterinary Officer render such assistance as is required for proper enforcement of the Act.]

Invoking police assistance.

11. Whoever is guilty of any act or omission in contravention of any of the provisions of this Act, or of any rule or order made thereunder, shall be punishable with fine which may extend to five hundred rupees, or, in default of payment of the fine, with simple imprisonment which may extend to three months.

Penalty.

³[11-A. No court shall take cognizance of any offence under this Act except upon the report or a complaint of a Veterinary Officer.

Cognizance of offence

11-B. No court inferior to that of a Magistrate of the Second Class shall try offences punishable under this Act or any rule made thereunder.]

Jurisdiction of courts

12. No suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Bar of suits.

13. (1) The ¹[State] Government may, subject to the condition of previous publication, make rules consistent with this Act—

Power to make rules.

- (a) as to all matters which are to be prescribed;
- (b) regulating the powers, duties and procedure of Government officers under this Act;

¹ Subs. by Adaptation of Laws Orders, 1937 and 1950.
² Ins. by s. 5 of C. P. and Berar Act XXXV of 1948.
³ Ins. by s. 6 of *ibid.*

- (c) for the guidance of all persons in all matters connected with this Act; and
- (d) generally, for carrying out the purposes of this Act.

¹[(2) All rules made under this Act by the ²[State] Government shall be laid for not less than fourteen days before the ³[State] Legislature as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid.]

¹ Subs. by s. 7 of C. P. and Berar Act XXXV of 1948.

² Subs. by the Adaptation of Laws Order, 1950.

THE MADRAS CATTLE DISEASE ACT, 1866
MADRAS ACT II OF 1866

WHEREAS it is expedient to take measures to prevent the spreading of contagious or infectious diseases among animals in the Presidency of Madras, and, with that object, to prescribe by-law in what way animals so infected shall be dealt with;

It is hereby enacted as follows:—

1. This Act shall be put in force in such districts or parts of districts, and during such periods of time, as the ¹[State Government] or subject to his control the Board of Revenue may from time to time direct by notification in the Fort St. George Gazette.

Act to be extended to such places, and during such periods of time, as the ¹[State Govt.] thinks proper.

2. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction:—

Interpretation clause.

The word "Magistrate" shall include all persons exercising all or any of the powers of a magistrate.

Magistrate.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words importing the masculine gender shall include the feminine.

Gender.

The word "animal" shall mean any camel, horse, pony, ass, bull, bullock, cow, heifer, calf, sheep, lamb, goat, kid or swine.

Animal.

3. Whenever this Act shall have been applied, as above provided, to any district or part of a district, hospital-pounds shall be established in such places as the Magistrate of the district, or, in the City of Madras, ²[the Commissioner of the Corporation] shall determine, and keepers shall be appointed to such pounds by the said Magistrate. The village or villages by which every hospital-pound is to be used shall be determined and notified by the Magistrate.

Establishment of hospital-pounds.

4. Whenever in any district or part of a district to which this Act has been extended as above provided, any animal is attacked by any contagious or infectious disease, it shall be the duty of the owner, or of the person in charge thereof, to give immediate notice to the keeper of the hospital-pound provided for the village or township in which the animal may at the time be.

Notice by owner of cattle attacked by disease.

5. On receiving notice as aforesaid, the keeper of the hospital-pound shall, as soon as possible, examine the animal, and shall decide whether it is necessary to place it in the hospital-pound for treatment.

Examination by pound-keeper.

¹ The words "Provincial Government", were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order, 1950.

² Subs. by the Madras Cattle Disease Amendment Act, 1921 (III of 1921).

Removal to the hospital-pound. ¹6. If the keeper of the hospital-pound should be of opinion that the animal has any contagious or infectious disease, he may thereupon require the owner of the animal, or the person in charge thereof, to place it in the hospital-pound and if necessary shall require the owner or the person in charge to take such measures as he may direct for disinfecting the shed or other place in which the said animal may have been kept.]

Inspection of places in which animals suspected to be diseased are found. 7. Every keeper of a hospital-pound, or person thereto authorized by the Magistrate of the district or, in the City of Madras, ¹[the Commissioner of the Corporation of Madras] shall have power, within the range for which he is appointed to enter upon and inspect any premises or place in which any animal or animals, which he suspects to be labouring under any contagious or infectious disease, may be found, and to examine and inspect, whenever or wherever he may deem it necessary, any animal or animals which he suspects to be labouring under such disease and to require the removal of such animal or animals to the hospital-pound for the range.

Cleansing of premises in which diseased animal has been or is. 8. Every keeper of a hospital-pound or person thereto authorized by the Magistrate of the district or, in the City of Madras, ¹[the Commissioner of the Corporation], shall have power, within his range, to cause to be cleansed and disinfected, in any manner which he may think proper, any premises in which any animal labouring under any contagious or infectious disease has been or may be, and to cause to be disinfected, and, if necessary, destroyed, any fodder, manure or refuse matter which he may deem likely to propagate the said disease.

Expenses for food and treatment by whom to be borne. 9. From the time when any animal affected as aforesaid is taken charge of by the keeper of the hospital-pound, all expenses incurred on account of feeding and medical treatment for the said animal shall be borne by the cattle-pound fund established under Act No. III of 1857, unless the owner, or person in charge thereof desires to supply the food and medicines himself:

Provided always that such food and medicines shall be such as the keeper of the hospital-pound may approve or direct.

Power to destroy diseased animals. 10. The keeper of the hospital-pound, or other person thereto authorised by the Magistrate of the district or, in the City of Madras, ¹[the Commissioner of the Corporation], shall be empowered to destroy any animal either before or after it has been impounded as aforesaid, whenever it shall appear to him to be necessary to prevent the spread of contagion or infection.

Burial of carcass. When any animal shall have been so destroyed, or shall die whilst in charge of the keeper of the hospital-pound, it shall be the duty of the said keeper to have the carcass

¹ Subs. by the Madras Cattle Disease Amendment Act, 1921 (III of 1921).

of the said animal buried at least six feet below the surface of the ground, and any cost incurred in so doing shall be met from the cattle-pound fund.

No compensation shall be claimable in respect of any loss incurred by reason of any act authorised by this section.

11. Should an animal impounded as aforesaid recover from the disease under which it may have been labouring the owner or person who was in charge thereof shall pay to the keeper of the hospital-pound, to be placed to the credit of the cattle-pound fund, the actual cost of the feeding and treatment of such animal. Owner to pay costs for animal cured.

Should he fail to pay the expenses aforesaid, then the said animal shall be sold by auction, and the sum realised by its sale, after deducting the amount of the expenses shall be paid over to the owner, or the person who was in charge: Recovery in case of default.

Provided always that in such cases as the owner or person who was in charge may elect to supply food and medicine he shall not be required to pay any charges whatever. Owner when not chargeable.

12. No person having in his possession, or under his custody, any animal which has been in the same shed or stable, or in the same herd or flock, or in contact, with any animal labouring under any contagious or infectious disease, shall remove such animal alive from his land or premises without the licence of the keeper of the hospital-pound for the range, or of some person authorised by the Magistrate of the district or, in the City of Madras, ¹[the Commissioner of the Corporation] to grant such licence. Bar to removal, without licence, of animal in contact with diseased cattle.

Every such licence shall be in writing, and shall only permit the removal of such animal to some place where it can be conveniently kept apart from all other animals until the hospital-pound-keeper or other person authorised as aforesaid, is satisfied that there is no reasonable probability of such animal propagating the disease. Licences.

13. If any person who may be in charge of any animal at the time of its being attacked by a contagious or infectious disorder shall fail to give notice to the hospital-pound-keeper of the village, as required in section 4, the said person shall be liable on conviction before a magistrate, to a fine not exceeding rupees five for every instance of such neglect, commutable, if not paid, to simple imprisonment for any period not exceeding ten days. Penalty for failing to give notice when animal is attacked by disease.

14. Any person who shall fail to comply with the directions of a hospital-pound-keeper, or of a person duly authorised by the Magistrate of the district or, in the City of Madras, ¹[the Commissioner of the Corporation] in that behalf, as to impounding any diseased animal; or to the disinfecting of any premises or place where any diseased animal may have been kept; or to the disinfecting or destroying any fodder, manure and refuse matter which may be likely to propagate the disease; or who may remove, without a licence, Penalty for refusing to obey directions of cattle-pound-keeper, etc.

any animal which has been in the same shed or stable, or in the same herd or flock, or in contact, with any animal labouring under any contagious or infectious disease, shall, on conviction before a Magistrate, be liable, for every such offence, to a fine of twenty rupees, commutable, if not paid, to simple imprisonment for any period not exceeding ten days.

Penalty for opposing seizure and impounding of diseased animals.

¹[15. In any District or part of a District in which this Act is in force, hospital-pound-keepers, all police officers not below the rank of a Sub-Inspector and such other persons as the Magistrate of the district or, in the City of Madras, ¹[the Commissioner of the Corporation] may specially empower, may seize and impound all animals suffering from contagious or infectious disease and any person who shall forcibly oppose such seizure or who shall forcibly rescue the animal after such seizure, shall be deemed to have committed an offence punishable under section 186 of the *Indian Penal Code*.]

Complaint of seizure by owner.

16. Any person, whose animals shall have been seized as being diseased, may prefer a complaint against the seizure, at any time within ten days from the date thereof, to any Magistrate.

Form of complaint.

The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances.

Procedure thereon.

If on examination of the complainant or his agent, the Magistrate shall see reason to believe the complaint to be well founded, he shall summon the party complained against, and shall proceed to make a summary inquiry into the case.

If the seizure be adjudged illegal, the Magistrate shall award to the complainant such damages as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure, together with all expenses incurred by the complainant in procuring the release of the animals; or, if the animals have not been released, the Magistrate, in addition to the award of damages, shall make an order for their release, and shall direct that the expenses leviable under this Act shall be paid by the party who made the seizure.

The amount of all damages and expenses so awarded shall be recoverable according to the process prescribed in Act No. V of 1865 (Madras), for the recovery of forfeitures or penalties imposed under the authority of Act No. XXIV of 1859.

Fees and fines to be credited to the cattle-pound.

17. All fines levied under this Act shall be credited to the cattle-pound fund established under the provisions of Act No. III of 1857, which fund shall be available for payment of all expenses incurred under the provisions of this Act :

¹ Subs. by the Madras Cattle Disease Amendment Act, 1921 (III of 1921).

Provided that it shall be lawful for the officer inflicting a fine under this Act to direct any portion thereof, not exceeding one-half, to be paid to the informer.

18. It shall be lawful for the ¹[State Government] by notice published in the Fort St. George Gazette, to make and prescribe such by-laws, as may from time to time seem necessary for the more effectually preventing the spreading of infectious or contagious diseases among animals, provided that such by-laws shall not be repugnant to the provisions of this or any other Act.

A breach of any such by-laws shall render the party liable, on conviction before a Magistrate, to a fine not exceeding rupees ten, commutable to simple imprisonment for fifteen days.

APPENDIX A(1)

Notifications issued under the Madras Cattle Disease Act

NOTIFICATION (1)

In exercise of the powers conferred by section 18 of the Madras Cattle Disease Act, 1866, ¹[State Government] is pleased to make the following by-law:—

In any district or part of a district in which the provisions of the Madras Cattle Disease Act, 1866, are put in force, the Magistrate of the district (or, in the City of Madras, the Commissioner of the Corporation of Madras) may close temporarily cattle markets and fairs, whether public or private, whatever he considers such a course to be necessary in order to prevent the spread of a contagious or infectious disease among animals.

NOTIFICATION (2)

In exercise of the powers conferred by section 18 of the Madras Cattle Disease Act, 1866, the ¹[State Government] is pleased to make the following by-law:—

In any district or part of a district in which the provisions of the Madras Cattle Disease Act, 1866, are put in force, whenever any animal dies of any contagious or infectious disease, its owner, or the person in charge of it, shall give immediate notice of the occurrence to the keeper of the hospital-pound provided for the village or township in which the animal died, and shall see that the carcass is not skinned. The keeper of the hospital-pound shall, as soon as possible, examine the carcass and if he should be of opinion that the animal died of a contagious or infectious disease, he shall require the owner or the person in charge to have the carcass either burnt, or buried without skinning at least six feet below the surface of the ground and well covered with quicklime.

NOTIFICATION (3)

In exercise of the powers conferred by section 18 of the Madras Cattle Disease Act, 1866, the Government of Madras (Ministry of Development) are pleased to make the following by-law:—

In any district or part of a district in which the provisions of the Madras Cattle Disease Act, 1866, are put in force, the District Magistrate or in the City of Madras, ²[the Commissioner of the Corporation], may, if he considers such a course necessary in order to check the spread of Rinderpest where this disease exists, order compulsory inoculation by the "Serum-alons" method by the officers of the Civil Veterinary Department.

Such order shall specify the villages or areas to which it applies and be published in such manner as the District Magistrate, or the Commissioner may think fit. The time and place for the production of animals for inoculation in every such village or area shall be published in such village or area in the manner aforesaid and thereupon it shall be the duty of the owner or person in charge of every animal therein to produce such animal for inoculation at the said time and place.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order, 1950.

² Subs. by the Madras Cattle Disease Amendment Act, 1921 (III of 1921).

THE MADRAS RINDERPEST ACT, 1940

ACT XIX OF 1940

An Act to provide for the prevention and control of rinderpest in the Province of Madras

WHEREAS it is expedient to provide for the prevention and control of rinderpest in the Province of Madras ;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Madras Rinderpest Act, 1940.

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

(3) This section shall come into force at once, and the ¹[State] Government may from time to time by notification in the Fort St. George Gazette apply all or any of the remaining provisions of this Act to the whole or any portion of the ¹[State] of Madras from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

Madras Act II of 1866 not to apply to rinderpest.

2. Nothing contained in the Madras Cattle Disease Act, 1866, shall apply to the disease of rinderpest in any area to which the provisions of this Act have been applied by notification under sub-section (3) of section 1 so long as such notification remains in force.

Madras Act II of 1866.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context—

(a) “animal” means any camel, buffalo, bull, bullock, cow, heifer, calf, sheep, lamb, goat, kid, swine or deer;

(b) “infective animal” means an animal which is affected with rinderpest or has recently been in contact with, or in close proximity to, an animal so affected; and

(c) “prescribed” means prescribed by rules made under this Act.

Veterinary Surgeons and Inspectors.

4. (1) The ¹[State] Government may appoint any person they think fit to be a Veterinary Surgeon for the purposes of this Act within such local limits as they may assign to him.

¹ Subs. by the Adaptation of Laws Order, 1950.

(2) The ¹[State] Government may appoint any person they think fit to be an Inspector for all or any of the purposes of this Act within such local limits as they may assign to him.

(3) A Veterinary Surgeon shall within the local limits assigned to him have all the powers of an Inspector under this Act, and may exercise such powers concurrently with his powers as Veterinary Surgeon.

XLV of
1860.

(4) Every person appointed under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

5. The ¹[State] Government may, for the purpose of preventing the outbreak or spread of rinderpest in or from any area, by notification in the Fort St. George Gazette—

- Power to inoculate and regulate movement of animals and to control the holding of markets, fairs, etc., and traffic in infective animals, etc.
- (a) direct that all animals in such area or any class of such animals shall be compulsorily inoculated in accordance with such rules as may be prescribed or such directions as may be specified in the notification;
 - (b) prohibit or regulate in such manner and to such extent as may be prescribed or as may be specified in the notification, the bringing into such area from any other area in the ¹[State] or any part thereof, the removal from such area into any other area in the ¹[State] or any part thereof, or the transport from one place to another in such area, of any animals alive or dead or of any products of animals, or of any parts of animals, or of any fodder, bedding, or other thing used in connexion with animals which may, in the opinion of the ¹[State] Government, carry infection; or
 - (c) prohibit or regulate in such manner and to such extent as may be prescribed or as may be specified in the notification in such area or any part thereof or any other area in the ¹[State]—
 - (i) the holding of animal markets, animal fairs, animal exhibitions or other concentrations of animals; or
 - (ii) the sale of, or other traffic in, infective animals or their products or the carcasses of animals which at the time of their death were infective, or any parts of such animals or any fodder, bedding or other thing used in connexion with such animals which may, in the opinion of the ¹[State] Government, carry infection.

6. Every owner or person in charge of, and every veterinary practitioner who has been called to treat, an animal which he has reason to believe to be affected with rinderpest shall forthwith report the fact to the Inspector exercising powers in the area.

Duty of certain persons to report rinderpest.

¹ Subs. by the Adaptation of Laws Order, 1950.

Power of
Veterinary
Surgeon to
hold *post-*
mortem.

7. Subject to such rules as may be prescribed the Veterinary Surgeon may make or cause to be made a *post-mortem* examination of any animal which at the time of its death was infective or is suspected to have been then infected, and for this purpose he may cause the carcass of any such animal to be exhumed.

Isolation of
infective ani-
mals, exami-
nation by
Veterinary
Surgeon, etc.

8. (1) Where an Inspector has reason to believe that any animal is infective, he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being, or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order:

Provided that where there is no person in charge of the animal and the owner is unknown or the order cannot be communicated to him without undue delay, the Inspector may seize the animal and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report to the Veterinary Surgeon every order or seizure made under sub-section (1).

(3) On receipt of a report under sub-section (2), the Veterinary Surgeon shall as soon as possible examine the animal and all animals with which it has been in contact or to which it has been in close proximity, and for this purpose may submit any animal to any test which may be prescribed in this behalf.

(4) (a) If after such examination the Veterinary Surgeon is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person who in his opinion is entitled to its possession:

Provided that where such person cannot in the opinion of the Inspector be found after reasonable inquiry, he shall send the animal to the nearest cattle-pound, or deal with it in such other manner as may be prescribed.

(b) If after such examination the Veterinary Surgeon certifies in writing that any animal is affected with rinderpest, the Inspector shall destroy the animal or deal with it in such other manner as may be prescribed.

(c) If after such examination the Veterinary Surgeon certifies in writing that any animal is infective though not affected with rinderpest, the animal shall be subjected to such treatment, if any, and be otherwise dealt with in such manner as may be prescribed.

Cleansing
and disinfec-
tion of ves-
sels and vehi-
cles.

9. (1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected periodically in such manner as may be prescribed.

(2) The ¹[State] Government may appoint places where an Inspector may detain and inspect any such vessel or vehicle, and if it is not in a sanitary condition, require it to be cleansed and disinfected in the prescribed manner.

¹ Subs. by the Adaptation of Laws Order, 1950.

(3) This section shall not apply to the rolling stock of any railway.

10. Subject to such rules as may be prescribed, the Veterinary Surgeon may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which an infective animal has been kept, to have such building, yard, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto to be disinfected or destroyed, in such manner and to such extent as may be specified in the order.

Power to require disinfection of infected premises, vessels and vehicles.

11. (1) If the Inspector has reason to believe that there is an infective animal in any field, yard, or building in which animals, are kept, temporarily or otherwise, he shall at once, by order in writing, declare the place to be an infected place, and shall deliver a copy of the order to the owner, occupier or person in charge of the place and report his action to the Veterinary Surgeon:

Declaration of private infected places and examinations of such places by Veterinary Surgeon.

Provided that this sub-section shall not apply to any place owned by, or under the control or management of, any local authority, or railway administration where animals are kept temporarily for purposes of sale, exhibition or transit.

(2) On the receipt of a report under sub-section (1), the Veterinary Surgeon shall as soon as possible examine the infected place and the animals kept therein, and confirm or cancel the order of the Inspector.

(3) If the Veterinary Surgeon confirms the order, he may cause notice to be served on the owners, occupiers or persons in charge of all places in which animals are kept, temporarily or otherwise, within a radius not exceeding one mile from the infected place, declaring such places to be infected places.

The Veterinary Surgeon shall forthwith report his action under this sub-section to the prescribed authority.

(4) If the Veterinary Surgeon cancels the order, the place specified in such order shall cease to be an infected place, and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

12. (1) If the Veterinary Surgeon has reason to believe that any infective animal is or has been kept in any place owned, controlled or managed by any local authority or railway administration where animals are kept temporarily for purposes of sale, exhibition or transit, he may, by order in writing, declare such place to be an infected place.

Declaration of public infected places.

(2) The Veterinary Surgeon shall—

- (a) cause a copy of the order passed by him under sub-section (1) in the language of the locality, to be exhibited prominently in the infected place;
- (b) cause a copy of such order to be delivered at the office of the local authority or to the nearest station-master of the railway administration, as the case may be ;

- (c) cause another copy to be sent to the nearest police station; and
- (d) forthwith report his action to the prescribed authority.

Declaration of infected areas by the ¹[State] Government. 13. (1) On receipt of the report of the Veterinary Surgeon under sub-section (3) of section 11, or under sub-section (2) of section 12, the prescribed authority shall, after making such further inquiry, if any, as it thinks fit, submit such report with its remarks thereon, if any, to the ¹[State] Government who may—

- (a) confirm any declaration made under section 11(1), 11(3) or 12(1) either with or without modifications; or

(b) cancel any such declaration.

(2) (a) Where the ¹[State] Government confirm any such declaration either with or without modifications, a notification shall be published in the Fort St. George Gazette defining the limits of the area to which the declaration with the modifications, if any, made therein, shall apply and declaring such area to be an infected area.

(b) On the publication of a notification under clause (a), any place declared by the Inspector or Veterinary Surgeon to be an infected place and not included in the infected area as defined in such notification shall cease to be an infected place, and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(c) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the language of the area, a copy of the notification under clause (a).

(d) The ¹[State] Government may by notification published in the Fort St. George Gazette add to, amend, vary or rescind any notification published under clause (a) either on their own motion or on a subsequent report of the Veterinary Surgeon submitted through the prescribed authority. The Inspector shall cause to be exhibited in some prominent place in the infected area a copy of every such notification in the language of the area.

(3) Where the ¹[State] Government cancel any declaration referred to in sub-section (1) the place specified in such declaration shall cease to be an infected place, and the Inspector shall give notice accordingly to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

Removal of animals and other things, from infected area or places. 14. (1) Where any area or place has been declared to be an infected area or place under the foregoing provisions of this Act, no person shall, while such declaration remains in force, remove any animal, alive or dead, or any product of an animal, or any part of an animal, or any fodder, bedding

¹ Subs. by the Adaptation of Laws Order, 1950.

or other thing used in connection with an animal, save in accordance with the conditions of a licence granted by the Inspector.

(2) Nothing in sub-section (1) shall prevent the carriage by railway of any animal or thing referred to in that sub-section through an infected area or place :

Provided that where any such animal or thing while in transit through an infected area or place is unloaded therein, it shall not be removed therefrom save in accordance with sub-section (1).

15. Where any animal or thing is removed from an infected area or place otherwise than in accordance with a licence granted under section 14, any Inspector or Police Officer may require the owner or person in charge of such animal or thing to return it to such area or place: Power to return animals, etc., to infected areas.

Provided that nothing in this section shall affect the powers of an Inspector under section 8 to deal with infective animals.

16. Subject to such rules as may be prescribed, an Inspector may enter and inspect any land, building or other place or any vessel or vehicle, for the purpose of exercising the powers or performing the duties conferred or imposed on him by or under this Act. Powers of entry and inspection.

17. (1) Where by any notice, requisition, or order under this Act or under any notification or rule issued thereunder any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such notice, requisition or order within which such measures, shall be taken or such thing shall be done, as the case may be. Time for complying with and enforcement of orders.

(2) If such measures are not taken or such thing is not done within the time so specified, the authority issuing the notice, requisition or order may cause the measures to be taken or the thing to be done at the expense of the person concerned.

18. Where any action is taken under section 17 or any other provision of this Act or any notification or rule issued thereunder in respect of any property at the expense of any person, the authority taking such action shall draw up a certificate stating the amount of the expenses incurred and the person from whom such amount is recoverable, and the amount specified shall be recoverable from such person as if it were an arrear of land revenue due by him. Recovery of expenses.

19. Whoever—

Penalties.

- (a) fails to comply with or contravenes the terms of any notification issued under section 5, or
- (b) fails to report that an animal is infective as required by section 6, or
- (c) fails to comply with an order made by an Inspector under sub-section (1) of section 8, or

- (d) being a common carrier, fails to cleanse or disinfect any vessel or vehicle used for the transport of animals in such manner as may be required under sub-section (1) or sub-section (2) of section 9, or
- (e) fails to comply with an order made by a Veterinary Surgeon under section 10, or
- (f) removes any animal or thing from any infected area or place in contravention of section 14,

shall be punished with fine which may extend to fifty rupees in the case of a first conviction and to one hundred rupees in the case of a second or subsequent conviction whether under the same or any other clause of this section.

Penalty for keeping or grazing infective animal in unenclosed land.

20. Whoever keeps or grazes in or on any forest, open field, roadside, or other unenclosed land, to which other persons have a right of access for their animals, any animal which he knows to be infective, shall be punished with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

Penalty for bringing infective animal to market.

21. Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of animals, any animal which he knows to be infective shall be punished with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

Penalty for placing carcass of infective animal in river.

22. Whoever places, or causes or permits to be placed, in any river, canal, or other water, or in the sea within such distance from the shore as may be prescribed the carcass or part of the carcass of any animal which at the time of its death was infective or which was destroyed as being infective or suspected of being infective, shall be punished in the case of a first conviction with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both and in the case of a second or subsequent conviction with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty for disinterring carcass of diseased animal.

23. Whoever, without lawful authority, disinters or causes to be disinterred the carcass or part of the carcass of any animal which at the time of its death was infective or which was destroyed as being infective or suspected of being infective, shall be punished with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

Arrest without warrant.

24. Any Police Officer not below the rank of Sub-Inspector may, without an order from a Magistrate, and without a warrant, arrest any person who has been concerned in an offence against any of the provisions of this Act relating to infective animals or to infected areas or places declared to be such under this Act.

25. No Magistrate shall take cognizance of any offence Institution of under this Act except upon the complaint or report of a proceedings. Veterinary Surgeon.

26. No Magistrate shall try any offence under this Act Jurisdiction unless he is a Presidency Magistrate, a Magistrate of the of Magis- first class, or a Magistrate of the second class specially em- trates. powered in this behalf by the ¹[State] Government.

27. No person shall be entitled to any compensation in Bar of claim respect of the destruction of any animal or thing or of any to compensa- other loss, injury, detriment or inconvenience caused to tion. him by reason of anything done under this Act in good faith.

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

(2) No officer or servant of the ¹[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.

29. No suit shall be instituted against the ¹[Government] Limitation and no suit, prosecution or other proceeding shall be insti- for certain tuted against any officer or servant of the ¹[State] Govern- suits and ment in respect of any act done or purporting to be done prosecutions. under this Act, unless the suit, prosecution or other proceed- ing is instituted within six months from the date of the act complained of.

30. (1) The ¹[State] Government may make rules to Power to carry out the purposes of this Act. make rules.

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

- (a) the tests to be applied to animals suspected of being infective;
- (b) the isolation or segregation, detention, treatment (curative and preventive) and destruction or disposal otherwise of animals which are infective or suspected of being infective; and the destruction or disposal otherwise of the products of such animals, of their carcasses, and of the fodder, bedding or other things used in connexion with them;
- (c) the manner in which animals and things seized under this Act and not liable to destruction shall be dealt with and disposed of;
- (d) the disinfection of vessels or vehicles used by common carriers, the cleansing and disinfection of buildings, yards and other places used for animals, and the destruction of infected matter or things found there- in or near thereto;

¹ Subs. by the Adaptation of Laws Order, 1950.

- (e) the circumstances under which licences may be granted by an Inspector under section 14, and the form and conditions of such licences;
- (f) the determination of the persons from whom any expenses incurred in connexion with the enforcement of this Act shall be recovered;
- (g) the expenses to be allowed in certificates drawn up under section 18;
- (h) the powers and functions and the procedure of Inspectors and Veterinary Surgeons;
- (i) the manner in which any report or notice under this Act shall be made or given; and
- (j) all other matters expressly required or allowed by this Act to be prescribed.

(3) In making a rule under sub-section (1) or sub-section (2), the ¹[State] Government may provide that a breach thereof shall be punishable with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication for a period of not less than one month.

(5) All rules made under this section shall be published in the Fort St. George Gazette, and upon such publication shall have effect as if enacted in this Act.

¹ Subs. by the Adaptation of Laws Order, 1950.

**THE ORISSA ANIMAL CONTAGIOUS DISEASES
ACT, 1949**

ORISSA ACT VIII OF 1949

**An Act to provide for the prevention and control of
contagious diseases affecting animals**

WHEREAS it is expedient to provide for the prevention and control of contagious diseases affecting animals;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Orissa Animal Contagious Diseases Act, 1949. Short title, extent and commencement.
- (2) It extends to the whole of the ¹[State] of Orissa.
- (3) This section shall come into force at once and the ¹[State] Government may, by notification, bring the rest of this Act, or any part of it into force in the ¹[State] or in any area in the ¹[State] on such date and for such period as may be specified in the notification.
2. Notwithstanding anything contained in section 1 the ¹[State] Government may, by notification, exempt any area from any or all of the provisions of this Act, or may, by like notification, direct that any provision of this Act shall apply to any area with such modifications as may be specified. Power to exempt areas from the provisions of this Act.
3. In this Act, unless there is anything repugnant in the subject or context— Definitions.
- (a) "Animal" means any domesticated animal or bird or any animal or bird kept in confinement;
- (b) an "infective animal" is one which is affected with a scheduled disease or has recently been in contact with or in close proximity to an animal so affected;
- (c) "prescribed" means prescribed by rules or regulations made under this Act;
- (d) "scheduled disease" means any disease for the time being included in the Schedule in Appendix I.
4. The diseases specified in the Schedule in Appendix I shall in the first instance be scheduled diseases for the purpose of this Act, but the ¹[State] Government may by notification— Scheduled diseases.
- (a) delete any entry from the schedule, or
- (b) include in the Schedule any communicable disease of animals to which it is expedient in their opinion that the provisions of this Act should apply.

¹ Subs. by the Adaptation of Laws Order, 1950.

Veterinary Surgeons.

5. (1) The ¹[State] Government may appoint any graduate of a recognised Veterinary College, whom they think fit to be a Veterinary Surgeon for the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

(2) A Veterinary Surgeon shall have all the powers of an Inspector under this Act, and may exercise such powers concurrently with his powers as Veterinary Surgeon.

Inspectors.

6. The ¹[State] Government may appoint any person they think fit to be an Inspector for any or all of the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties incidental to such purposes.

Status of Veterinary Surgeons and Inspectors.

7. Any person appointed under section 5 or section 6 shall be deemed to be a public servant within the meaning of the Indian Penal Code.

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Powers of Inspector.

8. An Inspector may, subject to any rules made in this behalf by the ¹[State] Government, enter and inspect any land or building or other place, or any vessel or vehicle, for the purpose of exercising the powers or performing the duties conferred and imposed on him by or under this Act.

CHAPTER II

THE CONTROL OF DISEASE

Power to regulate inter ¹[State] trade and to control transport of animals and things which may spread disease.

9. (1) The ¹[State] Government for the purposes of preventing the outbreak or spread of any scheduled disease, may, by notification prohibit or regulate in such manner and to such extent as they may think fit,

- (a) the bringing or taking into the ¹[State] of Orissa or any specified place therein of any animals, alive or dead or of any parts of animals, or of any kind of fodder, bedding or other thing which may, in their opinion, carry infection,
- (b) the removal from any specified part of the ¹[State] of Orissa of any such animals, parts of animals, or things.

(2) The ¹[State] Government may, by notification, specify the season or seasons during which and the route or routes by which, animals may be imported into the ¹[State] and no person shall import animals into the ¹[State] otherwise than during the season and by the route so appointed.

(3) The ¹[State] Government may establish quarantine station for the inspection and detention of such animals along the routes appointed under sub-section (2).

(4) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination if necessary, marking and issuing of a permit for the release of animals from the station, shall be such as may be prescribed.

¹ Subs. by the Adaptation of Laws Order, 1950.

(5) The animals so detained shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep and for the payment of such fee for their vaccination and marking as may be prescribed.

10. The ¹[State] Government, for the purpose of preventing the outbreak or spread of any scheduled disease, may prohibit or regulate in such manner and to such extent as may be prescribed, the holding of animal markets, animal fairs, animal exhibitions or other concentration of animals in any specific area. Power to control the holding of markets, fairs, etc.

11. The ¹[State] Government may by regulations prohibit or limit the sale of or other traffic in infective animals, or in the carcasses of animals which at the time of their death were infective or in any parts of such animals, or litter, feeding utensils or other things which may carry infection. Power to control traffic in infective animals.

12. (1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected periodically in such manner as the ¹[State] Government may, by regulations, prescribe. Cleaning and disinfection of vessels and vehicles.

(2) The ¹[State] Government may appoint places where an Inspector may detain and inspect any such vessel or vehicle, and, if it is not in a sanitary condition, require it to be cleansed and disinfected in the prescribed manner within such time as the Inspector may appoint.

(3) If such vessel or vehicle is not so cleansed and disinfected within the appointed time the Inspector may cause it to be cleansed and disinfected at the expense of its owner.

(4) This section shall not apply to the rolling stock of any railway.

13. Every owner or person in charge of, every person bringing into the ¹[State] of Orissa and every Veterinary practitioner who has been called to treat an animal which he has reason to believe to be affected with a scheduled disease, shall forthwith report the fact to the Inspector exercising powers in the area. Duty of certain persons to report scheduled disease.

14. Subject to such rules as may be prescribed, the Veterinary Surgeon may make or cause to be made a *post mortem* examination of any animal which at the time of its death was infective, or is suspected to have been then infective and for this purpose he may cause the carcass of any such animal to be exhumed. Power of Veterinary Surgeon to hold post mortem.

15. (1) Where an Inspector has reason to believe that any animal is infective he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation as may be prescribed and within such period as may be specified in the order : Power to isolate infective animals.

¹ Subs. by the Adaptation of Laws Order, 1950.

Provided that where there is no person in charge of the animal, and the owner is unknown or the order cannot be communicated to him without undue delay or the person in charge of the animal refuses to do as ordered above, the Inspector may seize the animal and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report every order of seizure under this section to the Veterinary Surgeon.

Examination
by the
Veterinary
Surgeon.

16. On receipt of a report under sub-section (2) of section 15 the Veterinary Surgeon shall examine the animal as soon as possible and may also examine all animals which it has been in contact with or in close proximity to and for this purpose may submit any animal to any test which the ¹[State] Government may, by regulations, prescribe in this behalf.

Action after
examination
by Veteri-
nary Sur-
geon.

17. (1) If after such examination the Veterinary Surgeon is of opinion that any animal is not infective the Inspector shall forthwith return it to the person from whom it was recovered :

Provided that where such person cannot, without undue inconvenience, be found, the Inspector shall send the animal to the nearest cattle-pound, or deal with it in such other manner as the ¹[State] Government may, by rules, prescribe in this behalf.

(2) If after such examination the Veterinary Surgeon certifies in writing that any animal is affected with a scheduled disease, the Inspector shall destroy the animal or deal with it in such other manner as the ¹[State] Government may, by rules, prescribe in this behalf.

(3) If after such examination the Veterinary Surgeon certifies that the animal is infective though not diseased, the animal shall be dealt with in such manner as the ¹[State] Government may, by rules, prescribe in this behalf.

Compensa-
tion for
animals
destroyed.

18. Compensation may be paid to the owner of an animal destroyed under section 17 and such compensation shall be determined in accordance with rules to be prescribed in this behalf :

Provided that—

- (i) no compensation shall be paid to any person convicted of any offence punishable under this Act committed in respect of such animal;
- (ii) no compensation shall be paid in respect of any animal which, when it was brought into the ¹[State] of Orissa, was affected with the disease on account of which it was destroyed.

Power to
require
disinfection
of infected
premises,
vessels or
vehicles.

19. (1) Subject to the rules to be prescribed in this behalf the Veterinary Surgeon may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which there has been an infective animal, to have such building, yard, vessel or vehicle

¹ Subs. by the Adaptation of Laws Order, 1950.

disinfected and the internal fitting thereof and other things found therein or near thereto be disinfected or destroyed, in such manner and to such extent as may be specified in the order.

(2) Subject as aforesaid, if such owner, occupier or person fails to comply with the requirements of such order within a reasonable time the Inspector may cause such building, yard, vessel or vehicle to be disinfected, and the internal fittings and other things to be disinfected or destroyed, at the expense of the owner.

20. (1) If the Inspector has reason to believe that there is an infective animal in any field, yard or building in which animals are kept, temporarily or otherwise, he shall at once by order in writing declare the place to be an infected place and shall deliver a copy of the order to the owner, occupier or person in charge of the place and arrange for the immediate disinfection thereof and report his action to the Veterinary Surgeon. Declaration of private infected places.

(2) This section shall not apply to any place owned by or under the control or management of any local authority or railway administration where animals are temporarily kept for sale, exhibition or in transit.

21. (1) The Veterinary Surgeon shall, as soon as possible, examine the infected place and the animals kept therein, and may cancel or confirm the order of the Inspector. Examination of infected place by Veterinary Surgeon.

(2) If he confirms the order he may cause notice to be served on the owners, occupiers or persons in charge of all places in which animals are kept temporarily or otherwise, within a radius not exceeding one mile from the infected place, declaring such places to be infected places.

(3) The Veterinary Surgeon shall forthwith report his action under sub-section (2) to the authority prescribed in this behalf.

22. (1) Where the Veterinary Surgeon has reason to believe that infective animals are or have been in any place owned, controlled or managed by any local authority or railway administration, where animals are temporarily kept for purposes of sale, transit or exhibition, he may, by order in writing, declare such place to be an infected place. Declaration of public infected places.

(2) the Veterinary Surgeon shall cause a copy of such order in the vernacular of the locality to be exhibited prominently in the infected place, and he shall deliver copies at the office of the local authority, or to the nearest station master of the railway administration, as the case may be, and shall also send a copy to the nearest police-station; and he shall report his action forthwith to the authority to be prescribed in this behalf.

23. (1) On receipt of the report of the Veterinary Surgeon under sub-section (2) of section 21 or under sub-section (2) of section 22 and after such further inquiry, if any, as they may think fit, the ¹[State] Government— Declaration of infected areas by the ¹[State] Government.

(a) may cancel any declaration made under section 21 or 22; or

¹ Subs. by the Adaptation of Laws Order, 1950.

(b) may confirm such declaration either with or without modifications.

(2) Where the ¹[State] Government cancels any declaration, the Inspector shall give notice of the cancellation to all persons to whom copies of such declaration were delivered or on whom notices of such declarations were served.

(3) Where the ¹[State] Government confirm such declaration either with or without modifications they shall, by notification defining the limits of the area to which the notification shall apply, declare such area to be an infected area.

(4) On the issue of such notification any place declared by the Inspector or Veterinary Surgeon to be an infected place and not included in the infected area so defined shall cease to be an infected place, and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(5) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the vernacular of the area, a copy of the notification under sub-section (3), and shall also cause to be so exhibited a copy of any subsequent notification adding to, amending, varying or rescinding such notification.

Removal of animals and other things from infected areas or places.

24. (1) No person shall remove from any infected area or place any animal, dead or alive, or any part of an animal or any fodder, bedding or other thing used in connection with animals, save in accordance with the conditions of a licence granted by the Inspector in the prescribed form.

(2) Nothing in this section shall prevent the transit by railway through an infected area or place of any animal or thing:

Provided that where any animal or other thing referred to in sub-section (1) while in transit through an infected area or place is unloaded therein, it shall not be removed therefrom save in accordance with sub-section (1).

Power to return animals, etc., to infected areas.

25. Where any animal or thing is removed from an infected area or place otherwise than in accordance with a licence granted under section 24, any Inspector or police officer may require the owner or person in charge of such animal or thing to return it to such area or place, and if the owner or person in charge fails to do so within a reasonable time, may cause it to be returned at the expense of the owner without further delay:

Provided that nothing in this section shall affect the powers of an Inspector under section 15 to deal with infective animals.

Time for complying with and enforcement of orders.

26. Where by any notice, requisition, or order under this Act or under any notification or rule issued there under any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his

¹ Subs. by the Adaptation of Laws Order, 1950.

charge, a reasonable time shall be specified in such notice, requisition, order, notification or rule within which such measures shall be taken or such thing shall be done, as the case may be.

27. Where any action is taken under this Chapter in respect of any property at the expense of the owner thereof, the officer taking such action may prepare a certificate on the basis of the scales of charges prescribed, stating the amount of the expenses incurred and the person from whom such amount is recoverable, and any Magistrate to whom such certificate is presented may, after such inquiry as he may think fit, recover such amount as if it were a fine imposed by him on such person.

Recovery of expenses incurred under this Chapter.

CHAPTER III

PENALTIES AND PROCEDURE

28. Whoever—

- (a) removes from any part of the ¹[State] of Orissa any animals alive, or dead, or any part of an animal, or any fodder, bedding or other thing in contravention of a notification issued under section 9;
- (b) imports animals in contravention of sub-section (2) of section 9;
- (c) holds or promotes or takes part in any market, fair, exhibition or other concentration of animals in contravention of a notification issued under section 10;
- (d) sells or otherwise traffics in, or attempts to sell or traffic in, an infective animal, or its products, or the carcass of an animal which at the time of its death was infective, in contravention of section 11;
- (e) being in charge of a common carrier fails to cleanse or disinfect any vessel or vehicle used for the transport of animals in such manner as may be required under sub-section (1) of section 12, or as may be required by the Inspector under sub-section (2) of that section;
- (f) fails in contravention of section 13, to report that an animal is infective;
- (g) fails to comply with an order made by an Inspector under sub-section (1) of section 15;
- (h) fails to comply with an order made by the Veterinary Surgeon under sub-section (1) of section 19;
- (i) removes any animal or thing from any infected place or area in contravention of section 24;

Penalties for contravention of the Acts, regulations and rules.

shall be punishable with fine which may extend, in the case of a first conviction to one hundred rupees, and in the case of second or subsequent conviction, to five hundred rupees.

¹ Subs. by the Adaptation of Laws Order, 1950.

- Penalty for keeping or grazing infective animal in unenclosed land.** **29.** Whoever keeps or grazes, in or on any forest, open field, roadside, or other unenclosed land, to which other persons have a right of access for their animals, any animal which he knows to be infective, shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees and in the case of second or subsequent conviction to five hundred rupees.
- Penalty for bringing infective animal to market.** **30.** Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of animals any animal which he knows to be affected with a scheduled disease shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees and in the case of a second or subsequent conviction to five hundred rupees.
- Penalty for placing carcass of infective animal in river.** **31.** Whoever places, or causes or permits to be placed, in any river, canal, or other water, or in the sea within ten miles of the shore, the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend in the case of a first conviction to one hundred rupees and in the case of a second or subsequent conviction to five hundred rupees or with both.
- Penalty for disinterring carcass of diseased animal.** **32.** Whoever, without lawful authority, disinters or causes to be disinterred the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective, shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees and in the case of a second or subsequent conviction to five hundred rupees.
- Penalty for malicious and vexatious entry or seizure by inspector.** **33.** (1) Whoever being an Inspector, maliciously and vexatiously enters or inspects any land or building or other place or any vessel or vehicle or seizes or detains any animal, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both.
- (2) No prosecution under this section shall be instituted after the expiry of six months from the date on which the offence has been committed.
- Arrest without order or warrant.** **34.** Any police officer, not being below the rank of Sub-Inspector of police, may, without an order from a Magistrate and without a warrant, arrest any person who has been concerned in an offence against any of the provisions of this Act relating to infected places or infected animals.
- Institution of proceedings.** **35.** No prosecution under this Act shall be instituted except by or under the authority of the Veterinary Surgeon.
- Jurisdiction of Magistrate.** **36.** No Magistrate shall try any offence under this Act unless he is a Presidency Magistrate, a Magistrate of the first class or a Magistrate of the second class.

37. No person shall be entitled to any compensation in respect of the destruction of any animal and thing or in respect of any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith excepting that provided for in section 18.

38. (1) The ¹[State] Government may make rules or regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules or regulations may be made for all or any of the following purposes, namely :—

- (a) to define the power of entry and inspection of an Inspector under section 8;
- (b) to prescribe the period of detention of animals under sub-section (4) and the amount of fee to be paid under sub-section (5) of section 9;
- (c) to prohibit or regulate the holding of markets, fairs, exhibitions or other concentrations of animals under section 10;
- (d) to prohibit or limit the sale of or other traffic in infective animals under section 11;
- (e) to prescribe the manner of periodical cleansing and disinfection under sub-section (1) and to appoint places for the disinfection of vessels or vehicles under sub-section (2) of section 12 and for the isolation or segregation of animals under section 15;
- (f) to prescribe the test under section 16;
- (g) to regulate *post mortem* examination of animals under section 14 and the disposal of animals under sub-sections (1), (2) and (3) of section 17;
- (h) to provide for the determination of the compensation payable under section 18;
- (i) to regulate the exercise of the powers of the Veterinary Surgeon and Inspector under section 19;
- (j) to prescribe the authority referred to in sub-section (3) of section 21 and sub-section (2) of section 22;
- (k) to prescribe the form and contents of the licences to be granted by an Inspector under section 24 and the circumstances under which they may be granted;
- (l) to prescribe scales of charges to be followed in preparing certificates under section 27 for expenses incurred on behalf of an owner;
- (m) to regulate the isolation, detention, treatment (including sterilization and inoculation) and disposal of animals which are infective or suspected of

¹ Subs. by the Adaptation of Laws Order, 1950.

- being infective, and the disposal of carcasses and parts of carcasses;
- (n) to regulate the duties and powers of Inspectors;
 - (o) to prescribe the manner in which any report or notice under this Act shall be made or given;
 - (p) to prohibit or regulate the entry into the ¹[State] of Orissa or any specified part or place thereof and the movement from one place to another in the ¹[State] of Orissa of animals, alive or dead, or parts of animals or fodder, bedding or other things;
 - (q) to prohibit or limit sale or traffic in infective animals or carcasses of infective animals;
 - (r) to regulate the disinfection of vessels or vehicles used by common carriers, the cleansing and disinfection of buildings, yards and other places used for animals and the destruction of infected matter or things found therein or near thereto;
 - (s) to prescribe the tests to be applied to animals suspected of being infective;
 - (t) to prescribe the manner in which animals shall be destroyed and the manner in which carcasses or parts of carcasses, bedding or other things seized under the Act shall be disposed of; and
 - (u) to prescribe the period of detention and the amount of fee for vaccination and marking at the inter-¹[State] quarantine stations.

(3) In making a rule or regulation under this section the ¹[State] Government may direct that a breach of it shall be punishable with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to two hundred rupees.

Power to make rules or regulations subject to previous publications. **39.** (1) The power to make rules or regulations conferred by this Act is given subject to the condition of the regulations or rules being made after previous publication.

(2) All regulations or rules made by the ¹[State] Government under this Act shall be published in the Gazette.

Protection to persons acting under Act. **40.** No suit, prosecution or other legal proceeding shall lie against any person or anything which is in good faith done or intended to be done under this Act.

Saving of things already done. **41.** Anything done under any of the enactments repealed by section 42 prior to the commencement of this Act, shall be deemed as from the commencement of this Act to have been done under this Act.

Repeals. **42.** The Glanders and Farcy Act, 1899, and the Dourine Act, 1910, are hereby repealed. XIII of 11
V of 1910.

¹ Subs. by the Adaptation of Laws Order, 1950.

SCHEDULE

APPENDIX I

Schedule of diseases referred to in section 4

- | | |
|---------------------------------|----------------------------|
| 1. Rinderpest or Cattle Plague. | 7. John's Disease. |
| 2. Foot and Mouth Disease. | 8. Glanders and Farcy. |
| 3. Haemorrhagic Septicaemia. | 9. Epizootic Lymphangitis. |
| 4. Blackquarter. | 10. Dourine. |
| 5. Anthrax. | 11. Rabies. |
| 6. Tuberculosis. | 12. Surra. |

**THE EAST PUNJAB ANIMAL CONTAGIOUS DISEASES
ACT, 1948**

EAST PUNJAB ACT XLVII OF 1948

**An Act to provide for the prevention and control of
contagious diseases affecting animals**

WHEREAS it is expedient to provide for the prevention
and control of contagious diseases affecting animals;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the East Punjab Animal
Contagious Diseases Act, 1948.

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

(3) This section shall come into force at once and the
¹[State] Government may by notification bring the rest
of the Act, or any part of it, into force in the ¹[State] or in
any area in the ¹[State] on such date and for such period
as may be specified in the notification.

Power to ex-
empt areas
from the pro-
visions of this
Act.

2. Notwithstanding anything contained in section 1,
the ¹[State] Government may by notification exempt any
area from any or all of the provisions of this Act, or direct
that any provision of this Act shall apply to any area with
such modifications as may be specified.

Definitions.

3. In this Act, unless there is anything repugnant in the
subject or context,—

(a) "animal" means any domesticated animal or bird,
or any animal or bird kept in confinement;

(b) "an infective animal" is one which is affected with
a Scheduled disease or has recently been in contact
with or in close proximity to an animal so affected,

(c) "prescribed" means prescribed by regulations or
rules made under this Act;

(d) "scheduled disease" means any disease for the time
being included in the schedule in Appendix I.

Scheduled
Diseases.

4. The diseases specified in the Schedule in Appendix
I shall in the first instance be scheduled diseases for the
purpose of this Act, but the ¹[State] Government may,
by notification—

(a) delete any entry from the Schedule, or

(b) include in the Schedule any communicable disease
of animals to which it is expedient in their opinion
that the provisions of this Act should apply.

¹ Suba. by the Adaptation of Laws Order, 1950.

5. (1) The ¹[State] Government may either by name or designation appoint any person holding the office of Veterinary Surgeons, Veterinary Assistant or Veterinary Assistant Surgeon, or any graduate of a recognised veterinary college whom they think fit to be a Veterinary Surgeon for the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

(2) A Veterinary Surgeon shall have all the powers of an Inspector under this Act, and may exercise such powers concurrently with his powers as Veterinary Surgeon.

6. The ¹[State] Government may either by name or designation appoint any person it thinks fit to be an Inspector for any or all of the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties incidental to such purposes.

7. Any person appointed under section 5 or section 6 shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

Act XIV of 1860.

8. An Inspector may, subject to any rules made in this behalf by the ¹[State] Government, enter and inspect any land or building or other place or any vessel or vehicle, for the purpose of exercising the powers or performing the duties conferred and imposed on him by or under this Act.

CHAPTER II

THE CONTROL OF DISEASE

9. (1) The ¹[State] Government for the purposes of preventing the outbreak or spread of any scheduled disease, may, by notification prohibit or regulate in such manner and to such extent as they may think fit—

- (a) the bringing or taking into the ¹[State] of ¹[Punjab] or any specified place therein of any animals, alive or dead or of any parts of animals, or of any kind of fodder, bedding or other thing which may, in their opinion, carry infection;
- (b) the removal from any specified part of the ¹[State] of ¹[Punjab] of any such animals, parts of animals, or things.

(2) The ¹[State] Government may, by notification, specify the season or seasons during which and the route or routes by which animals may be imported into ¹[State] and no person shall import animals into the ¹[State] otherwise than during the season and by the route so appointed.

(3) The ¹[State] Government may establish quarantine stations for the inspection and detention of such animals along the route appointed under sub-section (2).

¹ Subs. by the Adaptation of Laws Order, 1950.

(4) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination, if necessary marking and issuing of a permit for the release of animals from the station shall be such as may be prescribed by the ¹[State] Government.

(5) The animals so detained shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep and for the payment of fee for their vaccination and marking as may be prescribed by the ¹[State] Government.

Power to control the holding of markets, fairs, etc.

10. The ¹[State] Government for the purpose of preventing the outbreak or spread of any scheduled disease, may, by notification, prohibit or regulate in such manner and to such extent as it may think fit, the holding of animal markets, animal fairs, animal exhibitions or other concentration of animal in any specific area.

Power to control traffic in infective animals.

11. The ¹[State] Government may by regulations prohibit or limit the sale of or other traffic in infective animals, or in the carcasses of animals which at the time of their death were infective or in any parts of such animals, or litter, feeding utensils or other things which may carry infection.

Cleansing and disinfection of vessels and vehicles.

12. (1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected periodically in such manner as the ¹[State] Government may by regulations prescribe.

(2) The ¹[State] Government may appoint places where an Inspector may detain and inspect any such vessel or vehicle and, if it is not in a sanitary condition, the Inspector may require it to be cleansed and disinfected in the manner prescribed within such time as he may appoint.

(3) If such vessel or vehicle is not so cleansed and disinfected within the appointed time the Inspector may cause it to be cleansed and disinfected at the expense of its owner.

(4) This section shall not apply to the rolling stock of any railway or any aircraft.

Duty of certain persons to report scheduled disease.

13. Every owner or person in charge or every person bringing into the ¹[State] of ¹[Punjab] and every veterinary practitioner who has been called to treat, an animal which he has reason to believe to be infective shall forthwith report the fact to the Inspector exercising powers in the area.

Power of Veterinary Surgeon to hold post mortem.

14. Subject to such rules as may be made in this behalf by the ¹[State] Government, the Veterinary Surgeon may make or cause to be made a *post mortem* examination of any animal which at the time of its death was infective, or is suspected to have been then infected, and for this purpose he may cause the carcass of any such animal to be exhumed.

¹ Subs. by the Adaptation of Laws Order, 1950.

15. (1) Where an Inspector has reason to believe that any animal is infective he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation and within such period as may be specified in the order:

Power to isolate infective animals.

Provided that where there is no person in charge of the animal, and the owner is unknown or the order cannot be communicated to him without undue delay or the person in charge of the animal refuses to do as ordered above, the Inspector may seize the animal and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report every order of seizure under this section to the Veterinary Surgeon.

16. On receipt of a report under sub-section (2) of section 15 the Veterinary Surgeon shall examine the animals as soon as possible and may also examine all animals which it has been in contact with or in close proximity to, and for this purpose may, submit any animal to any test which the ¹[State] Government may by regulations prescribe in this behalf.

Examination by the Veterinary Surgeon.

17. (1) If, after such examination the Veterinary Surgeon is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person who in his opinion is entitled to possession of it:

Action after examination by the Veterinary Surgeon.

Provided that where such person cannot without undue inconvenience be found, the Inspector shall send the animal to the nearest cattle-pound, or deal with it in such other manner as the local Government may by rules prescribe in this behalf.

(2) If after such examination, the Veterinary Surgeon certifies in writing that any animal is affected with a scheduled disease, the animals shall be dealt with in such other manner as the ¹[State] Government may by rules prescribe in this behalf.

(3) If after such examination, the Veterinary Surgeon certifies that the animal is infective though not diseased, the animal shall be dealt with in such manner as the ¹[State] Government may, by rule, prescribe in this behalf.

18. Compensation may be paid to the owner of an animal if destroyed under section 17, and such compensation shall be determined in accordance with rules to be made in this behalf by the ¹[State] Government:

Compensation for animals destroyed.

Provided that—

- (i) no compensation shall be paid to any person convicted of any offence punishable under this Act, committed in respect of such animal;

¹ Subs. by the Adaptation of Laws Order, 1950.

- (ii) no compensation shall be paid in respect of any animal which, when it was brought into the ¹[State] of ¹[Punjab] was affected with the disease on account of which it was destroyed.

Power to require disinfection of infected premises, vessels or vehicles.

19. (1) Subject to rules to be made in this behalf by the ¹[State] Government, the Veterinary Surgeon may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which there has been an infective animal to have such building, yard, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto be disinfected or destroyed in such manner and to such extent as may be specified in the order.

(2) Subject as aforesaid, if such owner, occupier or person fails to comply with the requirements of such order within a reasonable time, the Inspector may cause such building, yard, vessel or vehicle to be disinfected, and the internal fittings and other things to be disinfected or destroyed at the expense of the owner.

Declaration of private infected places.

20. (1) If the Inspector has reason to believe that there is an infective animal in any field, yard or building in which animals are kept, temporarily or otherwise, he shall at once by order in writing, declare the place to be an infected place and shall deliver a copy of the order to the owner, occupier or person in charge of the place and report his action to the Veterinary Surgeon.

(2) This section shall not apply to any place owned by or under the control or management of any local authority or railway administration or to any airfield where animals are temporarily kept for sale, exhibition or in transit.

Examination of infected place by Veterinary Surgeon.

21. (1) The Veterinary Surgeon shall, as soon as possible, examine the infected place and the animals kept therein, and may cancel or confirm the order of the Inspector.

(2) If he confirms the order he may cause notice to be served on the owners, occupiers or persons in charge of all places in which animals are kept temporarily or otherwise, within a radius not exceeding one mile from the infected place, declaring such places to be infected places.

The Veterinary Surgeon shall forthwith report his action under this sub-section to the authority prescribed by the ¹[State] Government in this behalf.

Declaration of public infected places.

22. (1) Where the Veterinary Surgeon has reason to believe that infective animals are or have been in any place owned, controlled or managed by any local authority, or railway administration or aircraft company where animals are temporarily kept for purposes of sale, transit or exhibition, he may, by order in writing, declare such place to be an infected place.

¹ Subs. by the Adaptation of Laws Order, 1950.

(2) The Veterinary Surgeon shall cause a copy of such order, in the vernacular of the locality, to be exhibited prominently in the infected place, and he shall deliver copies at the office of the local authority or to the nearest station master of the railway administration, or to the officer-in-charge of the airfield as the case may be and shall also send a copy to the nearest police station; and he shall report his action forthwith to the authority prescribed by the ¹[State] Government in this behalf.

23. (1) On receipt of the report of the Veterinary Surgeon under sub-section (2) of section 21 or under sub-section (2) of section 22 and after such further enquiry, if any, as it may think fit, the ¹[State] Government—

Declaration of infected areas by the ¹[State] Government.

(a) may cancel any declaration made under sections 20, 21 or 22; or

(b) may confirm such declaration either with or without modifications.

(2) Where the ¹[State] Government cancels any declaration, the Inspector shall give notice of the cancellation to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

(3) Where the ¹[State] Government confirms such declaration either with or without modifications the ¹[State] Government shall, by notification defining the limits of the area to which the notification shall apply, declare such area to be an infected area.

(4) On the issue of such notification any place declared by the Inspector or Veterinary Surgeon to be an infected place and not included in the infected area so defined shall cease to be an infected place, and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(5) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the vernacular of the area, a copy of the notification under sub-section (3), and shall also cause to be so exhibited a copy of any subsequent notification adding to, amending, varying or rescinding such notification.

24. (1) No person shall remove from any infected area or place, any animal, dead or alive, or any part of an animal, or any fodder, bedding or other thing used in connection with animals, save in accordance with the conditions of a licence granted by the Inspector.

Removal of animals and other things from infected areas or places.

(2) Nothing in this section shall prevent the transit by railway through an infected area or place of any animal or thing:

Provided that where any animal or other thing described in sub-section (1) while in transit through an infected area or place is unloaded therein, it shall not be removed therefrom save in accordance with sub-section (1).

¹ Subs. by the Adaptation of Laws Order, 1950.

Power to return animals, etc., to infected areas. **25.** Where any animal or thing is removed from an infected area or place otherwise than in accordance with a licence granted under section 24, any Inspector or police officer may require the owner or person in charge of such animal or thing to return it to such area or place, and if the owner or person in charge fails to do so within a reasonable time, may cause it to be returned at the expense of the owner without further delay:

Provided that nothing in this section shall affect the powers of an Inspector under section 15 to deal with infective animals.

Time for complying with and enforcement of orders. **26.** Where by any notice, requisition, or order under this Act or under any notification or rule issued thereunder any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such notice, requisition or order within which such measures shall be taken or such thing shall be done, as the case may be.

Recovery of expenses incurred under this Act. **27.** Where any action may be taken under this Chapter in respect of any property to the expense of the owner thereof, the officer taking such action may frame a certificate stating the amount of the expense incurred and the person from whom such amount is recoverable, and any Magistrate to whom such certificate is presented may, after such inquiry as he may think fit, recover such amount as if it were a fine imposed by him on such person.

CHAPTER III

PENALTIES AND PROCEDURE

Penalties for contraventions of Acts, Regulations and Rules. **28.** Whoever—

- (a) removes from any part of the ¹[State] of the ¹[Punjab] any animal, alive or dead or any part of an animal, or any fodder, bedding or other thing in contravention of a notification issued under section 9, or imports animals in contravention of sub-section (2) of that section;
- (b) holds or promotes or takes part in any market, fair, exhibition or other concentration of animals in contravention of a notification issued under section 10 ;
- (c) sells or otherwise traffics in, or attempts to sell or traffic in, an infective animal, or in anything mentioned in section 11 which may carry infection, or the carcass of an animal which at the time of its death was infective in contravention of section 11;
- (d) being a common carrier fails to cleanse or disinfect any vessel or vehicle used for the transport of animals in such manner as may be required under

¹ Subs. by the Adaptation of Laws Order, 1950.

- sub-section (1) of section 12 or as may be required by the Inspector under sub-section (2) of that section;
- (e) fails in contravention of section 13, to report that an animal is infective ;
- (f) fails to comply with an order made by an Inspector under sub-section (1) of section 15 ;
- (g) fails to comply with an order made by the Veterinary Surgeon under sub-section (1) of section 19 ;
- (h) removes any animal or thing from any infected place in contravention of section 24 ;

shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees and, in the case of a second or subsequent conviction, to five hundred rupees.

29. Whoever keeps or grazes in or on any forest, open field, roadside, or other unenclosed land to which other persons have a right of access for their animals, any animal which he knows to be infective shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

Penalty for keeping or grazing infective animal in unenclosed land.

30. Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of animals any animals which he knows to be infective shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

Penalty for bringing infective animal to market.

31. Whoever places, or causes or permits to be placed, in any river, canal or other water, the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees or with both imprisonment and fine.

Penalty for placing carcass of infective animal in river.

32. Whoever, without lawful authority, disinters or causes to be disinterred the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

Penalty for disinterring carcass of diseased animal.

33. (1) Whoever being an inspector, maliciously and vexatiously enters or inspects any land or building or other place or any vessel or vehicle or seizes or detains any animal,

Penalty for malicious and vexatious entry or seizure by Inspector.

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this section shall be instituted after the expiry of one month from the date on which the offence is alleged to have been committed.

Arrest without order or warrant.

34. Any police officer not below the rank of Sub-Inspector of Police may without an order from magistrate and without a warrant arrest any person who has been concerned in an offence against sections 9, 10, 24 and 31 of this Act.

Institution of proceedings.

35. No prosecution under this Act except under section 33 shall be instituted except by or under the authority of the Veterinary Surgeon.

Jurisdiction of magistrates.

36. No Magistrate shall try any offence under this Act unless he is a magistrate of the first class, or a magistrate of the second class specially empowered in this behalf by the ¹[State] Government.

Bar of claim to compensation.

37. Save as provided for in section 18 no person shall be entitled to any compensation in respect of the destruction of any animal and thing or in respect of any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith.

Power of ¹[State] Government to make regulations and rules.

38. (1) The ¹[State] Government may make rules consistent with this Act for all or any of the following purposes, namely :

- (a) to define the powers of entry and inspection of an Inspector under section 8;
- (b) to prohibit or regulate the holding of markets, fairs, exhibitions or other concentrations of animals under section 10;
- (c) to appoint places for the disinfection of vessels or vehicles under sub-section (2) of section 12, and for the isolation or segregation of animals under section 15;
- (d) to regulate *post mortem* examination of animals under section 14, and the disposal of animals under sub-sections (1), (2) and (3) of section 17;
- (e) to provide for the determination of the compensation payable under section 18;
- (f) to regulate the exercise of the powers of the Veterinary Surgeon and Inspector under section 19;
- (g) to prescribe the authority referred to in sub-section (2) of section 21 and sub-section (2) of section 22;
- (h) to prescribe the form and contents of the licences to be granted by an Inspector under section 24 and the circumstances under which they may be granted;

¹ Subs. by the Adaptation of Laws Order, 1950.

- (i) to prescribe scales of charges to be followed in certificates under section 27 for expenses incurred on behalf of an owner;
- (j) to regulate the isolation, detention, treatment (including sterilization and inoculation), and disposal of animals which are infective or suspected of being infective, and the disposal of carcasses and parts of carcasses;
- (k) to regulate the duties and powers of Inspectors and prescribe their qualifications;
- (l) to prescribe the manner in which any report or notice under the Act shall be made or given;
- (m) to prohibit or regulate the entry into the ¹[State] of ¹[Punjab] or any specified part or place thereof, and the movement from one place to another, in the ¹[State] of ¹[Punjab] of animals, alive or dead, or parts of animals or fodder, bedding or other things;
- (n) to prohibit or limit sale or traffic in infective animals or carcasses of infective animals;
- (o) to regulate the disinfection of vessels or vehicles used by common carriers, the cleansing and disinfection of buildings, yards and other places used for animals, and the destruction of infected matter or things found therein or near thereto;
- (p) to prescribe the tests to be applied to animals suspected of being infective;
- (q) to prescribe the manner in which animals shall be destroyed, and the manner in which carcasses or parts of carcasses, fodder, bedding or other things seized under the Act shall be disposed of; and
- (r) to prescribe the period of detention and the amount of fee for vaccination and marking at the inter-¹[State] quarantine stations.

(2) In making a rule under this section the ¹[State] Government may direct that a breach of it shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

39. (1) The power to make regulations and rules conferred by this Act is given subject to the condition of the regulations or rules being made after previous publication. Power to make regulations and rules subject to previous publication.

(2) All regulations and rules made by the ¹[State] Government under this Act shall be published in the official Gazette.

40. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. Protection to persons acting under this Act.

¹ Subs. by the Adaptation of Laws Order, 1950.

APPENDIX I

Schedule of Diseases Referred to in section 4 of the Animal Contagious Disease Act, 1948

<i>English names</i>	<i>Vernacular names</i>
1. Rinderpest or Cattle Plague.	1. Mata, Wah, Sitla, Mok, Zehmat.
2. Foot and Mouth Disease.	2. Rora, Mun-Khur.
3. Haemorrhagic Septicaemia.	3. Gal-Ghotu, Garhi.
4. Blackquarter.	4. Phar, Suja.
5. Anthrax.	5. Sat, Goli.
6. Tuberculosis.	6. Tap-i-Dik.
7. Johne's Disease.	7. Purana Dust.
8. Glanders and Farcy.	8. Bad Kanar.
9. Epizootic Lymphangitis.	9. Zeharbad.
10. Dourine.	10. Atshik-i-Aspan.
11. Rabies.	11. Halkapan, Bawlapan, Pagalpan.
12. Surra.	12. Pheta, Tebersa, or Sokra.

THE BENGAL DISEASES OF ANIMALS ACT, 1944

BENGAL ACT VI OF 1944

An Act to provide for the prevention of the spread of contagious diseases amongst animals in Bengal

WHEREAS it is expedient to provide for the prevention of the spread of contagious diseases amongst animals in Bengal;

It is hereby enacted as follows :—

1. (1) This Act may be called the Bengal Diseases of Animals Act, 1944. Short title
and extent.

(2) It extends to the whole of Bengal.

2. In this Act unless there is anything repugnant in the subject or context,— Definitions.

- (1) “animals” means bulls, bullocks, cows, oxen, heifers, calves, buffaloes, sheep, goats, and all other ruminating animals, dogs, swine and includes such other domesticated animals excepting horses, camels, asses and mules as may be specified in this behalf by the ¹[State] Government by notification in the *Official Gazette*;
- (2) “contagious disease” means rinderpest (that is to say, the disease commonly known as cattle plague), anthrax, naemorrhagic septicaemia, foot-and-mouth disease, rabies and includes such other diseases as may be declared by the ¹[State] Government by notification in the *Official Gazette* to be contagious diseases for the purposes of this Act ;
- (3) “infected area” means an area in respect of which a notification under section 5 is in force;
- (4) “infective” used with reference to an animal means affected by a contagious disease or having recently been in contact with or proximity to an animal so affected;
- (5) “prescribed” means prescribed by rules made under this Act;
- (6) “Veterinary Assistant” means a Veterinary Assistant of the Bengal Civil Veterinary Department acting within the local limits of his jurisdiction and in the absence of the said Veterinary Assistant from his jurisdiction, includes any officer of the said department who in the opinion of the ¹[State] Government possesses suitable qualifications in veterinary medicines and who is authorised by the ¹[State] Government to carry on the duties of the Veterinary Assistant under this Act in such absence.

¹ Subs. by the Adaptation of Laws Order, 1950.

Report of
contagious
disease.

3. (1) Every owner or person in charge or having control of an animal, and every veterinary practitioner attending any animal in the course of his veterinary practice or otherwise, who has reason to believe that such animal is infective shall forthwith report and any other person who has reason to believe that an animal is infective may report the fact to the President of the union board within the area of which such animal is for the time being kept.

(2) The President of the union board on receiving any report under sub-section (1) shall without delay communicate such report to the Sub-divisional Magistrate who shall, unless for reasons to be recorded in writing he considers that the report is unfounded in fact, instruct the Veterinary Assistant to proceed to the place where the animal is for the time being kept and examine the animal and inquire into the circumstances of the case, and on receiving such instructions the Veterinary Assistant shall without delay comply therewith.

(3) Whenever a Veterinary Assistant has reason to believe that any animal within his jurisdiction is infective he shall proceed as soon as possible to the place where the animal is and examine it and inquire into the circumstances of the case, notwithstanding that no report under sub-section (2) in respect of such animal has been received by him.

(4) If after the examination and inquiry referred to in sub-section (2) or sub-section (3) the Veterinary Assistant is of the opinion that the animal is infective, he shall report the matter in the manner prescribed to the ¹[State] Government or to such officer of the Bengal Civil Veterinary Department as the ¹[State] Government may appoint in this behalf and the Veterinary Assistant shall also take such further action under the provisions of this Act as may be necessary or expedient and at the same time shall send a copy of such report to the Sub-divisional Magistrate.

Duty to se-
gregate infec-
tious animals.

4. Every owner or person in charge or having control of an animal who has reason to believe that such animal is infective shall as far as may be possible in the circumstances segregate such animal in a place apart from all other animals which are not infective and shall take all possible steps to prevent any animal which is not infective from coming into contact with or approaching near to such animal.

Declaration
of infected
areas.

5. (1) The ¹[State] Government or such officer as it may authorise in this behalf may by notification published in the manner prescribed declare any area in which any contagious disease has broken out, or any area within which in the opinion of the ¹[State] Government, or such officer, there is a danger of the spread of any such disease, to be an infected area.

(2) Every notification under sub-section (1) shall specify the limits of the area which is declared to be an infected area and shall also specify the contagious disease in respect of which the area is declared to be an infected area.

¹ Suba. by the Adaptation of Laws Order, 1950.

6. (1) Save in accordance with the conditions of a licence granted by Veterinary Assistant—

Prohibition of movement of animals, etc., into or out of infected areas.

- (a) no person shall remove any animal, alive or dead, or any product of any animal (including its excreta) or any part of any animal or any fodder, bedding, harness or other thing used in connection with an animal, and
- (b) no person owning or having charge or control of any animal shall allow such animal to proceed from any place within an infected area to any place outside such area or from any place outside an infected area to any place within such area.

(2) Nothing in sub-section (1) shall prevent the carriage by railway or by any mechanically propelled vessel of a type approved by the ¹[State] Government of any animal or thing referred to in that sub-section through an infected area:

Provided that if such animal or thing at any stage during its carriage by railway or such vessel through an infected area is unloaded therein it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

7. (1) In all cases in which preventive vaccination or inoculation is possible and practicable against the contagious disease in respect of which an area has been declared to be an infected area, the Veterinary Assistant shall vaccinate or inoculate, as the case may be, such kinds or classes of animals in that area as may be prescribed in respect of such disease and the owner or person in charge or having control of every such animal shall render every facility and assistance to him in carrying out such vaccination or inoculation.

Preventive vaccination or inoculation in infected areas.

(2) When a Veterinary Assistant vaccinates or inoculates any animal he may for the purpose of identification also mark such animal in such manner as may be prescribed.

8. (1) Where a Veterinary Assistant, after due examination of an animal and such enquiry into the circumstances of the case as may be necessary, is of the opinion that such animal is infective, he may by order in writing direct the owner or person in charge or having control of such animal,—

Compulsory segregation and treatment of animals in infected areas.

- (a) to keep it where it is for the time being, or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order;
- (b) to subject it to such treatment as may be specified in the order;

and such owner or person in charge or having control of such animal shall comply with such order:

Provided that where there is no person in charge or having control of the animal and the owner is either unknown and cannot be ascertained without undue delay, or the order cannot be communicated to him without undue delay or the owner or person in charge or having control of the animal

¹ Subs. by the Adaptation of Laws Order, 1950.

fails to comply with the order within such time as in the opinion of the Veterinary Assistant is reasonable, the Veterinary Assistant shall seize the animal and remove it to a place of isolation or segregation and may subject it to such treatment as may be necessary.

(2) If the owner of an animal seized under the proviso to sub-section (1) or his authorised agent applies, in the prescribed manner for the return of such animal to his possession, the animal shall be so returned if such owner or his authorised agent pays any expenses, calculated in the prescribed manner, incurred for the upkeep of the animal up to the date of its release:

Provided that on the release of the animal the owner or his authorised agent, as the case may be, shall comply with any order which the Veterinary Assistant may see fit to issue under sub-section (1).

(3) If the owner of an animal seized under the proviso to sub-section (1) or his authorised agent does not apply for the release of the animal under sub-section (2) and the animal is, in the opinion of the Veterinary Assistant, no longer likely to infect any other animals with the contagious disease in respect of which it was seized, the Veterinary Assistant shall send the animal to the nearest cattle-pound or deal with it in such other manner as may be prescribed.

(4) Notwithstanding anything in sub-sections (1), (2) and (3), if the Veterinary Assistant, after due examination of any animal, certifies in writing that such animal is affected with any of such contagious diseases as may be prescribed in this behalf, he may destroy the animal or deal with it in such other manner as may be prescribed.

Disinfection
of buildings,
etc., in in-
fected areas.

9. Subject to such rules as may be prescribed, the Veterinary Assistant may by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which an infective animal has been kept to have such building, yard, vehicle or vessel disinfected, and the internal fittings thereof and other things found therein to be disinfected or destroyed, in such manner and to such extent as may be specified in the order, and such owner, occupier or person in charge shall comply with such order.

Prohibition
of markets,
fairs, etc., in
infected
areas.

10. No person shall organise, promote or hold in any infected area any animal market, animal fair, animal exhibition or other concentration of animals whether for the purpose of sport or trade, without the permission in writing of the ¹[State] Government or such officer as the ¹[State] Government may authorise in this behalf.

Power of Ve-
terinary As-
sistant to sub-
ject infective
animal to
tests.

11. If the Veterinary Assistant suspects that any animal is infective he may subject it to such tests as may be prescribed and the owner or person in charge or having control of such animal shall render every facility and assistance to him in carrying out the tests.

¹ Subs. by the Adaptation of Laws Order, 1950.

12. Subject to such rules as may be prescribed the Veterinary Assistant may make or cause to be made a *post mortem* examination of any animal which at the time of its death was infective or suspected to have been then infective and for this purpose he may cause the carcass of any such animal to be exhumed.

Power of Veterinary Assistant to carry out *post mortem* examinations

13. (1) Every animal which at the time of its death is infective or suspected to be infective shall be buried at least six feet below the surface of the ground or dealt with in such other manner as may be prescribed.

Manner of burial or disposal of carcasses of infective animals.

(2) Except in the case of the exhumation of a carcass under section 12, no person shall disinter, or otherwise remove the carcass of an animal buried in compliance with the provisions of sub-section (1).

14. Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of animals, any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

Prohibition on bringing infective animals into any market, fair, etc.

15. Whoever sells or attempts to sell or to transfer in any manner to another person any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of a first conviction to one hundred rupees and in the case of a second or subsequent conviction to five hundred rupees.

Prohibition of sale or transfer of infective animals.

16. (1) Whoever,—

- (a) having reason to believe that an animal is infective fails to give information as required by sub-section (1) of section 3, or
- (b) fails to segregate any animal as required by section 4, or
- (c) contravenes the provisions of section 6, or
- (d) fails to render every facility and assistance to a Veterinary Assistant as required by section 7, or
- (e) fails to comply with the order of a Veterinary Assistant made under sub-section (1) of section 8, or
- (f) fails to comply with an order made under section 9, or
- (g) organises, holds or promotes, as the case may be, any animal market, animal fair, animal exhibition or other concentration of animals in contravention of the provisions of section 10, or
- (h) fails to render every facility and assistance to a Veterinary Assistant as required by section 11, or
- (i) contravenes any of the provisions of section 13,

Penalties.

shall be punished with fine which may extend to fifty rupees.

(2) If any person having been convicted of an offence punishable under any of the clauses (a) to (i) of sub-section (1) is again guilty of any offence punishable, under that clause or is guilty of any offence punishable under any of the remaining said clauses he shall be punished for every such subsequent offence with fine which may extend to one hundred rupees.

Power of Veterinary Assistant to enter and inspect land, etc. 17. Subject to such rules, as may be prescribed, a Veterinary Assistant may enter and inspect any land, building or other place or any vessel or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

Time for complying with and enforcement of orders. 18. (1) Where by any requisition or order under this Act or under any notification or rule issued thereunder, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such a requisition or order within which such measures shall be taken or such thing shall be done, as the case may be.

(2) If such measures are not taken or such things are not done within the time specified in accordance with the provisions of sub-section (1), the authority issuing the requisition or order may cause the measures to be taken or the thing to be done and the cost thereof shall be recoverable from the person who was required to take such measures or to do such thing as if it were an arrear of land revenue.

Power of Police Officer to arrest without warrant. 19. Any Police Officer not below the rank of a Sub-Inspector may at the request in writing of a Veterinary Assistant arrest, without warrant, any person who has been concerned in any offence under this Act.

Cognizance of offences. 20. No Court shall take cognizance of any offence under this Act except upon the complaint or report of a Veterinary Assistant.

Jurisdiction of Courts. 21. No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try an offence under this Act.

Bar of claim to compensation. 22. No person shall be entitled to any compensation in respect of the destruction of any animal or thing or of any other loss, injury, detriment or inconvenience caused him by reason of anything done under this Act in good faith.

Indemnity. 23. No suit, prosecution or other legal proceedings shall lie against any servant of the ¹[Government] for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Power to make rules. 24. (1) The ¹[State] Government may subject to the condition of previous publication make rules for carrying out the purposes of this Act.

¹ Subs. by the Adaptation of Laws Order, 1950.

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

- (a) the manner in which a report required in sub-section (4) of section 3 shall be made;
- (b) the manner in which a notification issued under sub-section (1) of section 5 may be published;
- (c) the kinds or classes of animals which shall be vaccinated or inoculated in respect of each contagious disease referred to in sub-section (1) of section 7;
- (d) the manner in which an animal may be marked under sub-section (2) of section 7;
- (e) the manner in which an application under sub-section (2) of section 8 shall be made;
- (f) the manner in which the expense referred to in sub-section (2) of section 8 shall be calculated;
- (g) the manner in which an animal may be dealt with under sub-section (3) of section 8;
- (h) the contagious diseases referred to in sub-section (4) of section 8;
- (i) the rules subject to which a Veterinary Assistant may issue an order under section 9;
- (j) the tests to which an animal may be subjected under section 11;
- (k) the rules subject to which a *post mortem* examination of an animal may be made under section 12;
- (l) the manner in which an animal may be buried under sub-section (1) of section 13;
- (m) the rules subject to which a Veterinary Assistant may take action under section 17.

**THE JAMMU AND KASHMIR ANIMAL CONTAGIOUS
DISEASES (CONTROL) ACT, SAMVAT 2006**

JAMMU AND KASHMIR ACT XV OF SAMVAT 2006

**An Act to provide for the prevention and control of
contagious diseases affecting Animals**

WHEREAS it is expedient to provide for the prevention and control of contagious diseases affecting animals; now, therefore, in exercise of the power reserved under section 5 of the Jammu and Kashmir Constitution Act, 1996, read with the Proclamation issued by His Highness and published in extraordinary issue of the Government Gazette dated 7th Har, 2006, Yuvraj Shree Karan Singh Ji Bahadur is pleased to enact as follows :—

PART I

PRELIMINARY

- Short title.** 1. This Act may be called the Jammu and Kashmir Animal Contagious Diseases (Control) Act, 2006.
- Extent and Commencement.** 2. (1) This Act extends to the whole of the Jammu and Kashmir State.
- (2) This section shall come into force at once. The Government may, from time to time, by notification in Government Gazette direct that all or any of the remaining provisions of this Act shall come into force in such area in respect of such scheduled disease and on such date as may be specified in the notification and may by similar notification direct that such provisions shall cease to be in force in any area from such date as may be specified therein.
- Definitions.** 3. In this Act, unless there is anything repugnant in the subject or context,—
- (a) “animal” means any domesticated animal or bird, or any animal or bird kept in confinement;
 - (b) “infective animal” means an animal which is affected with a scheduled disease or has recently been in contact with or in close proximity to an animal so affected;
 - (c) “inspector” means an Inspector appointed under section 4 ;
 - (d) “prescribed” means prescribed by rules made under section 36;
 - (e) “rules” means rules made under section 36;
 - (f) “scheduled diseases” means any disease specified in the schedule to this Act;
 - (g) “Veterinary Surgeon” means a Veterinary Surgeon appointed under section 4.

4. (1) The Government may, by notification in the Government Gazette, appoint a person to be a Veterinary Surgeon for the purposes of this Act for such local area as may be specified in the notification and may specify the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

Appointment
of Veterinary
Surgeon and
Inspectors.

(2) The Government may, by a similar notification in the Jammu and Kashmir Government Gazette, appoint a person to be an Inspector for all or any of the purposes of this Act and specify the area within which he shall exercise the powers and perform the duties of an Inspector under this Act.

(3) A Veterinary Surgeon shall, within the area for which he is appointed, exercise all the powers which an Inspector may exercise under this Act and may exercise such powers in addition to his powers as Veterinary Surgeon.

5. Every Veterinary Surgeon and every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Ranbir Penal Code.

Veterinary
Surgeon and
Inspectors to
be public ser-
vants.

PART II

PREVENTION AND CONTROL OF SCHEDULED DISEASES

6. (1) The Government may, for the purpose of preventing the outbreak or spread of any scheduled disease by notification in the Jammu and Kashmir Government Gazette, prohibit, control or regulate in such manner and to such extent as it may think fit,—

Power to
prohibit or
regulate im-
port, export
or transport
or holding or
markets,
fairs, etc., of
and traffic in
infective
animals, etc.

- (a) the import, export or transport of any animals or the carcasses thereof, or any part of animals or carcasses thereof or of a fodder, bedding or other thing used in connection with animals which may in the opinion of the Government, carry infection, or
- (b) the holding of animal markets, animal fairs, animal exhibitions or other concentration of animals in any specified area, or
- (c) the sale or other dealings in infective animals or the carcasses of animals, which at the time of their death were infective, or any fodder, bedding for other thing used in connection with such animals which may, in the opinion of the Government, carry infection.

(2) The Government may, by notification in the Jammu and Kashmir Government Gazette, specify the season or seasons during which and route or routes by which animals may be imported into any locality and no person shall import animals into any locality otherwise than during the season and by the routes so appointed.

Establishment of quarantine stations.

7. (1) The Government may establish quarantine stations for the inspection and detention of animals along the route appointed under sub-section (2) of section 6.

(2) All animals inspected or detained at a quarantine station shall be liable—

(a) to be vaccinated against any scheduled disease if in the opinion of the officer-in-charge of such station it is necessary to do so; and

(b) to be marked in the prescribed manner.

(3) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination and marking shall be such as may be prescribed.

(4) The animals detained at a quarantine station shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep and for the payment of such fee for their vaccination and marking as may be prescribed.

(5) The officer-in-charge of the quarantine station shall at the time of release of an animal from the station, grant in such form as may be prescribed a permit to the person in charge of the animals and such person shall, while in charge of the animal, produce it whenever required to do so by an Inspector or a Police Officer.

Power to isolate infective animals and their examination.

8. (1) Whereas an Inspector has reason to believe that any animal is infective, he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order :

Provided that where there is no person in charge of the animal and the owner is unknown, or where the order cannot be communicated to the owner of the animal without undue delay or where the person in charge of the animal refuses to comply with the order under this sub-section, the Inspector may seize the animal and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report to the Veterinary Surgeon every order or seizure under sub-section (1).

Power of Veterinary Surgeon to examine animals.

9. (1) On receipt of a report under sub-section (2) of section 8 the Veterinary Surgeon shall, as soon as practicable, examine the animal and all animals with which it has been in contact or to which it has been in close proximity and for this purpose may submit any animal to any prescribed test.

(2) If after such examination the Veterinary Surgeon—

(a) is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person who, in his opinion, is entitled to its possession:

Provided that where such person cannot, in the opinion of the Inspector, be found after reasonable inquiry, he shall send the animal to the nearest cattle-pound or deal with it in such other manner as may be prescribed;

- (b) certifies in writing that any animal is affected with a scheduled disease, the Inspector may destroy the animal, or deal with it in such other manner as may be prescribed :

Provided that nothing herein contained shall authorise the Inspector to destroy an animal the killing of which constitutes an offence under any law for the time being in force in the State; or

- (c) certifies in writing that any animal infective, though not diseased the animal shall be dealt with in such manner as may be prescribed.

(3) The decision of the Veterinary Surgeon whether any animal has been in contact with or in close proximity to an animal suspected to be affected with a scheduled disease shall be final.

10. (1) The owner of an animal destroyed under sub-section (2) of section 9 may be paid such compensation as shall be determined in the manner prescribed :

Compensation for animal destroyed.

Provided that no compensation shall be paid—

- (i) to any person convicted of any offence punishable under this Act committed in respect of such animals; or
(ii) in respect of any animal which when it was imported was affected with a scheduled disease on account of which it was destroyed.

(2) The decision under sub-section (1) regarding the right of a person to be paid any compensation or the amount of such compensation shall be final.

11. (1) If an Inspector has reason to believe that an infective animal is kept on any land or in any building or other place he shall forthwith by order in writing declare such land, building or place to be an infected place. The Inspector shall deliver a copy of the order to the owner, occupier or person in charge of the infected place and report his action to the Veterinary Surgeon.

Declaration of private infected places and examination of such places by Veterinary Surgeon.

Nothing in this sub-section shall apply to any place which is owned by or is under the control or management of any local authority and in which animals are kept temporarily for purposes of sale or exhibition or while in transit.

(2) On receipt of a report under sub-section (1) the Veterinary Surgeon shall, as soon as practicable, examine the infected place and the animals kept therein. After such examination he shall either confirm or cancel the order passed by the Inspector.

(3) If the Veterinary Surgeon confirms the order passed by the Inspector he may declare all places in which animals are kept temporarily or otherwise within a radius not exceeding one mile from the infected place to be infected places. The Veterinary Surgeon shall give a written notice of such declaration to the owners, occupiers or persons in charge of such places. The Veterinary Surgeon shall thereafter report the action taken by him under this section to the prescribed authority.

(4) If the Veterinary Surgeon cancels the order passed by the Inspector the place specified in such order shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

Declaration of public infected places.

12. (1) Where the Veterinary Surgeon has reason to believe that an infective animal is or has been kept in a place which is owned by or is under the control or management of any local authority or administration and in which animals are kept temporarily for purposes of sale or exhibition or while in transit, he may, by order in writing, declare such place to be an infected place.

(2) The Veterinary Surgeon shall—

- (a) cause a copy of the order passed by him under sub-section (1) to be exhibited prominently in the infected place in the court language of the locality;
- (b) cause a copy of such order to be delivered at the office of the local authority;
- (c) cause a copy of the order to be sent to the nearest police station; and
- (d) forthwith report the action taken by him to the prescribed authority.

Power of Government to declare infected areas.

13. (1) On receipt of the report of the Veterinary Surgeon under sub-section (3) of section 11 or sub-section (2) of section 12, the prescribed authority shall, after making such further inquiry as it thinks fit, submit such report with his remarks thereon to the Government.

(2) The Government on receipt of the report for the prescribed authority may—

- (a) confirm the declaration under sub-section (1) or (3) of section 11 or sub-section (1) of section 12 either with or without modification; or
- (b) cancel such declaration.

(3) Where the Government confirms any such declaration either with or without modification, a notification shall be published in the Government Gazette defining the limits of the area to which the declaration, with the modifications, if any, made therein, shall apply, and declaring such area to be an infected area.

(4) The Government may, by notification in the Government Gazette, add to, amend, vary or rescind any notification published under sub-section (3) either on its own motion or on a further report of the Veterinary Surgeon submitted to it through the prescribed authority.

(5) On publication of a notification under sub-section (3) or (4) any place declared by the Inspector or Veterinary Surgeon to be an infected place and not included in the infected area as defined in such notification shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(6) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the court language thereof a copy of the notification issued under sub-section (3) or (4).

(7) Where the Government cancels any declaration referred to in sub-section (2) any place specified in such declaration shall cease to be an infected place and the Inspector shall give notice accordingly to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

14. (1) Where any area or place has been declared to be an infected area or place under the foregoing provisions, no person shall, while such a declaration remains in force, remove any infected animal, alive or dead, or any part of animals or any food, bedding or other thing used in connection with an animal, save in accordance with the conditions of a licence granted by the Inspector. Removal of animals and other things from infected area or place prohibited without licence.

(2) Nothing contained in sub-section (1) shall apply to carriage by transport of any animal or thing referred to in that sub-section through an infected area or place:

Provided that where any such animal or thing while in transit through an infected area or place is unloaded therein it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

15. Where any animal or thing referred to in section 14 is removed from an infected area or place otherwise than in accordance with the conditions of a licence granted under the said section 14, any Inspector or Police Officer may require the owner or person in charge of such animal or thing to take it back to such area or place: Power to require animals, etc., to be brought to infected areas.

Provided that nothing in this section shall affect the power of an Inspector under section 8 to deal with the infective animals.

16. (1) Every boat or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected by him at such periods and in such manner as may be prescribed. Cleansing and disinfection of boats and vehicles.

(2) The person in charge of every such boat or vehicle shall, when required to do so by an Inspector, cause the boat or vehicle to be taken to such place as the Inspector may direct and to stop or remain stationary for so long as may be reasonably necessary for the purpose of enabling the Inspector to inspect such boat or vehicle. The Inspector may, after such inspection, if in his opinion the boat or vehicle is not in a sanitary condition, require it to be cleansed and disinfected in the prescribed manner.

(3) Nothing in this section shall apply to the rolling stock.

Power to require disinfection of infected premises, boats or vehicles.

17. Subject to such rules as may be prescribed, the Veterinary Surgeon, by order in writing, require the owner, occupier or person in charge of any land, building, or other place or of any boat or vehicle in which an infective animal has been kept to have such land, building, place, boat or vehicle disinfected and the internal fittings thereof and other things found therein or near thereto to be disinfected or destroyed, in such manner and to such extent as may be specified in the order.

Power of Veterinary Surgeon to hold *post mortem*.

18. Subject to such rules as may be prescribed the Veterinary Surgeon may make or cause to be made a *post mortem* examination of any animal which at the time of its death was infective or suspected to have been infective, and for this purpose he may have the carcass of such animal to be exhumed.

Duty of certain persons to report scheduled diseases.

19. Every owner or person in charge of, and every Veterinary Practitioner who has been called to treat an animal which he has reason to believe to be affected with a scheduled disease shall forthwith report the fact to the Inspector having jurisdiction in the area.

Keeping or grazing infective animal prohibited.

20. No person shall keep or graze in open or unenclosed land to which other persons have a right of access for their animals, any animal which he knows to be infective.

Bringing of infective animal in market, etc., prohibited.

21. No person shall bring or attempt to bring into any market, fair, exhibition or other concentration of animals, any animal which he knows to be infective.

Placing of carcass of infective animals in river etc. prohibited.

22. No person shall place or cause or permit to be placed in any river, lake, canal or other water within such distance from the shore, as may be prescribed, any carcass or any part of the carcass of any animal which at the time of its death was infective or which was destroyed on account of its being infective or suspected to be infective.

Disinterring without lawful authority carcass of animal prohibited.

23. No person shall without lawful authority disinter or cause to be disinterred the carcass or any part of the carcass of any animal which at the time of its death was infective or which was destroyed on account of its being infective or suspected to be infective.

24. Subject to such rules as may be prescribed, an Inspector may enter upon and inspect any land, building or other place or any boat or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

Powers of entry and inspection.

25. (1) Where by any notice, requisition or order made under this Act or under any rule or notification issued thereunder, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such notice, requisition or order within which such measures shall be taken or such things shall be done, as the case may be.

Enforcement of orders and recovery of expenses.

(2) If such measures are not taken or such thing is not done within the time so specified, the authority issuing the notice, requisition or order may cause the measures to be taken or the thing to be done at the cost of the person concerned.

(3) The cost of any measures taken or thing done under sub-section (2) shall be recoverable from the person concerned in the manner provided by the Jammu and Kashmir Code of Criminal Procedure, 1989, for the recovery of fines imposed by a Court as if such costs were a fine imposed by a Court.

26. If any question arises under this Act whether or not any animal is an infective animal, the question shall be decided by the Veterinary Surgeon and his decision shall be final.

Power of Inspector to decide whether or not an animal is infective.

27. Whoever—

Penalties.

- (i) fails to carry out any direction specified in, or contravenes the terms of, any notification issued under section 6 or imports any animal in contravention of the provisions of sub-section (2) thereof, or
- (ii) fails to feed or look after the upkeep of the animal under sub-section (4) of section 7 or fails to produce the permit under sub-section (5) thereof, or
- (iii) fails to comply with an order made by an Inspector under sub-section (1) of section 8, or
- (iv) removes any animal or thing from an infective area or place in contravention of the provisions of section 14, or
- (v) fails to comply with any direction given by an Inspector or Police Officer under section 15, or
- (vi) fails to cleanse or disinfect any boat or vehicle used for removing animals in the manner prescribed as required under sub-section (1), or fails to cause any boat or vehicle to stop and remain stationary when required to do so under sub-section (2), of section 16, or
- (vii) fails to comply with an order made by a Veterinary Surgeon under section 17, or

- (viii) fails to report that an animal is infective as required by section 19, or
- (ix) keeps or grazes any animal which he knows to be infective in contravention of the provisions of section 20, or
- (x) brings or attempts to bring any animal which he knows to be infective in contravention of the provisions of section 21, or
- (xi) disinters or causes to be disinterred the carcass or any part of the carcass of any animal which at the time of its death was infective or was destroyed on account of its being infective or suspected to be infective in contravention of the provisions of section 23,

shall on conviction be punished with fine which may extend in the case of a first conviction to one hundred rupees, and in the case of a second or subsequent conviction, whether under the same or any other clause of this section, to five hundred rupees.

Penalty for placing carcass of infective animal in river, etc.

28. Whoever places or causes or permits to be placed in any river, lake, canal or other water within such distance from the shore, as may be prescribed, the carcass or any part of the carcass of any animal which at the time of its death was infected or which was destroyed on account of its being infective or suspected to be infective in contravention of the provisions of section 22, shall, on conviction, be punished, in the case of a first conviction with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both, and in the case of a subsequent conviction with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty for vexatious entry, inspection and seizure.

29. (1) Whoever, being an Inspector or Veterinary Surgeon, appointed under this Act, vexatiously or unnecessarily enters or inspects any land, building or other place or any boat or vehicle or seizes or detains any animal shall, on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Officers bound to assist Inspector and Veterinary Surgeons.

30. All village officers and all officers of the Department of Revenue, Agriculture and Veterinary shall be bound—

- (a) to give immediate information to the Veterinary Surgeon and Inspector having jurisdiction in the area regarding the prevalence of a scheduled disease among animals in the area,
- (b) to take all necessary measures to prevent the spread of disease, and
- (c) to assist the Veterinary Surgeon and the Inspector to carry out the provisions of this Act.

31. No Magistrate shall take cognizance of any offence punishable under this Act except upon the complaint of a Veterinary Surgeon.

32. No Magistrate, other than a Magistrate of the First Class or a Magistrate of a Second Class specially empowered in this behalf by the Government, shall try any offence punishable under this Act.

33. No person shall, except as provided for in section 10, be entitled to any compensation on account of the destruction of any animal or thing under the provisions of this Act or any loss, injury or inconvenience caused to him by reasons of anything lawfully done under this Act.

34. All Officers shall exercise the powers and perform the duties conferred and imposed on them by or under this Act in accordance with such orders, not inconsistent with the provisions of this Act as the Government may from time to time make.

35. 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 under this Act or the rules made under this Act.

36. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may be made for all or any of the following matters, namely:—

- (i) the manner of marking animals under sub-section (2), the period of detention under sub-section (3), the amount of fee for the vaccination and marking of animals under sub-section (4) and the form of permit under sub-section (5) of section 7;
- (ii) the test to which an animal may be submitted under sub-section (1) and the manner in which an animal may be dealt with under sub-section (2) of section 9;
- (iii) the manner in which the compensation shall be determined under section 10;
- (iv) the authority to be prescribed for the purpose of sections 11, 12 and 13;
- (v) the period at which and the manner in which the boat and vehicle shall be cleansed and disinfected under section 16;
- (vi) for disinfecting land, building or other place or boat or vehicle under section 17;
- (vii) the making of *post mortem* examination under section 18;
- (viii) the distance from the shore within which carcass shall not be placed under section 22; and

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(Control) Act, Samvat 2006*

(ix) for regulating the powers of an Inspector under section 24;

(3) In making a rule under sub-section (1) or sub-section (2) the Government may provide that a breach thereof shall be punishable with fine which may extend in the case of a first conviction to Rs. 50 and in the case of a second or subsequent to Rs. 100.

(4) The rules made under this section shall, subject to the conditions of previous publication, be published in the Jammu and Kashmir Government Gazette.

THE MYSORE DISEASES OF ANIMALS ACT, 1949

MYSORE ACT XXI OF 1949

An Act to provide for the prevention of the spread of contagious or infectious diseases amongst animals in Mysore State

WHEREAS it is expedient to provide for the prevention of the spread of contagious or infectious diseases amongst animals in Mysore State;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Diseases of Short title
Animals Act, 1949. and extent.

(2) It extends to the whole of Mysore.

2. In this Act unless there is anything repugnant in the Definitions.
subject or context,—

- (1) “animals” means bulls, bullocks, cows, oxen, heifers, calves, buffaloes, sheep, goats and all other ruminating animals, dogs, swine, horses, camels, asses, mules, fowls, and includes such other domesticated animals as may be specified in this behalf by the Government by notification in the official Gazette;
- (2) “contagious or infectious diseases” means rinderpest, anthrax, haemorrhagic septicaemia, rabies, glanders and farcy, epizootic lymphangitis, surra, equine influenza or pink eye, sheep-pox, ranikhet disease and includes such other diseases as may be declared by the Government in the official Gazette to be contagious or infectious diseases for the purposes of this Act;
- (3) “infected area” means an area in respect of which a notification under section 5 is in force;
- (4) “infective” used with reference to an animal means affected by a contagious or infectious disease or having recently been in contact with or proximity to an animal so affected;
- (5) “prescribed” means prescribed by rules made under this Act;
- (6) “veterinary officer” means an officer of the Mysore Veterinary and Live-stock Department, not below the rank of a veterinary inspector acting within the local limits of his jurisdiction and in the absence of the said veterinary inspector from his jurisdiction; includes any officer of the said Department who in the opinion of the Government possesses suitable qualifications in veterinary medicine and

who is authorised by the Government to carry on the duties of the veterinary inspector under this Act in such absence.

Report of contagious diseases.

3. (1) Every owner or person in charge or having control of an animal, and every veterinary practitioner attending to any animal in the course of his veterinary practice or otherwise, who has reason to believe that such an animal is infective, shall forthwith report and any other person, who has reason to believe, that an animal is infective may report the fact to the local patel or, where there is no patel, to the chairman of the village panchayat or the president of the municipality within the area of which such animal is for the time being kept.

(2) The patel or the chairman of the village panchayat or the president of the municipality on receiving any report under sub-section (1) or on any other information shall, unless for reasons to be recorded in writing he considers that the report is unfounded in fact, communicate without delay such report to the veterinary officer for the area and send copies thereof to the Superintendent, Veterinary and Live-stock Department in Mysore, Bangalore, the District Veterinary and Live-stock Officer of the District and the Amildar of the taluk to which the place belongs. The Veterinary Officer shall, on receiving such a communication, proceed without delay to the place where the animal is for the time being kept and examine the animal and inquire into the circumstances of the case.

(3) Whenever a veterinary officer has reason to believe that any animal within his jurisdiction is infective, he shall proceed as soon as possible to the place where the animal is and examine it and inquire into the circumstances of the case, notwithstanding that no report under sub-section (2) in respect of such animal has been received.

(4) If after the examination and inquiry referred to in sub-section (2) or sub-section (3), the Veterinary Officer is of the opinion that the animal is infective, he shall report the matter in the manner prescribed to such officer or officers of the Mysore Veterinary and Live-stock Department as the Government may appoint in this behalf and the Veterinary Officer shall also take such further action under the provisions of this Act as may be necessary or expedient.

Duty to segregate infective animals.

4. Every owner or person in charge or having control of an animal who has reasons to believe that such animal is infective shall, as far as may be possible in the circumstances, segregate such animal in a place apart from all other animals which are not infective and shall take all possible steps to prevent any animal which is not infective from coming into contact with or approaching near such animal.

Declaration of infected areas.

5. (1) The District Magistrate or such officer as the Government may authorise in this behalf may, by notification published in the manner prescribed, declare any area in which any contagious disease has broken out, or any area within which in the opinion of the District Veterinary

and Live-stock Officer, or such officer as the Government may authorise, there is a danger of the spread of any such disease, to be an infected area.

(2) Every notification under sub-section (1) shall specify the limits of the area which is declared to be an infected area and shall also specify the contagious or infectious disease in respect of which the area is declared to be an infected area.

6. (1) Save in accordance with the conditions of a licence granted by a veterinary officer—

(a) no person shall remove any animal, alive or dead, or any product of any animal (including its excreta) or any part of any animal or any fodder, bedding, harness, or other things used in connection with an animal, and,

(b) no person owning or having charge or control of any animal shall allow such animal to proceed,

from any place within an infected area to any place outside such area or from any place outside an infected area to any place within such area.

(2) Nothing in sub-section (1) shall prevent the carriage by railway or by any mechanically propelled vessel of a type approved by the Government of any animal or thing referred to in that sub-section through an infected area :

Provided that if such animal or thing at any stage during its carriage by railway or such vessel through an infected area is unloaded therein, it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

7. (1) In all cases in which preventive vaccination or inoculation is possible and practicable against the contagious or infectious disease in respect of which an area has been declared to be an infected area, the Veterinary Officer or his assistant, who may be authorised to do the work, shall vaccinate or inoculate, as the case may be, such kinds or classes of animals in that area as may be prescribed in respect of such disease and the owner or person in charge or having control of every such animal shall render every facility and assistance to him in carrying out such vaccination or inoculation.

(2) When a Veterinary Officer or his assistant vaccinates or inoculates any animal, he may for the purpose of identification also mark such animal in such manner as may be prescribed.

8. (1) When a Veterinary Officer or his assistant after due examination of an animal and such enquiry into the circumstances of the case as may be necessary, is of the opinion that such animal is infective, he may by order in writing direct the owner or person in charge or having control of such animal—

(a) to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order;

(b) to subject it to such treatment as may be specified in the order,

and such owner or person in charge or having control of such animal shall comply with such order :

Provided that where there is no person in charge or having control of the animal and the owner is either unknown or cannot be ascertained without undue delay or the order cannot be communicated to him without undue delay or the owner or person in charge or having control of the animal fails to comply with the order within such time as in the opinion of the Veterinary Officer is reasonable, the Veterinary Officer shall seize the animal and remove it to a place of isolation or segregation and may subject it to such treatment as may be necessary.

(2) If the owner of an animal seized under the proviso to sub-section (1) or his authorised agent applies in the prescribed manner for the return of such animal to his possession, the animal shall be so returned if such owner or his authorised agent pays any expenses, calculated in the prescribed manner, incurred for the upkeep of the animal up to the date of its release:

Provided that on the release of the animal the owner or his authorised agent, as the case may be, shall comply with any order which the Veterinary Officer may see fit to issue under sub-section (1).

(3) If the owner of an animal seized under the proviso to sub-section (1) or his authorised agent does not apply for the release of the animal under sub-section (2) and the animal is, in the opinion of the Veterinary Officer, no longer likely to infect any other animals with the contagious or infectious disease in respect of which it was seized, the Veterinary Officer shall send the animal to the nearest cattle-pound or deal with it in such other manner as may be prescribed.

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3) if the Veterinary Officer after due examination of any animal, certifies in writing that such animal is affected with any of such contagious or infectious diseases as may be prescribed in this behalf, he may destroy the animal or deal with it in such other manner as may be prescribed.

Disinfection
of buildings,
etc., in infect-
ed areas.

9. Subject to such rules as may be prescribed, the Veterinary Officer may by order in writing require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which an infective animal has been kept, to have such building, yard, vehicle or vessel disinfected and the internal fittings thereof and other things found therein to be disinfected or destroyed, in such manner and to such extent as may be specified in the order, and such owner, occupier or person in charge shall comply with such order.

10. No person shall organise, promote or hold in any infected area any animal market, animal fair, animal exhibition or other concentration of animals whether for the purpose of sport or trade, without the permission in writing of the Deputy Commissioner or such officer as the Government may authorise in this behalf. Prohibition of markets, fairs, etc., in infected areas.

11. If the Veterinary Officer suspects that any animal is infective, he may subject it to such test as may be prescribed and the owner or person in charge or having control of such animal shall render every facility and assistance to him in carrying out the tests. Power of Veterinary Officer to subject infective animals to tests.

12. Subject to such rules as may be prescribed, the Veterinary Officer may make or cause to be made a *post mortem* examination of any animal which at the time of its death was infective or suspected to have been then infective and for this purpose he may cause the carcass of any such animal to be exhumed. Power of Veterinary Officer to carry out *post mortem* examinations.

13. (1) Every animal which at the time of its death is infective or suspected to be infective shall be buried at least six feet below the surface of the ground or dealt with in such other manner as may be prescribed. Manner of burial or disposal of carcasses of infective animals.

(2) Except in the case of the exhumation of a carcass under section 12, no person shall disinter or otherwise remove the carcass of an animal buried in compliance with the provisions of sub-section (1).

14. Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of animals, any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees. Prohibition on bringing infective animals into any market, fair, etc.

15. Whoever sells or attempts to sell or transfer in any manner to another person any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of first conviction to one hundred rupees and in the case of a second or subsequent conviction to five hundred rupees. Prohibition of sale or transfer of infective animals.

16. (1) Whoever,— Penalties.

- (a) having reason to believe that an animal is infective fails to give information as required by sub-section (1) of section 3; or
- (b) fails to segregate any animal as required by section 4; or
- (c) contravenes the provisions of section 6; or
- (d) fails to render every facility and assistance to a Veterinary Officer as required by section 7; or
- (e) fails to comply with the order of a Veterinary Officer made under sub-section (1) of section 8; or
- (f) fails to comply with an order made under section 9; or

(g) organises, holds or promotes, as the case may be, any animal market, animal fair, animal exhibition or other concentration of animals in contravention of the provisions of section 10; or

(h) fails to render every facility and assistance to a Veterinary Officer as required by section 11; or

(i) contravenes any of the provisions of section 13, shall be punished with fine which may extend to fifty rupees.

(2) If any person having been convicted of an offence punishable under any of the clauses (a) to (i) of sub-section (1) is again guilty of any offence punishable under that clause or is guilty of any offence punishable under any of the remaining said clauses, he shall be punished for every such subsequent offence with a fine which may extend to one hundred rupees.

Power of Veterinary Officer to enter and inspect land, etc. 17. Subject to such rules as may be prescribed, a Veterinary Officer may enter and inspect any land, building or other place or any vessel or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

Time for complying with and enforcement of orders. 18. (1) Where by any requisition or order under this Act or under any notification or rule issued thereunder, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such a requisition or order within which such measures shall be taken or such thing shall be done, as the case may be.

(2) If such measures are not taken or such things are not done within the time specified in accordance with the provisions of sub-section (1), the authority issuing the requisition or order may cause the measures to be taken or the things to be done and the cost thereof shall be recoverable from the person who was required to take such measures or to do such things as if it were an arrear of land revenue.

Power of police officer to arrest without warrant. 19. Any police officer not below the rank of a Sub-Inspector may, at the request in writing of a Veterinary Officer, arrest without warrant, any person who has been concerned in any offence under this Act.

Cognizance of offences. 20. No court shall take cognizance of any offence under this Act except upon the complaint or report of a Veterinary Officer.

Jurisdiction of Courts. 21. No court inferior to that of a Magistrate of the first class shall try an offence under this Act.

Bar of claim to compensation. 22. No person shall be entitled to any compensation in respect of the destruction of any animal or thing or of any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith.

23. No suit, prosecution or other legal proceedings shall **Indemnity.** lie against any servant of the Government for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

24. (1) The Government may, subject to the condition **Power to** of previous publication, make rules for carrying out the **make rules.** purposes of this Act.

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

- (a) the manner in which a report required in sub-section (1) of section 3 shall be made;
- (b) the manner in which a notification issued under sub-section (1) of section 5 may be published;
- (c) the kinds or classes of animals which shall be vaccinated or inoculated in respect of each contagious or infectious disease referred to in sub-section (1) of section 7;
- (d) the manner in which an animal may be marked under sub-section (2) of section 7;
- (e) the manner in which an application under sub-section (2) of section 8 shall be made;
- (f) the manner in which the expenses referred to in sub-section (2) of section 8 shall be calculated;
- (g) the manner in which an animal may be dealt with under sub-section (3) of section 8;
- (h) the contagious or infectious diseases referred to in sub-section (4) of section 8;
- (i) the rules subject to which a Veterinary Officer may issue an order under section 9;
- (j) the tests to which an animal may be subjected under section 11;
- (k) the rules subject to which a *post mortem* examination of an animal may be made under section 12;
- (l) the manner in which an animal may be buried under sub-section (1) of section 13;
- (m) the rules subject to which a Veterinary Officer may take action under section 17.

**THE MARWAR ANIMAL CONTAGIOUS AND
INFECTIOUS DISEASES ACT, 1947**

ACT XIX OF 1947

**An Act to provide for the prevention and control of
certain diseases affecting Animals**

WHEREAS it is expedient to provide for the prevention and control of contagious and infectious diseases affecting animals;

It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Marwar Animal Contagious and Infectious Diseases Act, 1947.

(2) It extends to the whole of Marwar except the Sambhar Shamlat Area.

(3) It shall come into force from the date of its publication in the Jodhpur Government Gazette.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(1) "Animal" means any domestic animal or any animal or bird kept in confinement.

(2) "Director" means the Director of Animal Husbandry Department, Jodhpur.

(3) "Infected animal" means an animal which is affected with a scheduled disease or has recently been in contact with or in close proximity to, an animal so affected.

(4) "Owner" means a person in whose charge the animal is and includes any person who feeds and looks after the animal or takes certain work from that animal.

(5) "Scheduled Disease" means any disease for the time being included in the Schedule to this Act.

(6) "Stable" means the dwelling place, whether permanent or temporary, where the animal rests or is being kept in a state of health or sickness.

(7) "Veterinary Officer" means a qualified veterinary surgeon serving in the Animal Husbandry Department and includes a person not below the rank of a stockman, on whom the powers or duties of the Veterinary Officer have been conferred by the Director under this Act.

(8) "Village headman" means a Jagirdar or his representative, a Hawaldar or Kanwaria, village chowdhari, Sarpanch or any other person or persons who may for the time being be in charge of the village.

3. The owner of an animal shall immediately report any Owner to report occurrence of scheduled diseases. of the scheduled diseases with which his animal may be infected to the village headman who on receipt of such report or information through any other source, shall intimate it at once to the Veterinary Officer of his district.

4. Any person may report occurrence of any of the scheduled diseases in any part of Marwar to the nearest Veterinary Officer or to the Director. Any person may report occurrence of scheduled diseases.

5. The Veterinary Officer shall on receipt of such report or on information from any other source, of the outbreak of such disease proceed to the spot and make such enquiries as may be necessary. If he is satisfied that the removal or segregation of any diseased animal or animals is necessary, he may require the owner to segregate such animal or animals in such a manner as may be approved by him. The owner shall comply with such requisition and shall keep the animal or animals confined to the area or place specified by the Veterinary Officer till the infected area or place is declared by the Veterinary Officer as free from infection. Enquiry by Veterinary Officer on such reports.

6. The Veterinary Officer may examine any animal to ascertain whether it is infected or not and if he has reason to believe that it is infected, he shall by an order in writing declare the area or place in which such animal is kept as infected area or place. He shall deliver a copy of this order to the owner, occupier or person in charge of the area or place through the village headman and shall also forward a copy of the same to the Director with a detailed report of the technical actions taken by him. Declaration of infected areas or places.

7. The Veterinary Officer may, accompanied by a motbir or the village headman, enter any stable or house if he suspects or has reason to believe that there may be animal or animals suffering from any of the scheduled diseases. Veterinary Officer's power of entry.

8. When any area or place is declared infected under section 6, the village headman shall notify such area or place through a beat of drum or through other suitable means in the villages within a radius of five miles from such infected area or place. Infected area or place to be notified.

9. (1) No person having in his possession or under his control any animal which has been in the same shed or stable or in the same herd or flock as an animal declared to be suffering from such disease, shall allow it to mix with other animals or shall sell, exchange or transfer it. Restrictions against sale, transfer, exchange, etc.

(2) When a village has been declared infected, no owner or person in charge of cattle within the village shall take his animal or animals outside the limits of the village nor shall he take his animal or animals to a common watering place or grazing ground, the right of watering or grazing in which belongs wholly or in part to other villages:

Provided that the restrictions specified under sub-sections (1) and (2) of this section shall not apply to cattle inoculated at least ten days prior to the date of such movement, sale, transfer or exchange.

When infected area or place deemed to be free. 10. A place or area notified under section 6 shall be deemed free from infection after a period of twenty-one days during which no fresh attacks have occurred or in the case of cattle disease after a period of ten days when all the cattle in the village have been inoculated, and shall be so declared by the Veterinary Officer.

Destruction of animals suffering from certain diseases. 11. (1) The Veterinary Officer may by order in writing require any animal other than a cattle suffering from Rabies, Glanders, Surra, or Epizootic Lymphangitis to be destroyed and no compensation shall be claimable in respect of any loss incurred by reason of such destruction.

(2) In case of cattle suffering from Rabies the owner shall tie and secure the animal so affected in a safe place so as to avoid danger to other animals or persons, till it dies its own death.

Restrictions against registration of dogs. 12. No dog shall be registered under the Jodhpur Municipal Act, 1943, unless the dog has been prophylactically vaccinated against Rabies and a certificate to that effect has been obtained from Veterinary Officer.

Disposal of carcasses. 13. (1) When any animal has died, or has been destroyed on account of any scheduled disease (except Foot and Mouth) the carcass thereof shall not be flayed, sold or made use of in any manner, but shall either be burnt or buried at least six feet below the ground away from water sources or grazing lands.

(2) The cost of such cremation or burial shall be borne by the owner, and where there is no owner, the cremation or burial shall be carried out by the local body concerned, if any, or in its absence by the Animal Husbandry Department.

Places occupied by infected animals to be cleaned and rendered disinfected. 14. Every place which has been occupied by an animal suffering from a scheduled disease, and everything which may have come in contact with such animal while so suffering shall be immediately cleaned and disinfected by the owner in such manner as may be required by a Veterinary Officer, the disinfectants not locally available being supplied by the Veterinary Department. If in the opinion of such officer, any such thing cannot be effectively disinfected, he may require it to be destroyed and no compensation shall be claimable in respect of things so destroyed.

Carcasses and articles disposed of under sections 13 and 14 not to be dug up. 15. No person shall dig up the carcasses and articles disposed of by burial under sections 13 and 14.

Power of Veterinary Officer to have instructions carried out on neglect or refusal by owner. 16. If the owner refuses or neglects to carry out the instructions of the Veterinary Officer under section 14, the Veterinary Officer shall get them carried out through other agencies and the cost so incurred shall be recovered from the owner under the Marwar Public Demand Recovery Ordinance.

17. Animals suffering from any of the scheduled diseases shall be compulsorily treated or inoculated and may be subjected to any such test by the Veterinary Officer as he may deem fit. Treatment of scheduled diseases compulsory.

18. The village headman shall co-operate and render all possible assistance to the Veterinary Officer in all matters relating to the proper control of scheduled diseases and shall carry out the instructions given to him by the Veterinary Officer from time to time. Village headman to co-operate with and render assistance to Veterinary Officer.

19. The Minister-in-Charge of the Animal Husbandry Department on recommendations from the Director may prohibit holding of any cattle fair, local fairs, or restrict or regulate the movements of animals as a whole or in any particular area or areas if he deems such course necessary in order to prevent spread of severe Epizootics or any of the scheduled diseases. Power of Minister-in-Charge to prohibit cattle fairs or local fairs or to regulate movement of animals.

20. No Veterinary Officer or other person shall be liable in respect of any act in good faith done or purported to have been done in course of execution of the duties imposed on him by or under this Act. Bar of legal proceedings.

21. Any person who contravenes any of the provisions of this Act or the Rules made thereunder or disobeys or neglects the instructions given by the Veterinary Officers or the village headman or obstructs or interferes in any way with the work of the Veterinary Officer or the village headman in execution of his duties under this Act or the Rules made thereunder, shall be punishable with fine which may extend in the case of first conviction to three hundred rupees and in case of second or subsequent conviction with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both. Penalty.

22. (1) Any person may give information regarding the commission of any offence under this Act or the Rules made thereunder to the nearest Veterinary Officer. Information of offences to Veterinary Officer and proceedings thereon.

(2) Upon receipt of any information under sub-section (1) or upon his own knowledge or suspicion that such offence has been committed, the Veterinary Officer shall proceed to enquire into the offence and after completion of the enquiry submit the proceedings of the case to the Director together with his opinion thereon.

(3) If from the proceedings submitted under sub-section (2) or after further enquiry, if any, the Director is satisfied that the accused has committed the offence, he may either authorise the Veterinary Officer to prosecute the accused in a competent court or may discharge the accused on payment by him of such sum of money not exceeding two hundred rupees by way of composition for the offence as the Director may determine. If the Director finds that no case is made out against the accused, all proceedings against the accused shall be dropped.

Magistrate of First Class to try offences under this Act. **23.** Offences under this Act shall be triable by a Magistrate of the first class.

Prosecution only on complaint by Veterinary Officer. **24.** A person shall not be prosecuted for an offence under this Act or the Rules made thereunder except on the complaint filed by a Veterinary Officer with the previous sanction of the Director.

Power of Government to make rules. **25.** (1) The Government may make Rules to carry out all or any of the provision of this Act.

(2) All Rules made under this Act shall be published in the Jodhpur Government Gazette and on such publication shall have effect as if enacted in this Act.

SCHEDULE

[Section 2 (5)]

A. Bovine (Cattle) Diseases

1. Rinderpest.
2. Foot & Mouth.
3. Haemorrhagic Septicaemia.
4. Black Quarter.
5. Anthrax.
6. Rabies.
7. Johne's Disease.

B. Equine (Horse, Mule, Ass) Diseases

1. Surra.
2. Stangles.
3. Rabies.
4. Anthrax.
5. Glanders.

C. Ovine & Caprine (Sheep & Goat) Diseases

1. Sheep & Goat Pox.
2. Contagious Plauro Pneumonia of Goats.
3. Anthrax.
4. Black Quarter.
5. Haemorrhagic Septicaemia.
6. Rabies.

D. Cameline (Camel) Diseases

1. Surra.
2. Rinderpest.
3. Anthrax.
4. Rabies.
5. Black Quarter.
6. Haemorrhagic Septicaemia.

E. Canine (Dog) Diseases

1. Rabies.
2. Anthrax.

F. Avian (Bird) Diseases

1. Fowl Plague.

**THE COORG ANIMAL CONTAGIOUS DISEASES ACT,
1941**

COORG ACT IV OF 1941

**An Act to provide for the prevention and control of
¹[Animal Contagious Diseases] in the Province of
Coorg**

WHEREAS it is expedient to provide for the prevention and control of ¹[Animal Contagious Diseases] in the Province of Coorg;

AND WHEREAS the previous sanction of the Governor-General has been obtained, under section 97 of the Government of India Act, 1935, to the passing of this Act;

IT is hereby enacted as follows:—

1. (1) This Act may be called the Coorg ¹[Animal Contagious Diseases] Act, 1941. Short title, extent and commencement.

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

(3) This section shall come into force at once, and the Chief Commissioner may from time to time by notification* in the *Coorg Gazette*, apply all or any of the remaining provisions of this Act to the whole or any portion of the ²[State] of Coorg from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

2. ³[Deleted].

3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

⁴[(a) “animal” means any domesticated animal or bird or any animal or bird kept in confinement];

(b) “infective animal” means an animal which is affected with ⁵[a scheduled disease] or has recently been in contact with, or in close proximity to, an animal so affected;

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

¹ These words were substituted for the word ‘Rinderpest’ by Section 2 of the Coorg Rinderpest, (Amendment) Act, 1943 (Coorg Act V of 1943).

² The word ‘State’ was substituted for the word ‘Province’ by the Adaptation of Laws Orders 1950.

³ Section 2 of the original Act was deleted by Section 3 *ibid.*

⁴ This Clause was substituted for the existing Clause by Section (4) *ibid.*

⁵ These words were substituted for the word ‘rinderpest’ by Section 4(ii) *ibid.*

* (1) Sections 5 and 19 of the Act were applied to the whole of Coorg in the Chief Commissioner’s Notification No. 10625-R. F. 109-44, dated the 7th November 1944, and the remaining Sections were applied to the whole of Coorg in the Chief Commissioner’s Notification No. 261-R. Dis. 2526-42, dated the 28th November 1944.

(2) The rules issued under the Act, are contained in the Chief Commissioner’s Notification No. 262-R. Dis. 2526-42, dated the 28th November 1944.

¹[(d) "scheduled diseases" means any disease for the time being included in the Schedule appended to this Act].

²[3-A. *Scheduled Diseases*.—The diseases specified in the Schedule referred to above shall in the first instance be scheduled diseases for the purpose of this Act, but the Chief Commissioner may by notification in the *Coorg Gazette*—

- (a) delete any entry from the Schedule, or
- (b) include in the Schedule any communicable disease of animals to which it is expedient in his opinion that the provisions of this Act should apply.]

Veterinary Inspectors. 4. (1) The Chief Commissioner may appoint any person he thinks fit to be an Inspector for all or any of the purposes of this Act within such local limits as he may assign to him.

(2) A Veterinary Assistant Surgeon shall within the local limits assigned to him have all the powers of an Inspector under this Act in addition to his duties.

(3) Every person appointed under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Power to inoculate and regulate movement of animals and to control the holding of markets, fairs, etc., and traffic in infective animals, etc. 5. ³[(1)] The Chief Commissioner may, for the purpose of preventing the outbreak or spread of ⁴[any scheduled disease] in or from any area, by notification in the *Coorg Gazette*—

- (a) direct that all animals in such area or any class of such animals shall be compulsorily inoculated in accordance with such rules as may be prescribed or such directions as may be specified in the notification;
- (b) prohibit or regulate in such manner and to such extent as may be prescribed or as may be specified in the notification the bringing into such area from any other area in the State or any part thereof, or from any area outside the State the removal from such area into any other area in the State or any part thereof, or the transport from one place to another in such area, of any animals alive or dead, or of any products of animals or of any parts of animals, or of any fodder, bedding or other things used in connection with animals which may, in the opinion of the Chief Commissioner, carry infection; or
- (c) prohibit or regulate in such manner and to such extent as may be prescribed or as may be specified in the notification in such area or any part thereof or any other area in the State—
 - (i) the holding of animal markets, animal fairs, animal exhibitions or other concentrations of animals; or

¹ This clause was added by Section 4 (iii) *ibid*.

² This Section was inserted by Section 5 of the Coorg Rinderpest (Amendment) Act, 1943 (Coorg Act V of 1943).

³ Section 5 was renumbered as 5 (1) by Section 6(iii) *ibid*.

⁴ These words were substituted for the word 'rinderpest' by Section 6 (i) *ibid*.

(ii) the sale of, or other traffic in, infective animals or their products or the carcasses of animals which at the time of their death were infective, or any parts of such animals or any fodder, bedding or other thing used in connection with such animals which may, in the opinion of the Chief Commissioner, carry infection;

¹[(d) specify the season or seasons during which and the route or routes by which animals may be imported into the State and no person shall import animals into the State otherwise than during the season and by the route so appointed;

(e) establish quarantine stations for the inspection and detention of such animals along the routes appointed under clause (d).]

²[(2) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination if necessary, marking and issuing of a permit for the release of animals from the station shall be such as may be prescribed by the Chief Commissioner.

(3) The animals so detained shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep and for the payment of fee for their vaccination and marking as may be prescribed by the Chief Commissioner.]

6. Every owner or person in charge of, and every veterinary practitioner who has been called to treat, an animal which he has reason to believe to be affected with ³[a scheduled disease] shall forthwith report the fact to the Inspector exercising powers in the area. Duty of certain persons to report [a scheduled disease].

7. Subject to such rules as may be prescribed, the Inspector may make or cause to be made a *post mortem* examination of any animal which at the time of its death was infective or is suspected to have been then infective, and for this purpose he may cause the carcass of any such animal to be exhumed. Power of Veterinary Inspector to hold post mortem.

8. (1) Where an Inspector has reason to believe that any animal is infective, he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being, or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order: Isolation of infective animals, examination by Inspector, etc.

Provided that where there is no person in charge of the animal and the owner is unknown or the order cannot be communicated to him without undue delay, the Inspector may seize the animal and remove it to a place of isolation or segregation.

¹ These clauses were inserted by Section 6 (ii) of the Coorg Rinderpest (Amendment) Act, 1943 (Coorg Act V of 1943).

² These Sub-Sections were inserted and Section 5 was renumbered as 5(1) by Section 6(iii) *ibid.*

³ These words were substituted for the word 'rinderpest' by Section 7 *ibid.*

(2) After issuing an order under sub-section (1), the Inspector shall as soon as possible examine the animal and all animals with which it has been in contact or to which it has been in close proximity, and for this purpose may submit any animal to any test which may be prescribed in this behalf. He shall forthwith report the result of such examination to the Chief Commissioner.

(3) (a) If after such examination the Inspector is of opinion that any animal is not infective, he shall forthwith return it to the person who in his opinion is entitled to its possession:

Provided that where such person cannot in the opinion of the Inspector be found after reasonable inquiry, he shall send the animal to the nearest cattle-pound, or deal with it in such other manner as may be prescribed.

(b) If after such examination the Inspector certifies in writing that any animal is affected with ¹[a scheduled disease], he shall destroy the animal or deal with it in such other manner as may be prescribed.

(c) If after such examination the Inspector certifies in writing that any animal is infective though not ²[diseased] the animal shall be subjected to such treatment, if any, and be otherwise dealt with in such manner as may be prescribed.

Compensation for animals destroyed.

³8-A. Compensation may be paid to the owner of an animal destroyed under section 8, and such compensation shall be determined in accordance with rules to be made in this behalf by the Chief Commissioner:

Provided that,—

- (i) no compensation shall be paid to any person convicted of any offence punishable under this Act, committed in respect of such animal;
- (ii) no compensation shall be paid in respect of any animal which, when it was brought into the ⁴[State] was affected with the disease on account of which it was destroyed.]

Cleansing and disinfection of vessels and vehicles.

9. (1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected periodically in such manner as may be prescribed.

(2) The Chief Commissioner may appoint places where an Inspector may detain and inspect any such vessel or vehicle, and if it is not in a sanitary condition, require it to be cleansed and disinfected in the prescribed manner.

Power to require disinfection of infected premises, vessels and vehicles.

10. Subject to such rules as may be prescribed, the Inspector may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which an infective animal has been kept, to have such building, yard, vessel or vehicle disinfected, and the internal

¹ These words were substituted for the word 'rinderpest' by Section 8(i) of the Coorg Rinderpest (Amendment) Act, 1943 (Coorg Act V of 1943).

² This word was substituted for the original words "affected with rinderpest" by Section 8(ii) *ibid.*

³ This Section was inserted by Section 9 *ibid.*

Subs. by the Adaptation of Laws Order, 1950.

fittings thereof and other things found therein or near thereto be disinfected or destroyed, in such manner and to such extent as may be specified in the order.

11. (1) If the Inspector has reason to believe that there is an infective animal in any field, yard or building in which animals are kept, temporarily or otherwise, he shall at once, by order in writing, declare the place to be an infected place and shall deliver a copy of the order to the owner, occupier or person in charge of the place :

Declaration of private infected places and examination of such places by Inspector.

Provided that this sub-section shall not apply to any place owned by, or under the control or management of, any local authority, where animals are kept temporarily for purposes of sale, exhibition or transit.

(2) After issuing an order under sub-section (1), the Inspector shall as soon as possible examine the infected place and the animals kept therein, and confirm or cancel his order.

(3) If the Inspector confirms the order, he may cause notice to be served on the owners, occupiers or persons in charge of all places in which animals are kept, temporarily or otherwise, within a radius not exceeding one mile from the infected place, declaring such places to be infected places.

The Inspector shall forthwith report his action under this section to the Chief Commissioner.

(4) If the Inspector cancels the order, the place specified in such order shall cease to be an infected place, and he shall give notice accordingly to the owner, occupier or person in charge of such place.

12. (1) If the Inspector has reason to believe that any infective animal is or has been kept in any place owned, controlled or managed by any local authority where animals are kept temporarily for purposes of sale, exhibition or transit, he may, by order in writing, declare such place to be an infected place.

Declaration of public infected places.

(2) The Inspector shall—

- (a) cause a copy of the order passed by him under sub-section (1) in the language of the locality, to be exhibited prominently in the infected place;
- (b) cause a copy of such order to be delivered at the office of the local authority;
- (c) cause another copy to be sent to the nearest police station; and
- (d) forthwith report his action to the Chief Commissioner.

13. (1) On receipt of the report of the Inspector under sub-section (3) of section 11, or under sub-section (2) of section 12, the Chief Commissioner may, after making such further inquiry, if any, as he thinks fit—

Declaration of infected areas by the Chief Commissioner.

- (a) confirm any declaration made under section 11(1), 11(3) or 12 (1) either with or without modifications; or
- (b) cancel any such declaration.

(2) (a) Where the Chief Commissioner confirms any such declaration either with or without modifications, a notification shall be published in the *Coorg Gazette* defining the limits of the area to which the declaration with the modifications, if any, made therein, shall apply and declaring such area to be an infected area.

(b) On the publication of a notification under clause (a), any place declared by the Inspector to be an infected place and not included in the infected area as defined in such notification shall cease to be an infected place, and the Inspector shall give notice in writing accordingly to the owner, occupier or person in charge of such place.

(c) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the language of the area, a copy of the notification under clause (a).

(d) The Chief Commissioner may by notification published in the *Coorg Gazette* add to, amend, vary or rescind any notification published under clause (a) either on his own motion or on a subsequent report of the Inspector. The Inspector shall cause to be exhibited in some prominent place in the infected area a copy of every such notification in the language of the area.

(3) Where the Chief Commissioner cancels any declaration referred to in sub-section (1), the place specified in such declaration shall cease to be an infected place, and the Inspector shall give notice in writing accordingly to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

Removal of animals and other things from infected areas or places. **14.** Where any area or place has been declared to be an infected area or place under the foregoing provisions of this Act, no person shall, while such declaration remains in force, remove any animal alive or dead or any product of an animal or any part of an animal, or any fodder, bedding or other thing, used in connection with an animal, save in accordance with the conditions of a licence granted by the Inspector.

Power to return animals, etc., to infected areas. **15.** Where any animal or thing is removed from an infected area or place otherwise than in accordance with a licence granted under section 14, any Inspector or Police Officer may require the owner or person in charge of such animal or thing to return it to such area or place:

Provided that nothing in this section shall affect the powers of an Inspector under section 8 to deal with infective animals.

Powers of entry and inspection. **16.** Subject to such rules as may be prescribed, an Inspector may enter and inspect any land, building or other place or any vessel or vehicle, for the purpose of exercising the powers or performing the duties conferred or imposed on him by or under this Act.

Time for complying with and enforcement of orders. **17. (1)** Where by any notice, requisition, or order under this Act or under any notification or rule issued thereunder any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such

notice, requisition or order within which such measures shall be taken or such thing shall be done, as the case may be.

(2) If such measures are not taken or such thing is not done within the time so specified, the authority issuing the notice, requisition or order may cause the measures to be taken or the thing to be done at the expense of the person concerned.

18. Where any action is taken under section 17 or any other provision of this Act or any notification or rule issued thereunder in respect of any property at the expense of any person, the authority taking such action shall draw up a certificate stating the amount of the expenses incurred and the person from whom such amount is recoverable, and the amount specified shall be recoverable from such person as if it were an arrear of land revenue due by him.

19. Whoever—

Penalties.

- (a) fails to comply with or contravenes the terms of any notification issued under section 5, or
- (b) fails to report that an animal is infective as required by section 6, or
- (c) fails to comply with an order made by an Inspector under sub-section (1) of section 8, or
- (d) being a common carrier, fails to cleanse or disinfect any vessel or vehicle used for the transport of animals in such manner as may be required under sub-section (1) or sub-section (2) of section 9, or
- (e) fails to comply with an order made by an Inspector under section 10, or
- (f) removes any animal or thing from any infected area or place in contravention of section 14,

shall be punished with fine which may extend to fifty rupees in the case of a first conviction and to one hundred rupees in the case of a second or subsequent conviction whether under the same or any other clause of this section.

20. Whoever keeps or grazes in or on any forest, open field, roadside, or other unenclosed land, to which other persons have a right of access for their animals, any animal which he knows to be infective, shall be punished with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

21. Whoever brings or attempts to bring into any market fair, exhibition or other concentration of animals, any animal which he knows to be infective shall be punished with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

Penalty for placing carcass of infective animal in river. 22. Whoever places, or causes or permits to be placed, in any river, canal, or other water, the carcass or part of the carcass of any animal which at the time of its death was infective or which was destroyed as being infective or suspected of being infective, shall be punished in the case of a first conviction with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both and in the case of a second or subsequent conviction with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty for disinterring carcass of diseased animal. 23. Whoever, without lawful authority, disinters or causes to be disinterred the carcass or part of the carcass of any animal which at the time of its death was infective or which was destroyed as being infective or suspected of being infective, shall be punished with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

Penalty for malicious and vexatious entry or seizure by Inspector. ¹[23-A. (1) Whoever being an Inspector, maliciously and vexatiously enters or inspects any land or building or other place or any vessel or vehicle, or seizes or detains any animal, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.]

Arrest without warrant. 24. Any Police Officer not below the rank of Sub-Inspector may, without an order from a Magistrate and without a warrant, arrest any person who has been concerned in an offence against any of the provisions of this Act relating to infective animals or to infected areas or places declared to be such under this Act.

Institution of proceedings. 25. No Magistrate shall take cognizance of any offence under this Act except upon the complaint or report of an Inspector.

Jurisdiction of Magistrate. 26. No Magistrate shall try any offence under this Act unless he is a Magistrate of the first class, or a Magistrate of the second class specially empowered in this behalf by the Chief Commissioner.

Bar of claim to compensation. 27. No person shall be entitled to any compensation in respect of the destruction of any animal or thing or of any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith, ²[excepting that provided for under section 8-A.]

¹ This Section was inserted by Section 10 of the Coorg Rinderpest (Amendment) Act, (Coorg Act V of 1943).

² These words were inserted by Section 11 *ibid*.

28. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the ¹[Government] for any act done or purporting to be done under this Act, without the previous sanction of the Chief Commissioner.

(2) No officer or servant of the ¹[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.

29. No suit shall be instituted against the ¹[Government] and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the ¹[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.

30. (1) The Chief Commissioner may 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) the tests to be applied to animals suspected of being infective;
- (b) the isolation or segregation, detention, treatment (curative and preventive) and destruction or disposal otherwise of animals which are infective or suspected of being infective; and the destruction or disposal otherwise of the products of such animals, of their carcasses, and of the fodder, bedding or other things used in connection with them;
- (c) the manner in which animals and things seized under this Act and not liable to destruction shall be dealt with and disposed of;
- (d) the disinfection of vessels or vehicles used by common carriers, the cleansing and disinfection of buildings, yards and other places used for animals and the destruction of infected matter or things found therein or near thereto;
- (e) the circumstances under which licences may be granted by an Inspector under section 14, and the form and conditions of such licences;
- (f) the determination of the persons from whom any expenses incurred in connection with the enforcement of this Act shall be recovered;
- (g) the expenses to be allowed in certificate drawn up under section 18;
- (h) the powers and functions and the procedure of Inspectors;

¹The word 'Government' was substituted for the word 'Crown' by the Adaptation of Laws Order, 1950.

- (i) the manner in which any report or notice under this Act shall be made or given; and
 (j) all other matters expressly required or allowed by this Act to be prescribed.

(3) In making a rule under sub-section (1) or sub-section (2), the Chief Commissioner may provide that a breach thereof shall be punishable with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication in the *Coorg Gazette* for a period of not less than two months.

(5) All rules made under this section shall be published in the *Coorg Gazette*, and upon such publication shall have effect as if enacted in this Act.

¹[31. The Chief Commissioner's notifications No. 92, dated the 17th December 1912, and No. 45, dated the 30th April 1923 extending to Coorg, the Madras Cattle Disease Act, 1866 (II of 1866) and the Madras Cattle Disease (Amendment) Act, 1921 (III of 1921), are hereby cancelled:

Provided that when anything done under the above Acts is in force immediately prior to the commencement of this Act, it shall be deemed, as from the commencement of this Act, to have been done under this Act.]

²[SCHEDULE

(See Sections 3 and 4)

- | | |
|---------------------------------|----------------------------|
| 1. Rinderpest or Cattle Plague. | 7. Johne's Disease. |
| 2. Foot and Mouth Diseases. | 8. Glanders and Farcy. |
| 3. Haemorrhagic Septicaemia. | 9. Epizootic Lymphangitis. |
| 4. Blackquarter. | 10. Dourine. |
| 5. Anthrax. | 11. Rabies. |
| 6. Tuberculosis. | 12. Surra.] |

¹ This Section was inserted by Section 12 of the Coorg Rinderpest (Amendment) Act, 1943 (Coorg Act V of 1943).

² This Schedule was inserted by Section 13 *ibid.*

THE VINDHYA PRADESH CATTLE DISEASES ACT
1952

ACT II OF 1952

**An Act to provide for the prevention of the spread of
contagious diseases among cattle in the Vindhya
Pradesh**

BE it enacted by the Vindhya Pradesh Legislative
Assembly as follows:—

1. (1) This Act may be called the Vindhya Pradesh Short title,
Cattle Diseases Act, 1952. extent and
commence-
ment.

(2) This Act, except sections 3 to 8, and 9 extends to the
whole of the Vindhya Pradesh and shall come into force at
once. Sections 3 to 8 and section 9 shall extend to such areas
and come into force on such dates as the State Government
may, by notification, direct.

2. In this Act, unless there is anything repugnant in the Definitions.
subject or context,—

- (a) "cattle" means such domesticated animals as may be
prescribed;
- (b) "contagious disease" means rinderpest and such
other diseases as may be prescribed;
- (c) "infective" means affected by a contagious disease,
or having recently been in contact with or proximi-
ty to a cattle so affected, or residing in an area
declared to be infected area; and
- (d) "prescribed" means prescribed by rules made
under this Act.

CHAPTER I

REGULATION OF ENTRY AND MOVEMENT OF CATTLE IN A
LOCAL AREA

3. (1) When [Sections 3 to 8]¹ have been extended to Seasons and
any area, the State Government may, by notification, ap- routes for
point the season or seasons during which and the route or importation
routes by which cattle may be imported into such area of cattle.
and no person shall import cattle into such area otherwise
than during the season and by the route so appointed.

(2) The State Government may establish quarantine Quarantine
stations for the inspection and detention of such cattle along stations.
the routes appointed under sub-section (1).

¹ Subs. by s. 2 of Act III of 1953.

Vaccination and marking of cattle. 4. (1) All cattle on arrival at a quarantine station shall be liable—

- (a) to be vaccinated against contagious diseases unless the veterinary officer of the station is satisfied that they have been vaccinated against such disease within 18 months, immediately preceding their arrival or within such longer period so preceding as may be prescribed; and
- (b) to be marked in the prescribed manner.

Period of detention of cattle at quarantine station. (2) The period of detention of cattle at a quarantine station for the purpose of inspection and vaccination shall be such as may be prescribed.

Assistance to Veterinary Officer for inspection, etc., of cattle. (3) Every person in charge of cattle shall give reasonable assistance to the veterinary officer of the station and his subordinates for the inspection, vaccination and marking of such cattle.

Feeding and upkeep of detained cattle. 5. (1) The cattle so detained shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep.

Fodder depots and watering arrangements at quarantine stations. (2) The State Government shall establish fodder depots through the agency of the Forest Department at quarantine stations for the supply of fodder on payment to persons in charge of cattle so detained or provide facilities for the grazing of such cattle on payment in any adjoining Government forest. The State Government shall, likewise, make watering arrangements at every such station, unless there is a natural supply of water close thereto, and persons in charge of cattle shall be entitled to water free of charge.

Precautions against straying of cattle. (3) Every person in charge of cattle shall, during the period of their detention, take reasonable precautions against their straying from the limits of the quarantine station or from the place allotted for their halt.

Liability to pay vaccination, marking fee. 6. (1) The person in charge of cattle shall be liable to pay the prescribed fee for their vaccination and marking under section 4.

(2) If such fee is not paid, the Veterinary Officer of the station may seize as many cattle as will, in his opinion, suffice, to defray the fee leviable under sub-section (1) and forthwith report the fact to the Deputy Commissioner or such other Officer as may have been appointed by the Deputy Commissioner in this behalf.

(3) The Deputy Commissioner or other officer so appointed may, if satisfied that such fee has not been paid, issue such notice or proclamation as may be prescribed, and cause the cattle so seized to be sold by auction and the proceeds of the sale applied to the payment of—

- (a) the amount due on account of the fee leviable under sub-section (1), and
- (b) the charges in connection with the seizure, custody, feeding and upkeep of the cattle and the proceedings of the sale.

(4) The balance of the purchase money, if any, shall be delivered to the person who was in charge of the cattle when they were seized or their owner, together with an account showing—

- (a) the number of cattle seized,
- (b) the time during which they had been in custody,
- (c) the proceeds of sale, and
- (d) the manner in which those proceeds have been disposed of.

7. The Veterinary Officer of a quarantine station shall, at the time of release of cattle from the station, grant, in such form as may be prescribed, a permit to the person in their charge, and such person shall, while in charge of the cattle, produce it whenever so required by such officer of the Revenue, Police, Forest, Medical or Veterinary Department as may be prescribed. If such person fails to produce a permit, the officers aforesaid shall give him reasonable facility to produce the same within a given time.

8. No person importing cattle into any area during a season and by route appointed for such area under section 3 shall pass beyond a quarantine station unless he holds a permit under section 7 in respect of the cattle in his charge.

9. No professional dealer in cattle shall purchase or sell cattle from or to any person and no person shall sell cattle to such dealer, unless such cattle have been vaccinated against contagious disease within 18 months immediately preceding the date of purchase or sale, as the case may be, or within such longer period so preceding as may be prescribed.

CHAPTER II

PREVENTION AND CONTROL OF CONTAGIOUS DISEASE

10. The provisions of this chapter shall come into force in such area and on such date as the State Government may by notification specify.

11. (1) Every owner or person-in-charge or having control of any cattle who has reason to believe that such cattle is infective, shall forthwith report the fact to the Patwari or Chaukidar, as the case may be, of the village in which the cattle is kept or if the cattle is kept in any other place and if such place has a veterinary dispensary to the Veterinary Officer in charge of the dispensary of the area in which the cattle is kept.

(2) Every Patwari or Chaukidar who becomes aware of any case of infective cattle whether from report received under sub-section (1) or otherwise, shall forthwith send intimation of the same to the appropriate Veterinary Officer.

(3) Whenever a Veterinary Officer receives a report under sub-section (1) or sub-section (2) or has reason to believe that any cattle within his jurisdiction is infective, he shall

proceed as soon as possible to the place where the cattle is and shall take such action as may be prescribed for the declaration of the area as infected area and for the enforcement of the provisions of the Act in that area, and shall send a report of the action taken to such authority as may be prescribed.

Explanation.—For the purpose of this section the expression “Veterinary Officer” means any officer of the Civil Veterinary Department not below the rank of ¹[a Veterinary Assistant Surgeon].

Declaration of the infected areas.

12. (1) The State Government or such officer as it may authorise in this behalf may, by notification published in the manner prescribed, declare any area in which any contagious disease has broken out, or any area within which in the opinion of the State Government, or such officer, there is a danger of the spread of any such disease, to be an infected area.

(2) Every notification, under sub-section (1) shall specify the limits of the area which is declared to be an infected area and shall also specify the contagious disease in respect of which the area is declared to be an infected area.

Power to take special measures and make rules as to contagious diseases.

13. (1) On the issue of a notification under section 12 the State Government, or the Officer authorised under the said section may take, or require or empower any person or Gram Panchayat to take such measures and enforce such rules to be observed by the public or by any person or class of persons as the State Government or such officer deems necessary to prevent the outbreak of a contagious disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation, if any) shall be defrayed.

(2) In particular and without prejudice to the generality of the foregoing provision the State Government may take measures and make rules for—

- (a) Prohibition of movement of cattle, cattle carcasses, or articles appertaining to them into or out of infected areas;
- (b) Preventive vaccination or inoculation of cattle in infected areas and marking of cattle for purposes of identification.
- (c) Compulsory segregation and treatment of cattle in infected areas.

Power of State Govt. to disperse, prohibit or regulate the holding of cattle-market, cattle-fair, cattle-exhibition, etc.

14. The State Government may, for the purpose of preventing the outbreak or spread of a contagious disease, by order, disperse, prohibit or regulate in such manner and to such extent as it may think fit, the holding of a cattle-market, cattle-fair, cattle exhibition, etc.; such order shall be published in such manner as the State Government may think fit.

¹ Subs. by s. 3 of Act III of 1953.

CHAPTER III

SUPPLEMENTAL

15. Subject to such rules as may be made, a Veterinary Officer may enter and inspect any land, building or other place or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act. Power of Veterinary Officer to enter and inspect land, etc.

16. A Police Officer not below the rank of Sub-Inspector shall at the request in writing of a Veterinary Officer render such assistance as is required for proper enforcement of the Act. Invoking Police assistance.

17. Whoever is guilty of any act or omission in contravention of any of the provisions of this Act, or of any rule or order made thereunder, shall be punishable with fine which may extend to fifty rupees, or in default of payment of the fine, with simple imprisonment which may extend to one month. Penalty.

18. No Court shall take cognizance of any offence under this Act except upon the report or a complaint of a Veterinary Officer. Cognizance of offences.

19. No Court inferior to that of a Magistrate of the second class shall try offences punishable under this Act or any rule made thereunder. Jurisdiction of Court.

20. No suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act. Bar of suits.

21. (1) The State Government may, subject to the condition of previous publication, make rules consistent with this Act,— Power to make rules.

- (a) as to all matters which are to be prescribed,
- (b) regulating the powers, duties and procedure of Government Officers under this Act,
- (c) for the guidance of all persons in all matters connected with this Act, and
- (d) generally, for carrying out the purposes of this Act.

C. Preservation of Cattle

THE ASSAM CATTLE PRESERVATION ACT, 1950

ASSAM ACT XIII OF 1951

An Act to provide for the preservation of certain Cattle by controlling the slaughter thereof

WHEREAS it is expedient to provide for the preservation of certain cattle by controlling the slaughter thereof;

It is hereby enacted as follows:—

1. (1) This Act may be called the Assam Cattle Preservation Act, 1951. Short title, extent and commencement.
 - (2) It extends to the whole of the State of Assam.
 - (3) It shall come into force on such date and in such areas as the State Government may, by notification in the official Gazette, appoint in this behalf.
2. This Act applies to the cattle specified in the Schedule. Application of Act.
3. In this Act, unless there is anything repugnant in the subject or context,—Definitions.
 - (i) "cattle" means an animal to which this Act applies;
 - (ii) "certifying officer" means an official or non-official appointed as such under section 4;
 - (iii) "prescribed" means prescribed by rules made under this Act;
 - (iv) "veterinary officer" means a person appointed as such or invested with the powers of a veterinary officer under section 4.
4. The State Government may, for the purpose of issuing certificate under sub-section (1) of section 5, by notification in the official Gazette appoint—Appointment of certifying officer and veterinary officer.
 - (a) any person to be the certifying officer for any local area; and
 - (b) any person to be the veterinary officer for any local area or invest any person with all or any of the powers of a veterinary officer in such area.
5. (1) Notwithstanding anything in any other law for the time being in force or in any usage to the contrary, no person shall slaughter any cattle unless he has obtained in respect thereof a certificate in writing signed by the certifying officer and the veterinary officer for the area in which the cattle is to be slaughtered that the cattle is fit for slaughter. Prohibition of slaughter of cattle without certificate.
 - (2) No certificate under sub-section (1) shall be issued unless the certifying officer and the veterinary officer are of the opinion (which shall be recorded) that—
 - (a) the cattle is over fourteen years of age and unfit for work or breeding; or

(b) the cattle has become permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease.

(3) Where there is a difference of opinion between the certifying officer and the veterinary officer as to the issue of a certificate under this section, the cattle in respect of which the certificate has been asked for shall not be slaughtered.

(4) Any person aggrieved by the refusal of the certifying officer and the veterinary officer to issue a certificate under this section may, within fifteen days from the date of communication to him of such refusal, appeal to the State Government against the order of refusal, and the State Government may pass such orders thereon as it thinks fit.

(5) The State Government may at any time for the purpose of satisfying itself as to the legality of propriety of any action taken under this section, call for and examine the record of any case, and may pass such orders thereon as it thinks fit.

(6) Subject to the provisions of this section, any action taken under this section shall be final and shall not be called in question in any Court.

Prohibition of slaughter of cattle in places not prescribed for the purpose.

6. No cattle in respect of which a certificate has been issued under section 5 shall be slaughtered in any place other than a place prescribed in this behalf.

Power to enter and inspect premises.

7. (1) For the purpose of enforcing the provisions of this act, the certifying officer or the veterinary officer or any person authorised by the veterinary officer in writing in this behalf, shall have power to enter and inspect any premises within the local limits of his jurisdiction where he has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person in occupation of any such premises as is specified in sub-section (1) shall allow the certifying officer, the veterinary officer or the person authorised, as the case may be, such access to the premises as he may require for the aforesaid purpose, and shall answer any question put to him by the certifying officer, the veterinary officer or the person authorised, as the case may be, to the best of his knowledge or belief.

Penalties.

8. Whoever contravenes any of the provisions contained in this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Offences to be cognizable.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable. Act
1898

Abetments and attempts.

10. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

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11. All certifying officers, veterinary officers and other persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers exercising powers under this Act deemed to be public servants.

12. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of persons acting in good faith.

13. The State Government may, by general or special order and subject to such conditions as it may think fit to impose, exempt from the operation of this Act the slaughter of any cattle for any religious, ceremonial, medicinal, research or any other purposes:

Power to grant exemptions.

Provided that the operation of this Act will not be applicable to slaughter of any cattle on the occasion of Id-uz-Zuha festival on such conditions as the State Government may specify regarding privacy.

14. The State Government may, by notification in the official Gazette, delegate to any officer of the State Government all or any of its powers or functions under sub-sections (4) and (5) of section 5, or section 13.

Delegation of functions.

15. (1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

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

- (a) the terms and conditions of service of the certifying officers and the veterinary officers appointed under this Act;
- (b) the form and manner in which applications for certificates under section 5 shall be made;
- (c) the fees payable for any certificate which may be issued under section 5 and the form of such certificates;
- (d) the places in which cattle may be slaughtered in pursuance of this Act;
- (e) the conditions subject to which the slaughter of any cattle may be permitted under section 13.

THE SCHEDULE

(See Section 2)

Bulls.	Calves.
Bullocks.	Male and female buffaloes.
Cows.	Buffalo calves.

THE BOMBAY ANIMAL PRESERVATION ACT, 1948

BOMBAY ACT LXXXI OF 1948¹

An Act to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes

WHEREAS it is expedient to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes;

It is hereby enacted as follows:—

Short title, extent and operation.

1. (1) This Act may be called the Bombay Animal Preservation Act, 1948.

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

(3) This section shall come into force at once. The ²[State] Government may, by notification in the *Official Gazette*, direct that the rest of this Act shall come into force in such area and on such date as may be specified in the notification.

Application of Act.

2. (1) This Act applies, in the first instance, to the animals specified in the Schedule.

(2) The ²[State] Government may, by notification in the *Official Gazette*, apply the provisions of this Act to any other animal, which in its opinion, it is desirable to preserve.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Veterinary Officer" means an officer or person appointed or invested with powers under section 4 of this Act;

(2) "prescribed" means prescribed by rules made under this Act.

Appointment of Veterinary Officer.

4. The ²[State] Government may, by notification in the *Official Gazette*, appoint any officer to be a Veterinary Officer for any particular area and assign to him such powers and duties under this Act or the rules made thereunder, as it may deem fit.

Prohibition against slaughter without certificate from Veterinary Officer.

5. (1) Notwithstanding any law for the time being in force or any usage to the contrary, no person shall slaughter, attempt to slaughter or cause to be slaughtered any animal unless he has obtained in respect of such animal a certificate in writing from a Veterinary Officer appointed for the area that the animal is fit for slaughter:

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, page 445.

² Subs. by the Adaptation of Laws Order, 1950.

Provided that an animal shall not be deemed to be fit for slaughter, if, in the opinion of the Veterinary Officer appointed for the area,—

- (a) such animal, whether male or female, is or likely to become useful for the purpose of draught or any kind of agricultural operations;
- (b) such animal, if male, is useful or likely to become useful for the purpose of breeding;
- (c) such animal, if female, is useful or likely to become useful for the purpose of giving milk or bearing offspring.

(2) Nothing in this section shall apply to the slaughter of any animal above the age of fifteen years for *bona fide* religious purposes :

Provided that a certificate in writing for such slaughter¹ has been obtained from a Veterinary Officer.

(3) Any person aggrieved by the opinion of a Veterinary Officer that the animal is not fit for slaughter for any of the reasons specified in clauses (a), (b) and (c) of the proviso to sub-section (1) may, within fifteen days from the date of the communication of such opinion, prefer an application to the ¹[State] Government and the ¹[State] Government may pass such order on the application as it thinks fit.

(4) The ¹[State] Government may also at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by a Veterinary Officer under sub-section (1) call for and examine the records of the case and may pass such order in reference thereto as it thinks fit.

(5) A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed.

6. (1) For the purposes of this Act, a Veterinary Officer or a person authorised by him in this behalf shall have power to enter and inspect any premises or other place whereat he has reason to believe that an offence under this Act has been or is likely to be committed.

Power of Veterinary Officer or officer authorised by him to enter premises or place and inspect premises.

(2) Every person on the premises or the other place shall allow the Veterinary Officer or the person authorised access to, and to inspect, the premises or the other place and answer truthfully any question asked of him.

7. Whoever does any act in contravention of section 5 or 6 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalties.

8. Offences under this Act shall be cognizable.

Offences under this Act cognizable.

¹ Subs. by the Adaptation of Laws Order, 1950.
13—2 Dte. E. & S.

- Veterinary Officer to be public servant.** 9. Every Veterinary Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
- Protection of persons acting in good faith under the Act or rules.** 10. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or rules thereunder.
- Power of Government to make rules.** 11. (1) The ¹[State] Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—
- (a) the powers and duties of Veterinary Officers, in addition to those provided in this Act;
 - (b) the form of the certificate under section 5;
 - (c) the amount of the fee to be paid under section 5;
 - (d) any other matter which is or may be prescribed.
- (3) The rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.
- Delegation of powers and functions of ¹[State] Government to local authority or officer of Government.** 12. The ¹[State] Government may, by notification in the *Official Gazette*, delegate—
- (i) to any local authority, its powers and functions under section 4 within the local area subject to the jurisdiction of the local authority;
 - (ii) to any officer of the ¹[State] Government, its powers and functions under sub-sections (3) and (4) of section 5.
- Saving.** 13. This Act shall not apply to the slaughter of any animal operated upon for vaccine lymph, serum, or for any experimental purposes at an institution established, conducted or recognised by the ¹[State] Government.
- Opinion of Veterinary Officer as to age final.** 14. Where any question arises whether an animal has or has not attained the age of fifteen years for the purpose of sub-section (2) of section 5, the opinion of the Veterinary Officer for the area shall be final and shall not be called in question in any Court.

SCHEDULE

[Section 2(1).]

Bovines (bulls, bullocks, cows, calves, male and female buffaloes and buffalo-calves).

¹ Subs. by the Adaptation of Laws Order, 1950.

THE ¹[MADHYA PRADESH] ANIMAL
PRESERVATION ACT, 1949

C. P. & BERAR ACT LII OF 1949

An Act to provide for the preservation of certain
animals by ²[prohibiting or controlling] the slaughter
thereof

WHEREAS it is expedient to provide for the preservation of Preamble.
certain animals by ²[prohibiting or controlling] the slaughter
thereof;

It is hereby enacted as follows:—

1. (1) This Act may be cited as the Central Provinces and Berar Animal Preservation Act, 1949. Short title,
extent and
commence-
ment.

(2) It extends to the whole of ¹[Madhya Pradesh].

(3) It shall come into force on such date as the ¹[State] Government may, by notification, appoint in this behalf.

2. In this Act, unless there is anything repugnant in the Definitions.
subject or context,—

(i) "animal" means an animal specified in the Schedule;

³[(i-a) "cow" includes a female calf of a cow;]

(ii) "Executive Authority" means, in the case of,—

(a) a municipality, the Secretary of such municipality;

(b) any area not included in a municipality, the Chief Executive Officer of the *Janapada* in which such area is comprised; and includes any other person who may be nominated by such Secretary or Chief Executive Officer as the case may be for the whole or part of the area within such municipality or *Janapada*;

(iii) "Prescribed" means prescribed by rules made under this Act;

(iv) "Veterinary Officer" means a person appointed as such or invested with the powers of a Veterinary Officer under section 3.

3. The Director of Veterinary Services may, by a general Appointment
or special order, appoint, for the purposes of this Act, any of a Veteri-
person or class of persons, to be the Veterinary Officer for nary Officer.
a local area specified in the order, or invest any person with
all or any of the powers of a Veterinary Officer in such area.

¹ Subs. by the Adaptation of Laws Order, 1950.

² Subs. by s. 2 of Madhya Pradesh Act XXIII of 1951.

³ Ins. by s. 3 of Madhya Pradesh Act XXII of 1951.

Prohibition of slaughter of animal without certificate.

4. ¹[(1) Notwithstanding anything contained in any other law for the time being in force or in any usage to the contrary, no person—

- (a) shall slaughter a cow; or
- (b) shall slaughter any other animal unless he has obtained in respect of such other animal a certificate in writing signed by the Executive Authority and the Veterinary Officer for the area in which the animal is to be slaughtered that the animal is fit for slaughter.]

(2) No certificate under sub-section (1) shall be issued unless both the Executive Authority and the Veterinary Officer are of the opinion, which shall be recorded, that,—

- (a) the animal is over fourteen years of age and unfit for work or breeding;
- (b) the animal has become permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease;
- (c) the animal is not suffering from any disease which makes its meat unwholesome for human consumption.

(3) Where there is a difference of opinion between the Executive Authority and the Veterinary Officer as to the issue of a certificate under this section, the animal in respect of which the certificate has been asked for shall not be slaughtered.

(4) Any person aggrieved by the refusal of the Executive Authority or the Veterinary Officer to issue a certificate under this section may, within fifteen days from the date of communication to him of such refusal, appeal to the ²[State] Government against the order of refusal and the ²[State] Government may pass such orders thereon as it thinks fit.

(5) The ²[State] Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any action taken under this section, call for and examine the record of any case and may pass such orders thereon as it thinks fit.

(6) Subject to the provisions of this section, any action taken under this section shall be final and shall not be called in question in any court.

Prohibition of slaughter of animals in places not fixed for the purpose.

5. No animal in respect of which a certificate has been issued under section 4 shall be slaughtered in any place other than a place fixed for the purpose by or under a law relating to local government in force in such area and if such law does not provide therefor at a place fixed by the prescribed authority.

¹ Subs. by s. 4 of Madhya Pradesh Act XXII of 1951.

² Subs. by the Adaptation of Laws Order, 1950.

6. No person shall transport any cattle specified in the Schedule or sheep or goat by rail, road or river from any place in ¹[Madhya Pradesh] to any other place outside the ¹[State] in India except under and in accordance with the terms and conditions of a permit issued by the Director of Veterinary Services, ¹[Madhya Pradesh], or any other officer specially authorised by the ¹[State] Government in this behalf.

Transport of cattle, sheep or goat.

7. (1) For the purpose of enforcing the provisions of this Act the Executive Authority or the Veterinary Officer or any person authorised by the Executive Authority or the Veterinary Officer in writing in this behalf, shall have power to enter and inspect any premises within the local limits of his jurisdiction where he has reason to believe that an offence under this Act has been, is being or is likely to be committed.

Power to enter.

(2) Every person in occupation of any such premises as is specified in sub-section (1) shall allow the Executive Authority, the Veterinary Officer or the person authorised, as the case may be, such access to the premises as he may require for the aforesaid purpose, and shall answer any question put to him by the Executive Authority, the Veterinary Officer or the person authorised, as the case may be, to the best of his knowledge or belief.

8. Whoever contravenes any of the provisions contained in this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalties.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable.

Offences to be cognizable.

10. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

Abetments and attempts.

11. All Executive Authorities, Veterinary Officers and other persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Officers exercising powers under this Act deemed to be public servants.

12. No suit, prosecution, or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of persons acting in good faith.

13. The ¹[State] Government may, by general or special order and subject to such conditions as it may think fit to impose, exempt from the operation of this Act the slaughter ²[of any animal other than a cow] for any religious, medicinal or research purposes.

Power to grant exemptions.

14. The ¹[State] Government may, by notification, delegate to any officer of the ¹[State] Government all or any of its powers or functions under sub-sections (4) and (5) of section 4 or section 13.

Delegation of functions.

¹ Subs. by the Adaptation of Laws Order, 1950.

² Subs. by s. 5 of Madhya Pradesh Act XXIII of 1951.

Power to
make rules.

15. (1) The ¹[State] Government may, 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) the form and manner in which applications for certificates under section 4 shall be made ²[and the fees payable in respect of such applications];
- (b) ³[the form of certificate to be issued under section 4];
- (c) the places in which animals may be slaughtered under this Act;
- (d) the conditions subject to which the slaughter of any animal may be permitted under section 13.

Repeal.

16. The Central Provinces and Berar Cattle, Sheep and Goats (Slaughter and Movement) Control Act, 1947, is XVI of 1947. hereby repealed.

THE SCHEDULE

[See Section 2 (i).]

- | | |
|---------------|--------------------------------|
| (1) Bulls. | (4) Calves. |
| (2) Bullocks. | (5) Male and female buffaloes. |
| (3) Cows. | (6) Buffalo calves. |

¹ Subs. by the Adaptation of Laws Order, 1950.

² Ins. by s. 6 (i) of *ibid.*

³ Subs. by s. 6 (ii) of *ibid.*

**THE WEST BENGAL ANIMAL SLAUGHTER
CONTROL ACT, 1950**

WEST BENGAL ACT XXII OF 1950

An Act to control the slaughter of certain animals

WHEREAS it is expedient to control the slaughter of certain animals with a view to increase the supply of milk and to avoid the wastage of animal power necessary for improvement of agriculture;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Bengal Animal Slaughter Control Act, 1950. Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different parts of West Bengal.

2. This Act applies to the animals specified in the Schedule. Application
of Act.

3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

Ben. Act III
of 1923.

- (i) "animal" means an animal to which this Act applies;
- (ii) "Calcutta" has the same meaning as in clause (11) of section 3 of the Calcutta Municipal Act, 1923;
- (iii) "President of a municipality" means any person presiding over the affairs of any municipal authority by whatever name he may be called, and includes any person nominated by him for the purposes of this Act;
- (iv) "prescribed" means prescribed by rules made under this Act;
- (v) "Veterinary Assistant Surgeon" means,—
 - (a) in areas other than Calcutta, a Veterinary Assistant Surgeon, and
 - (b) in Calcutta, a Veterinary Assistant Surgeon of the West Bengal Civil Veterinary Department acting within the local limits of his jurisdiction; and
- (vi) "Veterinary Officer" means,—
 - (a) in areas other than Calcutta, a District Veterinary Officer, and
 - (b) in Calcutta, a Superintendent of Veterinary Services (Headquarters) of the West Bengal Civil Veterinary Department acting within the local limits of his jurisdiction.

Prohibition of slaughter of animal without certificate. 4. (1) Notwithstanding anything in any other law for the time being in force or in any usage to the contrary, no person shall slaughter any animal unless he has obtained in respect thereof a certificate under sub-section (2) or sub-section (3) that the animal is fit for slaughter.

(2) The President of a municipality and the Veterinary Assistant Surgeon may issue a certificate under their joint signatures that an animal is fit for slaughter if they are both of opinion (which shall be recorded) that—

- (a) the animal is over fourteen years of age and unfit for work or breeding, or
- (b) the animal has become permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease.

(3) Where there is a difference of opinion between the President of a municipality and the Veterinary Assistant Surgeon as to the issue of a certificate under sub-section (2), the matter shall be referred to the Veterinary Officer and a certificate shall be issued or refused according as the Veterinary Officer is of opinion that the animal is fit to be slaughtered or is not so fit.

(4) Where under sub-section (3) a certificate is issued or refused, the order granting or refusing the issue of the certificate shall be signed by the Veterinary Officer.

(5) Any person aggrieved by the refusal to issue a certificate under this section may, within fifteen days from the date of communication to him of such refusal, appeal to the State Government against the order of refusal, and the State Government may pass such orders thereon as it thinks fit.

(6) The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any action under this section, call for and examine the record of any case, and may pass such orders thereon as it thinks fit.

(7) Subject to the provisions of this section, any action taken under this section shall be final and shall not be called in question in any court.

Prohibition of slaughter of animals in places not prescribed for the purpose. 5. No animal in respect of which a certificate has been issued under section 4 shall be slaughtered in any place other than a place prescribed in this behalf.

Power to enter and inspect premises. 6. (1) For the purpose of enforcing the provisions of this Act, the President of a municipality or the Veterinary Assistant Surgeon or any person, authorised by the Veterinary Assistant Surgeon in writing in this behalf, shall have power to enter and inspect any premises within the local limits of his jurisdiction where he has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person in occupation of any such premises as is specified in sub-section (1) shall allow the President of a municipality, the Veterinary Assistant Surgeon or the person authorised, as the case may be, such access to the premises as he may require for the aforesaid purpose, and shall answer any question put to him by the President of a municipality, the Veterinary Assistant Surgeon or the person authorised, as the case may be, to the best of his knowledge or belief.

7. Whoever contravenes any of the provisions contained in this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Act V
of 1898.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable.

9. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

Act XLV
of 1860.

10. All Presidents of municipalities, Veterinary Assistant Surgeons, Veterinary Officers and other persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

11. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

12. The State Government may, by general or special order and subject to such conditions as it may think fit to impose, exempt from the operation of this Act the slaughter of any animal for any religious, medicinal or research purposes.

13. The State Government may, by notification in the *Official Gazette*, delegate to any officer of State Government all or any of its powers or functions under sub-sections (5) and (6) of section 4, or section 12.

14. (1) The State Government may, by notification in the *Official Gazette*, 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) the form and manner in which applications for certificates under section 4 shall be made;
- (b) the fees payable for any certificate which may be issued under section 4 and the form of such certificates;

- (c) the places in which animals may be slaughtered in pursuance of this Act;
- (d) the conditions subject to which the slaughter of any animal may be permitted under section 12.

THE SCHEDULE

(See Section 2.)

Bulls.	Male and female buffaloes.
Bullocks.	Buffalo calves.
Cows.	Castrated buffaloes.
Calves.	

**THE HYDERABAD (SLAUGHTER OF ANIMALS) ACT,
1950**

HYDERABAD ACT VII OF 1950

WHEREAS it is expedient to regulate and restrict the slaughter of animals for human consumption;

It is hereby enacted as follows :—

1. (1) This Act may be called the Hyderabad (Slaughter of Animals) Act, 1950. Short title,
extent and
commence-
ment.

(2) It extends to all Municipal and Town areas in the Hyderabad State and shall come into force in each such area from such date as Government may by notification in the *Jarida* appoint in respect of the area.

2. In this Act unless there is anything repugnant in the subject or context,—

(1) “Animal” includes such animals only as Government may by notification in the *Jarida* declare to be animals for the purposes of this Act;

(2) “Municipal area” means an area which is for the time being a Municipality for the purposes of the Hyderabad Municipal and Town Committees “A” in IV of 1352F.;

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

(4) “Town area” means an area which is for the time being a small Town for the purposes of the Hyderabad Municipal and Town Committees “A” in IV of 1352F. or which Government has by notifications in the *Jarida* declared to be a town area for the purposes of this Act;

(5) “Veterinary Officer” means an officer or person appointed under section 3.

3. Government may by notification in the *Jarida* appoint any officer or person to be the Veterinary Officer for an area in which this Act is for the time being in force. Appointment
of Veterinary
Officers.

4. In an area in which this Act is for the time being in force, no person shall slaughter, or procure the slaughter of, any animal for human consumption otherwise than— Restriction
on slaughter
of animals
for human
consumptions

(1) on the authority of a certificate granted by the Veterinary Officer for the area that the animal is fit for slaughter; and

(2) in a slaughterhouse licensed for the slaughter of animals for human consumption.

Grant of certificates.

5. (1) The Veterinary Officer shall not grant the certificate referred to in clause (1) of section 4 if in his opinion—

- (a) the animal, whether male or female—
 - (i) has not attained the age of three years, or
 - (ii) is useful for the purpose of draught or any kind of agricultural operations;
- (b) the animal, if male, is useful for the purpose of breeding;
- (c) the animal, if female, is useful for the purpose of giving milk or bearing offspring.

(2) Government may of its own motion, or on the application of any person aggrieved by the refusal of a Veterinary Officer to grant the certificate referred to in clause (1) of section 4, call for the papers relating to the refusal and pass such orders as it thinks fit.

(3) Save as provided in sub-section (2) the opinion of the Veterinary Officer on all the questions on which he is required by sub-section (1) to form an opinion shall be final and shall not be called in question in any court.

(4) The certificate referred to in clause (1) of section 4 shall be granted in such form and on payment of such fee as may be prescribed.

Power to inspect premises.

6. (1) For the purposes of this Act a Veterinary Officer or a person authorised by him in this behalf shall have power to enter and inspect any premises or other place whereat he has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person on the premises or the other place shall allow the Veterinary Officer or the person authorised access to, and to inspect the premises or the other place and answer truthfully any question asked of him.

Penalties.

7. Whoever does any act in contravention of section 4 or section 6 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Offence to be cognizable.

8. Notwithstanding anything contained in the Hyderabad Criminal Procedure Code every offence punishable under section 7 shall be cognizable.

Veterinary Officer to be public servant.

9. Every Veterinary Officer shall be deemed to be a public servant within the meaning of section 6 of the Hyderabad Penal Code, 1324 Fasli.

Protection of person acting in good faith under the Act or rules.

10. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

11. (1) Subject to the condition of previous publication, Government may by notification in the *Jarida* make rules for carrying out the purposes of the Act.

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

- (a) the powers and duties to be exercised by Veterinary Officers in addition to the powers and duties conferred or imposed by this Act;
- (b) the authority by whom and the conditions on which slaughter-house shall be licensed for the purposes of clause (2) of section 4, the persons who shall be responsible for the observance of the conditions and the circumstances in which such licence may be cancelled;
- (c) any matter which is to be or may be prescribed.

(3) Rules made under clause (b) of sub-section (2) may provide that a contravention of the conditions of a licence shall be punishable with fine which may extend to one thousand rupees.

12. Government may by notification in the *Jarida* dele- Delegation
gate— of Power.

- (i) to any local authority the powers and functions of Government under section 3 within the local area subject to the jurisdiction of the local authority;
- (ii) to any officer of Government the powers and functions of Government under sub-section (2) of section 5.

**THE MYSORE PREVENTION OF COW SLAUGHTER
ACT, 1948**

MYSORE ACT L OF 1948

An Act to prevent slaughter of Cows

WHEREAS it is expedient to provide for the prevention of slaughter of cows, bulls, bullocks, buffaloes and calves in order to conserve the cattle wealth of the State;

It is hereby enacted as follows:—

- | | |
|---------------------------------------|---|
| Short title, extent and commencement. | 1. (1) This Act may be called the Mysore Prevention of Cow Slaughter Act, 1948.
(2) It extends to the whole of Mysore.
(3) It shall come into force at once. |
| Definitions. | 2. In this Act—
(a) "cow" includes bull, bullock, buffalo and calf;
(b) "export" means to take out from Mysore to any place outside Mysore;
(c) "institution" means an institution established for taking care of unprotected, infirm, disabled or diseased cows;
(d) "prescribed" means prescribed by rules under this Act. |
| Prohibition of cow slaughter. | 3. Notwithstanding any custom, or usage, or law to the contrary, no person shall slaughter or otherwise intentionally kill any cow in any place in Mysore, except when it is certified by a qualified veterinarian not below the rank of a veterinary inspector that the cow is affected with rabies. |
| Prohibition of export. | 4. No person shall export, or sell for export, any cow with a view to its being slaughtered outside Mysore. |
| Establishment of Institutions. | 5. (1) The Government may establish, or direct any local authority or private individuals or associations to establish, institutions at such places as may be deemed necessary for taking care of cows sent thereto.

(2) The Government may make provision by rules for the proper management of the institutions mentioned above, for the care of cows therein and also for the class or variety of cows that may be admitted therein. |
| Levy of taxes or rates. | 6. The Government, or, subject to the previous sanction of the Government, a local authority, may levy such taxes as may be prescribed for maintaining institutions established under this Act. |

7. (1) Any police officer, or such other officer or person as may be authorised by the Government or a local authority in this behalf, who finds any cow, unattended in any public place in circumstances which make him believe that it does not belong to any person, may seize such cow and remove it to the nearest institution. **Seizure of cows.**

(2) The officer in charge of any such institution may give away the cow to any person who proves to his satisfaction that he is the owner after recovering the maintenance charges, if any.

8. Any person who attempts to contravene, or abets or attempts to abet a contravention of, section 3 or section 4 shall be deemed to have contravened the said section. **Attempts and abetment.**

9. Whoever contravenes the provisions of section 3 or section 4 shall be punished with imprisonment for a period not exceeding six months or with fine not exceeding five hundred rupees or with both. **Penalty.**

10. Any police officer not below the rank of a Sub-Inspector may arrest without warrant any person who contravenes the provisions of section 3 or section 4. **General power of arrest without warrant.**

11. No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done under this Act. **Bar of legal proceedings.**

12. The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act. **Power to make rules or orders.**

13. The Government may, by general or special order published in the official Gazette, exempt from the operation of section 4 such cows or such classes of cows as may be specified in such order. **Power to grant exemption.**

**THE MYSORE PREVENTION OF ANIMAL
SACRIFICES ACT, 1948**

MYSORE ACT LI OF 1948

**An Act to prevent Animal Sacrifices in connection with
Hindu Temples**

Preamble. WHEREAS it is expedient to provide for the prevention of animal sacrifices taking place in connection with Hindu temples;

It is hereby enacted as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Mysore Prevention of Animal Sacrifices Act, 1948.
(2) It extends to the whole of Mysore.
(3) It shall come into force at once.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "animal" includes any animate being, which is not human, endowed with the power of voluntary motion;
- (b) "precincts" in relation to a temple includes all lands and buildings near a temple, whether belonging to the temple or not, ordinarily being used for purposes connected with the worship of the temple, and in particular shall include the mantapams, prakarams, front yards and back yards of the temple by whatever name called, and also the ground on which the temple car ordinarily stands;
- (c) "sacrifice" means the killing or maiming of any animal for the purpose of, or with the view to, propitiating or pleasing any diety;
- (d) "temple" means a place by whatever name known, dedicated to, or for the benefit of, or used by any caste or class of Hindu Community or by the Hindu community in general as a place of public religious worship (including subsidiary shrines and mantapams attached to such place).

Sacrifice inside temple or its precincts prohibited. 3. No person shall sacrifice any animal inside any temple or its precincts, or when a diety is being taken in procession in a temple car or otherwise before or near such car or such diety.

Service in any sacrifice prohibited. 4. No person shall officiate, perform or otherwise serve in any sacrifice in any temple or its precincts, or before or near a temple car or a diety, or offer to officiate or serve in any such sacrifice.

5. No person being in possession of any land or building forming part of the precincts of a temple shall allow any sacrifice to be performed on such land or in such building.

Land or building in temple precincts not to be allowed for sacrifice.

6. Any person who attempts to contravene or abets or attempts to abet a contravention of section 3, section 4 or section 5 shall be deemed to have contravened the said section.

Abetment etc.

7. Whoever contravenes the provisions of this Act shall be punished with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty.

8. Any police officer not below the rank of a Sub-Inspector may arrest without warrant any person who contravenes the provisions of this Act.

General power to arrest without warrant.

9. The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act.

Power to make rules or orders.

THE AJMER ANIMAL PRESERVATION ACT, 1954

ACT XIV OF 1954

An Act to provide for the preservation of certain animals by controlling the slaughter thereof

BE it enacted by the Legislative Assembly of the State of Ajmer in the Fifth Year of the Republic of India as follows:—

- Short title, extent and commencement.** 1. (1) This Act may be called the Ajmer Animal Preservation Act, 1954.
- (2) It extends to the whole of the State of Ajmer.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.
- Definitions.** 2. (1) In this Act, unless the context otherwise requires,—
- (a) 'competent authority' means a person appointed under section 3 to perform the functions of a competent authority under this Act;
- (b) 'prescribed' means prescribed by rules made under this Act;
- (c) 'State Government' means the Chief Commissioner of the State of Ajmer.
- (2) The General Clauses Act, 1897 applies for the interpretation of this Act as it applies for the interpretation of a Central Act.
- Appointment of competent authority.** 3. The State Government may, by notification in the official Gazette, appoint a person to perform the functions of a competent authority under this Act for such area as may be specified in the notification.
- Prohibition of slaughter of cows.** 4. Notwithstanding anything in any law for the time being in force or any usage to the contrary no person shall slaughter or cause to be slaughtered any bull, bullock, cow or the calf of a cow.
- Prohibition of slaughter of animals without certificate.** 5. (1) Notwithstanding anything in any law for the time being in force or any usage to the contrary, no person shall slaughter or cause to be slaughtered any female buffalo or its female progeny unless on an application made in this behalf he has obtained a certificate in the prescribed form from the competent authority for the area in which such animal is to be slaughtered that the animal is fit for slaughter.
- (2) An application for a certificate under sub-section (1) to the competent authority shall contain such particulars as may be prescribed.
- (3) No certificate shall be granted under sub-section (1) unless the competent authority, for reasons to be recorded in writing, is of opinion that the animal has become permanently incapacitated for work or breeding due to age, injury, deformity or any incurable disease.

6. (1) Any person aggrieved by the refusal of a competent authority to grant a certificate under section 5 may, within thirty days from the date of communication to him of such refusal, appeal to the State Government against the order of refusal and the State Government may pass such order thereon as it thinks fit. Appeals and revision.

(2) The State Government may at any time for the purpose of satisfying itself as to the legality or propriety of any action taken under section 5 call for and examine the record of any case, and may pass such order thereon as it thinks fit.

(3) Subject to the provisions of this section, any action taken under section 5 shall be final and shall not be called in question in any court.

7. No animal specified in the Schedule shall be slaughtered in any place other than a place prescribed in this behalf. Prohibition of slaughter of animals in places not prescribed for the purpose.

8. (1) For the purpose of enforcing the provisions of this Act, the competent authority or any persons authorised in this behalf by the State Government or the competent authority (hereinafter referred to as the authorised person) shall have power to enter and inspect any premises where the competent authority or such authorised person has reason to believe that an offence under this Act has been or is likely to be committed. Power to enter and inspect premises.

(2) Every person in occupation of any such premises as are specified in sub-section (1) shall allow the competent authority or the authorised person such access to the premises as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the competent authority or such authorised person.

9. Whoever contravenes any of the provisions of this Act shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both. Penalties.

Act V of 1898.

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable. Offences to be cognizable.

11. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence. Abetments and attempts.

Act XLV of 1860.

12. All persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. Officers exercising powers under this Act deemed to be public servants.

13. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder. Protection of persons acting in good faith.

Power to grant exemptions. **14.** The State Government, if satisfied on a certificate of a Veterinary Surgeon or otherwise, that the slaughter of any animal specified in the Schedule is necessary in the interest of public health or it is suffering from a contagious disease and its retention is dangerous to other animals, may by special order direct, that subject to such conditions as may be prescribed, the provisions of this Act shall not apply to the slaughter of such animal.

Delegation of powers. **15.** The State Government may, by notification in the official Gazette, delegate to any officer of the State Government all or any of its powers or functions under section 6 or section 14.

Power to make rules. **16. (1)** The State Government may, by notification in the official Gazette, 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) the appointment of a competent authority and the procedure to be followed by a competent authority in the exercise of its functions under this Act;
- (b) the form of an application referred to in section 5 and the manner in which any such application may be filed;
- (c) the form of a certificate to be granted under section 5;
- (d) the fees payable for any certificate granted under section 5;
- (e) the places in which animals may be slaughtered in pursuance of this Act;
- (f) the conditions subject to which the slaughter of any animal may be permitted under section 14.

THE SCHEDULE

Bulls.	Calves.
Bullocks.	Male and female buffaloes.
Cows.	Buffalo calves.

D. Prevention of Cruelty to Animals

**THE PREVENTION OF CRUELTY TO ANIMALS
ACT, 1890**

ACT XI OF 1890¹

An Act for the Prevention of Cruelty to Animals

WHEREAS it is expedient to make further provision for the prevention of cruelty to animals;

It is hereby enacted as follows :—

1. (1) This Act may be called the Prevention of Cruelty to Animals Act², 1890.

Title, extent and commencement, and supersession of other enactments.

(2) This section extends to ³[the whole of India except Part B States]; and the ⁴[State Government] may, by notification in the official Gazette, extend, on and from a date to be specified in the notification, the whole or any part of the rest of this Act to any such local area as it thinks fit.

(3) When any part of this Act has been extended under sub-section (2) to a local area, the ⁴[State Government] may, by notification in the official Gazette, direct that the whole or any part of any other enactments in force in the local area for the prevention of cruelty to animals shall, except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings commenced, cease to have effect in the local area, and such whole or part shall cease to have effect accordingly until the ⁴[State Government], by a like notification, otherwise directs.

(4) The ⁴[State Government] may cancel or vary a notification under sub-section (2) or sub-section (3).

2. In this Act, unless there is something repugnant in the Definitions, subject or context,—

(1) “animal” means any domestic or captured animal; ⁵[*]

¹ For statement of Objects and Reasons, see Gazette of India, 1890, Pt. V, p. 4; for Report of the Select Committee, see *ibid.*, p. 95, and for Proceedings in Council, see *ibid.*, Pt. VI, pp. 4, 10 and 62.

² The Act has been declared in force in the Sonthal Parganas by s. 3 of the Sonthal Parganas Settlement Regulation (3 of 1872).

The portions of s. 2 [except sub-section (2)], section 5, so much of s. 8 as relates to s. 5 and ss. 9 and 11 of this Act have been declared in force in the Angul District by s. 3 and Sch. of the Angul Laws Regulation, 1936 (5 of 1936) and in the Khondmals District by s. 3, and Sch. of the Khondmals Laws Regulation, 1936 (4 of 1936).

The Act has been extended to Ajmer-Merwara, see Notification No. 598-C/59-A./38, dated the 19th January, 1939, Gazette of India, 1939, Pt. II-A., p. 88.

The Act has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941), and amended in its application to—

Madras by Madras Act 20 of 1942; and
Bombay by Bombay Acts 13 of 1922, 9 of 1923, 2 of 1928, 3 of 1933 and 28 of 1946.

³ Subs. by the Adaptation of the Laws Order, 1950 for “all the Provinces of India”.

⁴ Subs., *ibid.*, for “Provincial Government”.

⁵ The word “and” was omitted by s. 2 of Act 25 of 1938.

(2) "Street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access;

¹[(3) *Phooka* or *doom dev* includes any process of introducing air or any substance into the female organ of a milch animal with the object of drawing off from the animal any secretion of milk.]

Penalty for cruelty to animals and or sale of animals killed with unnecessary cruelty.

²[3. If any person—

- (a) overdrives, beats, or otherwise treats any animal so as to subject it to unnecessary pain or suffering, or
- (b) binds, keeps, carries or consigns for carriage any animal in such manner or position as to subject it to unnecessary pain or suffering, or
- (c) offers for sale or without reasonable cause has in his possession any live animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment, or
- (d) offers for sale any dead animal or part of a dead animal which he has reason to believe has been killed in an unnecessarily cruel manner, or
- (e) without reasonable cause abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst,

he shall be punished, in the case of a first offence, with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month and, in the case of a second or subsequent offence committed within three years of the previous offence, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months or with both.]

Penalty for overloading animals.

³[3A. (1) If any person overloads any animal, he shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month.

(2) If the owner of any animal, or any person who, either as a trader, carrier or contractor or by virtue of his employment by a trader, carrier or contractor, is in possession of, or in control of the loading of, any animal, permits the overloading of such animal, he shall be punished with fine which may extend to one hundred rupees.]

Penalty for practising *phooka*.

⁴[4. (1) If any person performs upon any cow or other milch animal the operation called *phooka* or *doom dev*, or permits such operation to be performed upon any such animal in his possession or under his control, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to Government:

¹ Added by Act 25 of 1938.

² Subs. by s. 3, *ibid*.

³ Ins. by s. 4, *ibid*.

⁴ Subs. by s. 5, *ibid*.

Provided that in the case of a second or subsequent conviction of a person under this section he shall be punished with fine which may extend to five hundred rupees and with imprisonment for a term which may extend to two years.

(2) A court may order payment out of any fine imposed under this section of an amount not exceeding one-tenth of the fine to any person other than a police officer or officer of a society or institution concerned with the prevention of cruelty to animals who has given information leading to the conviction.]

5. If any person kills any animal in an unnecessarily cruel manner, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for killing animals with unnecessary cruelty anywhere.

¹[5A. If any person has in his possession the skin of a goat, and has reason to believe that the goat has been killed in an unnecessarily cruel manner, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both, and the skin shall be confiscated.]

Penalty for being in possession of the skin of a goat killed with unnecessary cruelty.

¹[5B. If any person is charged with the offence of killing a goat contrary to the provisions of section 5, or with an offence punishable under section 5A, and it is proved that such person had in his possession, at the time the offence was alleged to have been committed, the skin of a goat with any part of the skin of the head attached thereto, it shall be presumed, until the contrary be proved, that such goat was killed in an unnecessarily cruel manner, and that the person in possession of such skin had reason so to believe.]

Presumption as to possession of the skin of a goat.

6. ²[*] If any person employs in any work or labour any animal which by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, or permits any such unfit animal in his possession or under his control to be so employed, he shall be punished with fine which may extend to one hundred rupees.

Penalty for employing anywhere animals unfit for labour.

³[* * * * *]

⁴[6A. For the purposes of sections 3A and 6, an owner or other person in possession or control of an animal shall be deemed to have permitted an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence, and for the purposes of section 4, if he fails to prove that he has exercised such care and supervision.]

Interpretation.

6B. (1) The ⁵[State] Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a Magistrate.

Treatment and care of animals.

¹ Ins. by Act 14 of 1917, s. 2.
² The figure and brackets "(1)" omitted by Act 25 of 1938, s. 6.
³ Sub-sections (2) to (6) were omitted by Act 25 of 1938, s. 6.
⁴ Sections 6A, 6B and 6C inserted by s. 7, *ibid.*
⁵ Subs. by the Adaptation of Laws Order, 1950 for "Provincial".

(2) The Magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a *pinjrapole*, or, if the Veterinary Officer-in-charge of the area in which the animal is found or such other Veterinary Officer as may be authorised in this behalf by rules made under section 15 certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to an infirmary shall not, unless the Magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the Veterinary Officer-in-charge of the area in which the infirmary is situated or such other Veterinary Officer as may be authorised in this behalf by rules made under section 15.

(4) The cost of transporting an animal to an infirmary or *pinjrapole*, and of its maintenance and treatment in an infirmary shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by the District Magistrate or, in Presidency-towns, by the Commissioner of Police:

Provided that when the Magistrate so orders, on account of the poverty of the owner of the animal, no charge shall be payable for the treatment of the animal.

(5) If the owner refuses or neglects to pay such cost or to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(6) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him.

Penalty for
baiting or in-
citing ani-
mals to fight.

¹[6C. If any person—

(a) incites any animal to fight; or

(b) baits any animal; or

(c) aids or abets any such incitement or baiting;

he shall be punished with fine which may extend to fifty rupees.

Exception.—It shall not be an offence under this section to incite animals to fight if such fighting is not likely to cause injury or suffering to such animals and all reasonable precautions are taken to prevent injury or suffering from being so caused.]

¹ See footnote 4 on pre-page.

7. If any person wilfully permits any animal of which he is the owner ¹[or is in charge] to go at large in any street while the animal is affected with contagious or infectious disease, or without reasonable excuse permits any diseased or disabled animal of which he is the owner ¹[or is in charge] to die in any street, he shall be punished with fine which may extend to one hundred rupees ²[where he is the owner of the animal, or to fifty rupees where he is in charge of but not the owner of the animal].

Penalty for permitting diseased animals to go at large or to die in public places.

³7A. ⁴[(1)] If a police officer, not below the rank of sub-inspector, has reason to believe that an offence under section 5, in respect of a goat, is being or is about to be, or has been, committed in any place, or that any person has in his possession the skin of a goat with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize any such skin and any article or thing used or intended to be used in the commission of such offence.]

Special power of search and seizure in respect of certain offences.

⁵[(2) If a police officer, not below the rank of sub-inspector, or any person specially authorised by the ⁶[State] Government in this behalf has reason to believe that *phooka* or *doodm dev* has just been or is being performed on any animal within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for examination by the Veterinary Officer-in-charge of the area in which the animal is seized.]

8. (1) If a Magistrate of the first ⁷[or second class, Presidency Magistrate], Sub-divisional Magistrate, Commissioner of Police or District Superintendent of Police, upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence ⁸[against this Act] is being or is about to be or has been committed in any place, he may either himself enter and search or by his warrant authorise any police-officer ⁹[not below the rank of sub-inspector] to enter and search the place.

Search warrants.

Act X of 1882 (2) The provisions of the ¹⁰Code of Criminal Procedure, 1882, relating to searches under that Code shall, so far as those provisions can be made applicable, apply to a search under sub-section (1) ¹¹[or under section 7A].

9. A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission of the offence.

Limitation for prosecutions.

¹ Ins. by Act 25 of 1938, s. 8.
² Added, *ibid.*
³ Ins. by Act 14 of 1917, s. 3.
⁴ Original section 7A was renumbered as sub-section (1) of that section by s. 9 of Act 25 of 1938.
⁵ Added by Act 25 of 1938, s. 9.
⁶ Subs. by the Adaptation of Laws Order, 1950 for "Provincial".
⁷ Subs. by Act 25 of 1938, s. 10, for "class".
⁸ Subs. *ibid.*, for "against section 4, section 5 or section 6".
⁹ Subs. *ibid.*, for "above the rank of a constable".
¹⁰ See now the Code of Criminal Procedure, 1898 (V of 1898).
¹¹ Added by Act 14 of 1917, s. 4.

Destruction of suffering animals. 10. ¹[(1)] When any Magistrate, Commissioner of Police or District Superintendent of Police has reason to believe that an offence against this Act has been committed in respect of any animal, he may direct the immediate destruction of the animal if in his opinion its sufferings are such as to render such a direction proper.

²[(2) Any police officer above the rank of a constable who finds any animal so diseased, or so severely injured, or in such a physical condition that it cannot, in his opinion, be removed without cruelty, may, if the owner is absent or refuses to consent to the destruction of the animal, forthwith summon the Veterinary Officer-in-charge of the area in which the animal is found and if the Veterinary Officer certifies that the animal is mortally injured, or so severely injured or in such a physical condition that its destruction is desirable, the police officer may, after obtaining orders from a Magistrate, destroy the animal or cause it to be destroyed.]

Saving with respect to religious rites and usages. 11. Nothing in this Act shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class.

Provision supplementary to section 1 with respect to extent of Act. 12. Notwithstanding anything in section 1, sections ³[4 and 13, sections 9 and 10, and sections 6A, 7A, 8 and 15 so far as they relate to offences under section 4] shall extend to every local area in which any section of this Act constituting an offence is for the time being in force.

Offence under section 4 to be cognizable. ⁴[13. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under section 4 shall be a cognizable offence within the meaning of that Code.] ¹⁸⁹⁸

General power of seizure for examination. ⁴[14. Any police officer above the rank of a constable or any person authorised by the ⁵[State] Government in this behalf, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest Magistrate or by such Veterinary Officer as may be designated in this behalf by rules made under section 15; and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.]

Power to make rules. ⁴[15. (1) The ⁵[State] Government may, by notification in the official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.]

¹ Original section 10 was renumbered as sub-section (1) of that section by Act 25 of 1938, s. 11.

² Added, *ibid.*

³ Subs. by Act 25 of 1938, s. 12 for "9, 10 and 11".

⁴ Sections 13 to 17 were added, *ibid.*, s. 13.

⁵ Subs. by the Adaptation of Laws Order, 1950 for "Provincial".

(2) In particular, and without prejudice to the generality of the foregoing power, the ¹[State] Government may make rules—

- (a) prescribing the maximum weight of loads to be carried or drawn by any animal;
- (b) prescribing conditions to prevent the overcrowding of animals;
- (c) prescribing the period during which, and the hours between which, buffaloes shall not be used for draught purposes;
- (d) prescribing the purposes to which fines realised under this Act may be applied, including such purposes as the maintenance of infirmaries, *pinjra-poles*, and veterinary hospitals;
- (e) prohibiting the use of any bit or harness involving cruelty;
- (f) requiring persons carrying on the business of a farrier to be licensed and registered;
- (g) requiring persons owning, or in charge of, premises in which animals are kept or milked to register such premises, to comply with prescribed conditions as to the boundary walls or surroundings of such premises, to permit their inspection for the purpose of ascertaining whether any offence against section 4 is being or has been committed therein, and to expose in such premises copies of section 4 of this Act in a language or languages commonly understood in the locality; and
- (h) prescribing the manner in which cattle may be impounded in any place appointed for the purpose, so as to secure the provision of adequate space, food and water.

(3) If any person contravenes, or abets the contravention of, any rule made under this section, he shall be punished with fine which may extend to fifty rupees.

²[16. Every person authorised by the ¹[State] Government under section 14 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860. Persons authorised under section 14 to be public servants.

²[17. No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code, 1860, in respect of anything in good faith done or intended to be done under this Act.] Indemnity.

¹ Subs. by the Adaptation of Laws Order, 1950 for "Provincial".

² See footnote 4 on pre-page.

E. Cattle Trespass

THE CATTLE TRESPASS ACT, 1871.

ACT I OF 1871¹

An Act to consolidate and amend the law relating to Trespasses by Cattle

WHEREAS it is expedient to consolidate and amend the law relating to trespasses by cattle;

It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY

²[1. (1) This Act may be called the Cattle-trespass Act, 1871. Title and extent.

(2) It extends to ³[the whole of India except Part B States]⁴ and the Presidency towns and such local areas as the ⁵[State Government] by notification in the official Gazette, may from time to time exclude from its operation.

(3) ⁶[* * * * *]

2. [*Repeal of Acts. References to repealed Acts.*] Repealed by the Repealing Act, 1938 (1 of 1938), Section 2 and Schedule.

3. In this Act—

“Officer of police” includes also village watchman, and “cattle” includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs,

Interpretation clause.

¹ For the Statement of Objects and Reasons see Gazette of India, 1870, Pt. V., p. 310, for Proceedings in Council, see *ibid.*, Supplement, pp. 1150, 1200, 1290 and Supplement, 1871, p. 178.

The Act has been declared to be in force in the Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936), s. 3 and Sch.; and in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and Sch.

The Act has been amended locally—

in Bengal by Bengal Acts 5 of 1934 and 4 of 1947 and West Bengal Act 7 of 1948; in the C.P. by Central Provinces Acts 12 of 1935 and 22 of 1937 and C. P. and Berar Act 27 of 1947; in Assam by the Assam Act 1 of 1936; in Bombay by Bombay Acts 9 of 1924, 4 of 1926 and 5 of 1931; in the Sambalpur District of Orissa by Orissa Act 6 of 1939 and in Orissa by Orissa Act 15 of 1945.

² This section was substituted for the original section by s. 1 of the Cattle-trespass Act (1871) Amendment Act, 1891 (1 of 1891).

³ Subs. by the Adaptation of Laws Order, 1950 for “all the Provinces of India”.

⁴ The Act has been declared in force in the Santhal Parganas by the Santhal Parganas Settlement Regulation (3 of 1872); in Angul and the Khondmals by the Angul Laws Regulation, 1913 (3 of 1913), s. 3; in Panth Piploda by the Panth Piploda Laws Regulation, 1929 (1 of 1929), s. 2. It has been declared by notification under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely :—

The Districts of Hazaribagh, Lohardaga and Manbhum, and Pargana Dhalbhum and the Kolhan in the District of Singhbhum [Gazette of India, 1881, Pt. I, p. 554; the District of Lohardaga included at this time the present District of Palamau, which was separated in 1894; the District of Lohardaga is now called the Ranchi District see Calcutta Gazette, 1899, Pt. I, p. 44]; and the North Western Provinces Tarai, Gazette of India, 1876, Pt. I, p. 500; and the Scheduled Districts in Ganjam and Vizagapatam, Gazette of India, 1899, Pt. I, p. 720.

⁵ Subs. by the Adaptation of Laws Order, 1950 for “Provincial Government”

⁶ Sub-section (3) was repealed by s. 3 and second Schedule of the Repealing and Amending Act, 1914 (10 of 1914).

goats and kids, ¹[and

“local authority” means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area; and

“local fund” means any fund under the control or management of a local authority.]

CHAPTER II

POUNDS AND POUND-KEEPERS

Establishment of pounds.

4. Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the ²[State] Government from time to time directs.

The village by which every pound is to be used shall be determined by the Magistrate of the District.

Control of pounds, Rates of charge for feeding impounded cattle.

5. The pounds shall be under the control of the Magistrate of the District; and he shall fix, and may from time to time alter, the rates of charge for feeding and watering impounded cattle.

Appointment of pound-keepers.

6. ³[The ²[State] Government shall appoint a pound-keeper for every pound.

Pound-keepers may hold other offices.

Any pound-keeper may hold simultaneously any other office under the ⁴[Government].

Pound-keepers to be public servants.

Every pound-keeper shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.]

Act XLV of 1860.

Duties of pound-keepers

To keep register and furnish returns.

7. Every pound-keeper shall keep such registers and furnish such returns as the ²[State] Government from time to time directs.

To register seizures.

8. When cattle are brought to a pound, the pound-keeper shall enter in his register—

(a) the number and description of the animals,

(b) the day and hour on and at which they were so brought,

(c) the name and residence of the seizure, and

(d) the name and residence of the owner, if known,

and shall give the seizure or his agent a copy of the entry.

To take charge of and feed cattle.

9. The pound-keeper shall take charge of, feed and water the cattle until they are disposed of as hereinafter directed.

¹ Added by s. 2 of the Cattle-trespass Act (1871) Amendment Act, 1891 (1 of 1891).

² Subs. for the words “Provincial” by the Adaptation of Laws Order, 1950.

³ Subs. for the former section by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁴ Subs. for “Crown”, *ibid.*

CHAPTER III

IMPOUNDING CATTLE

¹[10. The cultivator or occupier of any land, or any person who has advanced cash for the cultivation of the crop or produce on any land, Cattle damaging land.

or the vendee or mortgagee of such crop or produce, or any part thereof, may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and ²[send them or cause them to be sent within twenty-four hours] to the pound established for the village in which the land is situate.

All officers of police shall, when required, aid in preventing (a) resistance to such seizures, and (b) rescues from persons making such seizures. Police to aid seizures.

11. Persons in charge of public roads, pleasure-grounds, plantations, canals, drainage-works, embankments and the like, and officers of police may seize, or cause to be seized, any cattle doing damage to such roads, grounds, plantations, canals, drainage-works, embankments, and the like, or the sides or slopes of such roads, canals, drainage-works, or embankments, or found straying thereon. Cattle damaging public roads, canals and embankments.

and shall ³[send them or cause them to be sent within twenty-four hours] to the nearest pound.

⁴[12. For every head of cattle impounded as aforesaid, the pound-keepers shall levy a fine in accordance with the scale for the time being prescribed by the ⁵[State Government] in this behalf by notification in the official Gazette. Different scales may be prescribed for different local areas. Fines for cattle impounded.

All fines so levied shall be sent to the Magistrate of the District through such officer as the ⁵[State Government] may direct.

A list of the fines and of the rates of charge for feeding and watering cattle shall be posted in a conspicuous place on or near to every pound.]

CHAPTER IV

DELIVERY OR SALE OF CATTLE

13. If the owner of the impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the fines and charges incurred in respect of such cattle. Procedure when owner claims the cattle and pays fines and charges.

¹ Subs. in its application to the C. P. by the Cattle-trespass (C. P. Amendment) Act, 1935 (C. P. 12 of 1935).

² Subs. for the words "take them or cause them to be taken without unnecessary delay" by s. 3 of the Cattle-trespass Act (1871) Amendment Act, 1891 (1 of 1891).

³ Subs. for the words "take them without unnecessary delay" by s. 4.

⁴ Subs. for the original section by s. 2 of the Cattle-trespass (Amendment) Act, 1921 (17 of 1921).

⁵ Subs. for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

The owner or his agent, on taking back the cattle, shall sign a receipt for them in the register kept by the pound-keeper.

Procedure if cattle be not claimed within a week. **14.** If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police-station, or to such other officer as the Magistrate of the District appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of his office a notice stating—

- (a) the number and description of the cattle,
- (b) the place where they were seized,
- (c) the place where they are impounded,

and shall cause proclamation of the same to be made by beat of drum in the village and at the market-place nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said officer, or an officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time directs :

Provided that, if any such cattle are, in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

Delivery to owner disputing legality of seizure, but making deposit. **15.** If the owner or his agent appear and refuse to pay the said fines and expenses, on the ground that the seizure was illegal, and that the owner is about to make a complaint under section 20, then upon deposit of the fines and charges incurred in respect of the cattle, the cattle shall be delivered to him.

Procedure when owner refuses or omits to pay the fines and expenses. **16.** If the owner or his agent appear and refuse or omit to pay or (in the case mentioned in section 15) to deposit the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by such officer, at such place and time and subject to such conditions, as are referred to in section 14.

Deduction of fines and expenses. The fines leviable and the expenses of feeding and watering together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

Delivery of unsold cattle and balance of proceeds. The remaining cattle and the balance of the purchase-money, if any, shall be delivered to the owner or his agent, together with an account showing—

- (a) the number of cattle seized,
- (b) the time during which they have been impounded,
- (c) the amount of fines and charges incurred,
- (d) the number of cattle sold,
- (e) the proceeds of sale, and
- (f) the manner in which those proceeds have been disposed of.

The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase-money (if any) paid to him according to such account. Receipt.

17. The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted. Disposal of fines, expenses and surplus proceeds of sale.

The charges for feeding and watering deducted under section 16 shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under section 13.

The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months, and, if no claim thereto be preferred and established within that period shall, at its expiry, ¹[be deemed to hold them as part of the revenues of the ²[State].

18. [Application of fines and unclaimed proceeds of sale.] Rep. by the Government of India (Adaptation of Indian Laws) Order, 1937.

19. No officer of police, or other officer or pound-keeper appointed under the provisions herein contained shall, directly or indirectly, purchase any cattle at a sale under this Act. Officers and pound-keepers not to purchase cattle at sales under Act.

No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the former part of this Chapter, unless such release or delivery is ordered by a Magistrate or Civil Court. Pound-keepers when not to release impounded cattle.

³[CHAPTER V

COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION

20. Any person whose cattle have been seized under this Act, or, having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a ⁴complaint to the Magistrate of the District or any Magistrate authorised to receive and try charges without reference by the Magistrate of the District. Power to make complaints.

21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal the substance of it shall be taken down in writing by the Magistrate. Procedure on complaint.

If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an inquiry into the case.

¹ Subs. for the words "dispose of them as hereinafter provided" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Subs. for "Province" by the Adaptation of Laws Order, 1950.

³ This Chapter was substituted for the original Chapter by s. 6 of the Cattle-trespass Act (1871) Amendment Act, 1891 (1 of 1891).

⁴ The term "offence" as defined by s. 4 (O) of the Code of Criminal Procedure, 1898 (5 of 1898), includes any act in respect of which a complaint may be made under this section. Offences under this section may be tried in a summary way. See Act 5 of 1898, s. 260 (1) (m).

Compensa-
tion for illegal
seizure or de-
tention. **22.** If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle,

and, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release, and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

Recovery of
compensa-
tion. **23.** The compensation, fines and expenses mentioned in section 22 may be recovered as if they were fines imposed by the Magistrate.]¹

CHAPTER VI

PENALTIES

Penalty for
forcibly
opposing the
seizure of
cattle or res-
cuing the
same. **24.** Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Act,

shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees or with both.

Recovery of
penalty for
mischief
committed by
causing cattle
to trespass. **25.** Any fine imposed ²[under the next following section or] for the offence of mischief by causing cattle to trespass on any land may be recovered by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

Penalty for
damage
caused to
land or crops
or public
roads by
pigs. **26.** Any owner or keeper of pigs who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees.

³[The ⁴[State Government], by notification in the official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing

¹ See ss. 63 to 70 of the Indian Penal Code, 1860 (Act 45 of 1860) and s. 386 of the Code of Criminal Procedure, 1898 (Act 5 of 1898); *of* also s. 25 of the General Clauses Act, 1897 (10 of 1897).

² Ins. by s. 7 of the Cattle-trespass Act (1871) Amendment Act, 1891 (1 of 1891).

³ This paragraph was added by s. 8 of the Cattle-trespass Act (1871) Amendment Act, 1891 (1 of 1891).

⁴ Subs. for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words "fifty rupees" were substituted for the words "ten rupees" or as if there were both such reference and such substitution.]

1[* * * * *]

27. Any pound-keeper releasing or purchasing or delivering cattle contrary to the provisions of section 19 or omitting to provide any impounded cattle with sufficient food and water, or failing to perform any of the other duties imposed upon him by this Act, shall, over and above any other penalty to which he may be liable, be punished, on conviction before a Magistrate, with fine not exceeding fifty rupees.

Penalty on Pound-keeper failing to perform duties.

Such fines may be recovered by deductions from the pound-keeper's salary.

28. All fines recovered under section 25, 26 or 27 may be appropriated in whole or in part as compensation for loss or damage proved to the satisfaction of the convicting Magistrate.

Application of fines recovered under section 25, 26 or 27.

CHAPTER VII

SUITS FOR COMPENSATION

29. Nothing herein contained prohibits any person whose crops or other produce of land have been damaged by trespass of cattle from suing for compensation in any competent Court.

Saving of right to sue for compensation.

30. Any compensation paid to such person under this Act by order of the convicting Magistrate shall be set-off and deducted from any sum claimed by or awarded to him as compensation in such suit.

Set-off.

²[CHAPTER VIII

SUPPLEMENTAL

31. The ³[State Government] may from time to time, by notification in the official *Gazette*,—

Power for State Government to transfer

(a) transfer to any local authority within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the ³[State Government] or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority, ⁴* * * * *

to certain functions to local authority and direct credit of surplus receipts to local fund.

SCHEDULE

[*Repealed by the Repealing Act, 1938 (1 of 1938), section 2 and Schedule.*]

¹ The last paragraph of s. 26 was repealed by s. 3 and the Second Schedule of the Repealing and Amending Act, 1914 (10 of 1914).

² Ch. VIII was added by s. 9 of the Cattle-trespass Act (1871) Amendment Act, 1891 (1 of 1891).

³ These words were substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

⁴ Certain words were repealed by s. 3 and the Second Schedule of the Repealing and Amending Act, 1914 (10 of 1914) and the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵ A new s. 32 has been inserted in Bengal by the Cattle-trespass (Bengal Amendment) Act, 1934 (Ben. 5 of 1934).

III. ACTS ON FISHERIES

Destruction of fish by poisoning of waters. 5. (1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) The ¹[State] Government may, by notification in the official *Gazette*, suspend the operation of this section in any specified area, and may in like manner modify or cancel any such ²notification.

Protection of fish in selected waters by rules of Local Government. 6. (1) The ¹[State] Government may make ³rules for the purposes hereinafter in this section mentioned, and may by a notification in the official *Gazette* apply all or any of such rules to such waters, not being private waters, as the ¹[State] Government may specify in the said notification.

(2) The ¹[State] Government may also, by a like notification, apply such rules or any of them to any private water with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may prohibit or regulate all or any of the following matters, that is to say :—

- (a) the erection and use of fixed engines;
- (b) the construction of weirs; and
- (c) the dimension and kind of the nets to be used and the modes of using them.

(4) Such rules may also prohibit all fishing in any specified water for a period not exceeding two years.

(5) In making any rule under this section the ¹[State] Government may—

- (a) direct that a breach of it shall be punishable with fine which may extend to one hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in; and

(b) provide for—

- (i) the seizure, forfeiture and removal of fixed engines erected, or used, or nets used, in contravention of the rule, and
- (ii) the forfeiture of any fish taken by means of any such fixed engine or net.

¹ Subs. by the Adaptation of Laws Order, 1950.

² For instance of such a notification, see U. P. List of R. and O., Vol. 1.

³ For rules under s. 6 for—

(1) Bengal (Darjeeling District), see Ben. Local Stat. R. and O., Vol. I.

(2) Coorg, see Coorg R. and O. and Coorg District Gazette Extraordinary, 1907, p. 2.

(3) North-West Frontier Province, see Gazette of India, 1902, Vol. II, p. 19.

(4) Punjab, see Punjab Gazette, 1900, Pt. I, pp. 101 and 279; *ibid.*, 1910, Pt. I, p. 514.

(6) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

7. (1) Any police officer, or other person ¹ specially empowered by the ²[State] Government in this behalf, either by name or as holding any office, for the time being, may, without an order from a Magistrate and without warrant, arrest any person committing in his view any offence punishable under section 4 or 5 or under any rule under section 6—

Arrest without warrant for offences under this Act.

- (a) if the name and address of the person are unknown to him, and
- (b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate, except under the order of a Magistrate for his detention.

¹ For notification under this section in Madras, see Fort St. George Gazette, 1903, Pt. I, p. 19.

² Subs. by the Adaptation of Laws Order, 1950.

**THE INDIAN FISHERIES ACT AS ADAPTED AND
APPLIED TO THE STATE OF SAURASHTRA**

WHEREAS it is expedient to provide for certain matters relating to Fisheries in the State of Saurashtra;

It is hereby enacted as follows :—

Title, extent and commencement. 1. (1) This Act may be called the Indian Fisheries Act, 1897 as adapted and applied to the State of Saurashtra.

(2) It extends to the whole of the State of Saurashtra.

(3) It shall come into force on such day as the Government of Saurashtra may specify by general or special notification published in the official *Gazette* under sub-section (3) of Section 1 of the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948.

Act to be read as supplemental to other Fisheries Laws. 2. Subject to the provisions of sections 7 and 9 of the Saurashtra General Clauses Ordinance, 1949 this act shall be read as supplemental to any other enactment for the time being in force relating to Fisheries in any part of the State of Saurashtra.

3. * * * * *

Destruction of fish by explosives in inland waters and on coasts. 4. (1) If any person uses any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) In sub-section (1) the word "water" includes the sea within a distance of one marine league of the sea-coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

Destruction of fish by poisoning of waters. 5. (1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) The State Government may, by notification in the official *Gazette*, suspend the operation of this section in any specified area, and may in like manner modify or cancel any such notification.

Protection of fish in selected waters by rules of Provincial Government. 6. (1) The State Government may make rules for the purposes hereinafter in this section mentioned, and may by notification in the official *Gazette* apply all or any of such rules to such waters as the State Government may specify in the said notification.

(2) * * * * *

(3) Such rules may prohibit or regulate either permanently or for a time, or for specified seasons only all or any of the following matters, that is to say :—

- (a) the erection and use of fixed engines;
- (b) the construction of weirs; and
- (c) the dimension and the kind of contrivances to be used for taking fish generally or any specified kind of fish, and the modes of using such contrivances:

(4) (a) Prohibit all or any fishing in any water except under and in accordance with the terms and conditions specified in a lease or licence granted by Government, and

(b) provide for levying royalty or fees on fishing.

(5) In making any rule under this section the State Government may,—

(a) direct that a breach of it shall be punishable with fine which may extend to one hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in; and

(b) provide for—

(i) the seizure, forfeiture and removal of fixed engines erected or used, or nets used, in contravention of the rule, and

(ii) the forfeiture of any fish taken by means of any such fixed engine or net.

7. (1) Any Police Officer, or other person specially empowered by the State Government in this behalf either by name or as holding any office, for the time being may, without an order from a Magistrate and without warrant, arrest any person committing in his views any offence punishable under section 4 or 5 or under any rule under section 6—

(a) if the name and address of the person are unknown to him, and

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(2) A person arrested under this Section may be detained until his name and address have been correctly ascertained :

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate, except under the order of a Magistrate for his detention.

8. All rents, fees and other moneys payable to Government on account of fishing leases and licences granted by Government, and all sums of royalty levied under the rules made under the Act may be recovered in the like manner as if they were arrears of land revenue.

THE ¹[MADHYA PRADESH] FISHERIES ACT, 1948

ACT VIII OF 1948

An Act to provide for the protection, conservation and development of fisheries in the Central Provinces and Berar

Preamble. WHEREAS it is expedient to provide for the protection, conservation and development of fisheries in the Central Provinces and Berar;

It is hereby enacted as follows :—

Short title, extent and commencement. 1. (1) This Act may be cited as the Central Provinces and Berar Fisheries Act, 1948.

(2) It extends to the whole of ¹[Madhya Pradesh].

(3) It shall come into force on such date as the ¹[State] Government may by notification appoint in this behalf.

Definition. 2. In this Act unless there is anything repugnant in the subject or context,—

(i) “fish” includes shell-fish, and fish in all stages in its life history;

(ii) “Fishery Officer” means such officer as the ¹[State] Government may appoint for the purpose of this Act and includes any officer or class of officers empowered by the ¹[State] Government to act as Fishery Officer :

Provided that no Police Officer below the rank of Sub-Inspector shall be so empowered;

(iii) “Fixed engine” means any net, cage, trap or other contrivance for taking fish, fixed on the soil or made stationary in any other way;

(iv) “private water” means water—

(a) which is the exclusive property of any person, or

(b) in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity, but does not include any river, canal, stream, jhil, or any piece of water which ordinarily had direct communication with any river, canal, stream or jhil.

Explanation.—Water shall not cease to be “Private water” within the meaning of this definition by reason only of the fact that persons other than the owners may have by custom a right of fishery therein.

¹ Subs. by the Adaptation of Laws Order, 1950.

(v) "Prescribed" means prescribed by rules made under this act.

3. (1) The ¹[State] Government after previous publication may make rules for the purpose hereinafter in this section mentioned and shall in such rules declare the waters not being private waters, to which all or any of them shall apply.

(2) The ¹[State] Government may, by notification, apply such rules or any of them to any private waters with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may :—

(a) prohibit or regulate all or any of the following matters, that is to say—

- (i) the erection and use of fixed engines;
- (ii) the construction, temporary or permanent, of weirs, dams and bunds;
- (iii) the dimension, size of mesh and kind of nets to be used and the mode of using them;
- (iv) the use of more than one method of catching fish at one time;

(b) prohibit the destruction of, or any attempt to destroy, fishes by explosives, gun, bow, arrow or the like in inland waters;

(c) prohibit the destruction of, or any attempt to destroy, fishes by using a chemical or any other substance likely to cause pollution of water;

(d) prohibit the throwing into any water of any solid or liquid which may be harmful to fishes in such water;

(e) prohibit fishing except under a licence and regulate the grant of such licences, the fees payable therefor and the conditions to be inserted therein;

(f) prescribe the seasons during which the killing, catching or sale of fishes of any prescribed species shall be prohibited; and

(g) prescribe a minimum size or weight below which no fish of any prescribed species shall be sold.

(4) Such rules may also prohibit all fishing in any specified waters for a specified period.

(5) In making any rule under this section the ¹[State] Government may provide for:—

(a) the seizure, removal and forfeiture of any fixed engine or apparatus erected or used for fishing in contravention of the rules, and

(b) the forfeiture of any fishes taken by means of any such fixed engine or apparatus.

¹ Subs. by the Adaptation of Law Order, 1950.

- Power to prohibit sale of fish.** 4. The ¹[State] Government may by notification prohibit in any specified areas the offering or exposing for sale or barter of any fish capture of which has been made unlawful by any rule made under section 3 of this Act although caught outside ¹[Madhya Pradesh] and although their capture might be legal at the place where caught.
- Penalties.** 5. If any person contravenes any of the provisions of this Act or rules made thereunder, he shall on conviction be punishable with imprisonment for a term which may extend to three months or with fine which extend to five hundred rupees or with both.
- Arrest without warrant for offence under this Act.** 6. (1) Any Sub-Inspector of Police or other person specially empowered by the ¹[State] Government in this behalf may, without warrant, arrest any person committing or attempting to commit a breach of any provisions of this Act or rules made thereunder if the person declines to give his name and address or if there is reason to doubt the accuracy of the name and address, if given.
- (2) A person arrested under this section may be detained until his name and address have been correctly ascertained:
- Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate except under an order of the Magistrate for his detention according to the Provisions of the Code of Criminal Procedure, Act of 1898, 1898.
- (3) All Fishery Officers shall have the same powers of search and investigation in respect of an offence under this Act as a Police Officer of the rank of a Sub-Inspector has under the provisions of the Code of Criminal Procedure, Act of 1898, 1898.
- Jurisdiction inferior to that of Magistrate of the Second Class excluded.** 7. (1) No court inferior to that of a Magistrate of the second class shall try any offence under this Act.
- (2) No Court shall take cognizance of any offence under this Act, except on a report in writing of the facts constituting such offence made by a Fishery Officer or a Police Officer not below the rank of Sub-Inspector or any other person or class of persons authorized by the ¹[State] Government in this behalf.
- Power to compound offences.** 8. (1) Any offence specified in the Schedule may be compounded by the Deputy Commissioner by acceptance of a sum not exceeding one hundred rupees.
- (2) On composition of an offence, the accused shall be discharged and property seized from his possession shall be released.
- Officers to be deemed public servants.** 9. All persons empowered to exercise powers and perform duties under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, Act XLV of 1860.

¹ Subs. by the Adaptation of Laws Order, 1950.

10. No suit, prosecution or other legal proceeding shall Indemnity. lie against any person for anything which is in good faith done or intended to be done under this Act.

11. The Indian Fisheries Act, 1897, in its application Repeal. to the ¹[Madhya Pradesh] is hereby repealed.

THE SCHEDULE

Offences compoundable under section 8

Description

1. Fishing with a net having a smaller mesh than the prescribed under the rules made under this Act.
2. Fishing without a licence.
3. Selling or attempting to sell fish of a size or weight, less than the standard prescribed under this Act.
4. Killing or catching or selling or attempting to kill, to catch or sell any fish of a prohibited species during a close season.
5. Fishing or attempting to fish with any gear or method other than the prescribed gear or method.
6. Using at any one time more than one method of catching fish when prohibited under the rules made under this Act.
7. Licence holder employing or engaging non-licensees to help him with their nets while fishing.
8. Fishing or attempting to fish in prohibited waters.
9. Offering or exposing for sale or barter any fish, the sale of which is prohibited in any specified area by a notification issued under section 4.

¹ Subs. by the Adaptation of Laws Order, 1950.

THE PUNJAB FISHERIES ACT, 1914

PUNJAB ACT II OF 1914

An Act to extend the Law relating to Fisheries in the Punjab

WHEREAS it is expedient to extend the law relating to Fisheries in the Punjab;

It is hereby enacted as follows:—

Title.

1. (1) This Act may be called the Punjab Fisheries Act, 1914.

Extent.

(2) It extends to the whole of the Punjab.

Meaning of terms.

2. In this Act and the Rules thereunder unless there is something repugnant in the subject or context, the expressions "fish" and "private water" shall have the meaning assigned to them in section 3 of the Indian Fisheries Act, 1897.

India Act
IV of 1897.

Definitions.

¹[2-A. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Fishery Officer" means any person whom the ²[State] Government or any office empowered by the ²[State] Government in this behalf may from time to time appoint by name, or as holding an office to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Fishery Officer :

Provided that no police officer below the rank of Sub-Inspector shall be so empowered.

(2) "Fishing Offence" means an offence punishable under this Act or under any rule made thereunder.]

Prohibition and licensing of fishing in selected waters by rules of ²[State] Government.

3. (1) The ²[State] Government may make rules for the purposes hereinafter in this section mentioned and, shall in such rules declare the waters, not being private waters, to which all or any of them shall apply.

(2) The ²[State] Government may by notification apply such rules or any of them to any private water with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may—

(a) prohibit fishing except under licence and regulate the granting of such licences, the fees payable therefor, and the conditions to be inserted therein;

¹ Added by section 3 of Punjab Act No. IV of 1923.

² Subs. by the Adaptation of Laws Order, 1950.

(b) prescribe seasons in which the killing of any fish of any prescribed species shall be prohibited; and

(c) prescribe a minimum size or weight below which no fish of any prescribed species shall be killed.

(4) In making any rule under this section the ¹[State] Government may provide for—

(a) the seizure, forfeiture and removal of any apparatus erected or used for fishing in contravention of the rules, and

(b) the forfeiture of any fish taken by means of any such apparatus.

(5) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

4. The ¹[State] Government may by notification prohibit in any specified areas the offering or exposing for sale or barter of any fish killed in contravention of any rule made under section 3 (3) (b) and (c) (1) of this Act. Power to prohibit sale of fish.

5. The breach of any rule made under section 3 or of any prohibition notified under section 4 shall be punishable with fine which may extend to one hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in. Penalty.

6. (1) Any Police Officer, or other person specially empowered by the ¹[State] Government in this behalf, may without warrant arrest any person committing in his view a breach of any rule made under Section 3 or of any prohibition notified under section 4— Arrest without warrant for offences under the Act.

(a) if the name and address of the person are unknown to him, and

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate except under the order of a Magistrate for his detention.

7. Nothing in this Act shall be deemed to limit the powers of the ¹[State] Government to make rules under section 6 of the Indian Fisheries Act, 1897. Saving of powers under Indian Fisheries Act.

India Act IV of 1897.

¹ Subs. by the Adaptation of Laws Order, 1950.

Power to compound certain offences.

¹8. (1) The ²[State] Government may by notification empower a fishery officer by name or as holding an office—

- (a) to accept from any person concerning whom evidence exists which if un rebutted would prove that he has committed any fishing offence as described in the first column of the Schedule a sum of money by way of compensation for the offence with regard to which such evidence exists and on the payment of such sum to such officer such person in custody shall be discharged and no further proceedings shall be taken against him;
- (b) when any property has been seized as liable to confiscation, to release the same without further payment, or on payment of the value thereof as estimated by such officer, and on the payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

(2) The sum of money acceptable as compensation under clause (a) of sub-section (1) shall in no case exceed the amount mentioned in the second column of the Schedule as the amount acceptable as compensation for the particular offence described in the first column of the Schedule].

THE SCHEDULE

(See Section 8)

Maximum amount acceptable as compensation for certain fishing offences under section 8

Description of offence	Maximum amount acceptable as compensation
	Rs.
1. Fishing with a net having a smaller mesh than that prescribed under the rules made under the Act	10
2. Fishing without a licence	10
3. Killing fish of a size or weight less than the standard prescribed under this Act	10
4. Killing any fish of a prohibited species during a close season	10
*5. Fishing with any gear or method other than that permitted under the rules	10
6. Using at any one time more than two of either or any of the gears permitted under the rules	10
7. Licence-holders employing or engaging non-licencees to help them with their nets while fishing	10
8. Fishing in prohibited water	10
9. Offering or exposing for sale or barter any fish, the sale of which is prohibited in any specified area by a notification issued under section 4 of the Act	10

¹ Added by section 4 of Punjab Act IV of 1923.

² Subs. by the Adaptation of Laws Order, 1950.

* Added by section 2 of Punjab Act II of 1941.

THE UNITED PROVINCES FISHERIES ACT, 1948¹

U.P. ACT XLV OF 1948

An Act to provide for certain matters relating to fisheries in the United Provinces

WHEREAS it is expedient to provide for certain matters relating to fisheries in the United Provinces;

IT is hereby enacted as follows :—

1. (1) This Act may be called the United Provinces Fisheries Act, 1948.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of ²[Uttar Pradesh].

(3) This section shall come into force at once and the remaining sections will come into force on such date, for such period and in such areas as the ²[State] Government may, by notification in the official *Gazette*, specify in this behalf.

2. In this Act unless there is anything repugnant in the subject or context,—

Definitions.

- (i) "fish" includes fish, turtles, dolphins, aquatic plants of fisheries, whale and fish in all states in its life-history;
- (ii) "fishery officer" means any person appointed by the ²[State] Government to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder provided that no Police Officer below the rank of a sub-inspector shall be so appointed;
- (iii) "fishing offence" means an offence punishable under the provisions of this Act;
- (iv) "fixed engine" means any net, cage, fishing fence (*baryari*), anchored long line, trap or other contrivance for taking fish, fixed in the soil or made stationary in any other way;
- (v) "private waters" means waters which are the exclusive property of any person or religious body or institution or in which any person or religious body or institution has for the time being an exclusive right of fishery, whether as owner, lessee or in any other capacity, and includes tanks, ponds, artificial lakes, etc., excavated at the expense of the owner which have no communication in the rainy season with natural waters, such as rivers, canals, streams and jhils.

Explanation.—Waters shall not cease to be "private waters" within the meaning of this definition if any other person has by usage or custom a right of fishery therein.

¹ For Statement of Objects and Reasons, see U. P. Gazette, dated July 7, 1948, part VII.

² Subs. by the Adaptation of Laws Order, 1950.

- (vi) "[State] Government" means the Government of ¹[Uttar Pradesh];
- (vii) "religious institution" means a temple, a mosque or church, any other shrine dedicated, to any god or goddess, and such other institutions as the ¹[State] Government may by notification in the *Gazette* declare in that behalf;
- (viii) "religious body" means the trustees or any other persons who are in charge of a religious institution or in whom the ownership of the religious institution vest for the time being;
- (ix) "religious waters" means waters belonging to a religious body or institution and which have never been fished before on account of any restrictions on religious grounds.

Prohibition and licensing of fishing in selected waters by rules.

3. (1) The ¹[State] Government may make rules for the purposes mentioned hereinafter in this section and shall under such rules declare the waters to which all or any of them shall apply.

(2) The ¹[State] Government may, by notification in the official *Gazette*, apply such rules or any of them to any private waters with the consent in writing of the owner thereof and of all other persons having for the time being any exclusive right to fishery therein or if the ¹[State] Government is satisfied that the consent is unreasonably withheld without such consent:

Provided that no rules made under this section shall apply to any religious waters.

(3) Such rules may—

- (a) prohibit or regulate all or any of the following matters, that is to say—
 - (i) the erection and use of fixed engines;
 - (ii) the construction, temporary or permanent, of weirs, dams and bunds; and
 - (iii) the dimension and kind of nets and size of mesh or any other fish contrivance to be used and mode of using them;
- (b) prohibit the destruction of, or attempt to destroy, fish by gun, spear, bow and arrow or like instrument, poisoning waters or pollution of waters by trade effluents;
- (c) prohibit the capture of or attempt to capture or kill breeding fish in Roe and Milt except Hilsa;
- (d) prohibit fishing except under licence or regulate the granting of such licences, the charges of fees therefor and the conditions to be inserted therein;
- (e) prescribe seasons in which the killing or catching or sale of any spawn, young or adult fish, of any prescribed species shall be prohibited; and

¹ Subs. by the Adaptation of Laws Order, 1950.

- (f) prescribe a minimum size or weight below which no fish of any prescribed species shall be killed or sold;
 - (g) prohibit fishing in any specified water for specified period;
 - (h) regulate the export of fish outside any area or areas and price at which fish may be bought or sold in specified markets of all or any specified species;
 - (i) require the owner, mortgagee with possession or lessee of any tank or jhil for the stocking of such tanks or jhil with any class or classes of fish;
 - (j) prescribe the formation of association or societies and the collection of funds for the uplift of fishermen and promotion of the fishing industry.
- (4) In making any rules under this section the ¹[State] Government may provide for—
- (a) the seizure, removal and forfeiture of any apparatus erected or used for fishing in contravention of the rules;
 - (b) the forfeiture of any fish taken by means of any such apparatus, and
 - (c) the confiscation of any consignment of fish held or transported in contravention of the rules.
- (5) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication.

4. The ¹[State] Government may by notification in the official *Gazette* prohibit in such area or areas as may be specified in that behalf the offering or exposing for sale or barter of any fish killed in contravention of any rule made under sub-section (3) of section 3. Power to prohibit sale of fish.

5. The breach of any rules made under section 3 or of any prohibition notified under section 4 shall be punished— Penalties.

- (1) on first conviction with imprisonment of either description for a term which may extend to two months or with fine which may extend to two hundred rupees or with both; and
- (2) on every subsequent conviction, with imprisonment of either description for a term which may extend to twelve months or with fine which may extend to five hundred rupees or with both.

6. (1) Any Fishery Officer, Police Officer not below the rank of a sub-inspector or any other person specially empowered by the ¹[State] Government in this behalf may arrest Arrest without warrant for offences under the Act.

¹ Subs. by the Adaptation of Laws Order, 1950.

without warrant any person committing or attempting to commit, in his view a fishing offence—

- (a) if the name and address of the person are not known to him, and
- (b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate, except under the order of a Magistrate for his detention.

(3) Every Fishery Officer shall have all the same powers of search and investigation relating to a fishing offence as a Police Officer of the rank of a sub-inspector has under the Code of Criminal Procedure, 1898. Act V of 1898.

Jurisdiction inferior to that of Magistrate of the second class excluded.

7. (1) No court inferior to that of a Magistrate of second class shall try any offence under this Act.

(2) No court shall take cognizance of any offence under this Act, except on the complaint of a Fishery Officer or of a Police Officer not below the rank of sub-inspector or of any other person or class of persons authorised by the ¹[State] Government in this behalf.

Power to compound certain offences.

8. (1) The ¹[State] Government may, by notification in the *Gazette*, empower a Fishery Officer by name or by virtue of office—

- (a) to accept from any person concerning whom evidence exists, which if unrebutted, would prove that he has committed any fishing offence as described in the first column of the schedule, a sum of money by way of compensation for the offence with regard to which such evidence exists and on the payment of such sum to such officer such person, if in custody, shall be released and no further proceedings shall be taken against him;
- (b) to release any property that has been seized as liable to confiscation without further payment or on payment of the value thereof as estimated by such officer and on the payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

(2) The sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the amount acceptable as compensation in the second column of the schedule for the particular offence described in the first column thereof.

¹ Subs. by the Adaptation of Laws Order, 1950.

THE SCHEDULE

(See section 8)

Maximum amounts acceptable as compensation for certain fishing offences under section 8

Description of offence	Maximum amount acceptable as compensation
	Rs.
1. Fishing with a net having a smaller mesh than that prescribed under the rules made under the Act	100
2. Fishing without a licence	100
3. Killing or catching or selling or attempting to kill, catch or sell fish of a size or weight less than the standard prescribed under this Act.	50
4. Killing or catching or selling or attempting to kill, catch or sell any fish of a prohibited species during a close season	50
5. Fishing or attempting to fish, with any gear or method other than that permitted under the rule	50
6. Licence holders employing or engaging non-licencees to help them with their nets while fishing	50
7. Fishing or attempting to fish in prohibited water	50
8. Offering or exposing for sale or barter any fish the sale of which is prohibited in any specified area by a notification issued under section 4	50
9. Selling or attempting to sell fish for price above the specified market value	50
10. Exporting or attempting to export fish in contravention of any rule made under clause (h) of sub-section 3 of section 3	500

THE PRIVATE FISHERIES PROTECTION ACT, 1889¹

BENGAL ACT 2 OF 1889

An Act for the protection of the right of fishing in private waters

- Preamble. WHEREAS it is expedient to provide for the protection of private rights of fishery;
It is hereby enacted as follows:—
- Short title. 1. This Act may be called the Private Fisheries Protection Act, 1889.
- Interpretation clause. 2. In this Act—
“Fish.” “fish” includes shell-fish and turtles;
“Fixed engine.” “fixed engine” means any net, cage, trap or other contrivance for taking fish fixed in the soil or made stationary in any other way;
“Private waters.” “private waters” means waters—
(a) which are the exclusive property of any person; or
(b) in which any person has an exclusive right of fishery, and in which fish are not confined but have means of ingress or egress.
- Penalties. 3. Any person who—
(a) fishes in any private waters, not having a right to fish therein,
(b) erects, places, maintains or uses any fixed engine in private waters, or puts, or knowingly permits to be put, therein any matter for the purpose of catching or destroying fish without the permission of the person to whom the right of fishery therein belongs;
shall be guilty of an offence, and shall be punished for a first offence with a fine not exceeding fifty rupees;

¹ *Legislative Papers.*—For Statement of Objects and Reasons, see Calcutta Gazette, 1889, Pt. IV, p. 6; for Report of Select Committee, see *ibid*, p. 32; and for Proceedings in Council, see *ibid*, Supplement, pp. 658, 714, 947 and 960.

Local Extent.—Since this Act contains no local extent clause, it must be taken to extend to the whole of the former Province of Bengal.

The application of the Act is barred in the Chittagong Hill tracts by the Chittagong Hill-tracts Regulations, 1900 (1 of 1900), s. 4 (2), printed in Vol. I of the Code.

Other Enactments.—The Indian Fisheries Act, 1897 (4 of 1897) is to be read as supplemental to this Act, see s. 2 of the former Act, in General Acts, 1887-97, Ed. 1909, p. 545.

As to fishing in forest, see the Indian Forest Act, 1878 (7 of 1878), ss. 25(i), 31 (j), in General Acts, 1868-78, Ed. 1909, pp. 585, 589.

As to fishing-stakes in fair ways leading to ports, see the Obstructions in Fairways Act, 1881 (16 of 1881), in General Acts, 1879-86, Ed. 1909, p. 131.

For power to make rules prohibiting or regulating fishing in public parks, see the Bengal Public Parks Act, 1904 (Ben. Act 2 of 1904), s. 4(f), in Vol. III of this Code.

and for a subsequent offence with imprisonment which may be simple or rigorous, for a term not exceeding one month, or with a fine not exceeding two hundred rupees, or both :

Provided that nothing herein contained shall apply to acts done by any person in the exercise of a *bona fide* claim of right, or shall prevent any person from angling with a rod and line or with a line only in any portion of a navigable river.

4. (1) Any fixed engine erected, placed, maintained or used in contravention of the last preceding section, and any fish taken by means of such engine, or otherwise in contravention of this Act, shall be forfeited. Forfeiture of fixed engine.

(2) Any such fixed engine may be removed or taken possession of by the Magistrate of the district, or such person as he empowers in this behalf. Removal of fixed engine.

5. Whoever enters upon land in the possession of another or upon private waters, with intent to commit any of the offences specified in section 3, shall be punished with a fine not exceeding fifty rupees. Entry upon the land of another or upon private waters with intent to commit an offence.

6. Offences committed under this Act shall be considered to be "cognizable offences" as defined in the Code of Criminal Procedure.¹ Offences under this Act considered "cognizable offences".

¹ Act 10 of 1882 has been repealed and re-enacted by the Code of Criminal Procedure, 1898 (5 of 1898), and this reference should now be taken to be made to the latter Act—see s. 3(i) thereof, in General Acts, 1898-1903, Ed. 1909, p. 40.

**THE UNITED STATE OF GWALIOR, INDORE AND
MALWA (MADHYA BHARAT) FISHERIES ACT
SAMVAT 2006**

Act XXI of 1950 (SAMVAT 2006)

**An Act to provide for the protection, conservation,
auctioning and development of fisheries in the
United State of Gwalior, Indore and Malwa (Madhya
Bharat)**

WHEREAS it is expedient to provide for the protection,
conservation, auctioning and development of fisheries in
the United State of Gwalior, Indore and Malwa (Madhya
Bharat);

It is hereby enacted as follows:—

Title, extent and commencement. 1. (1) This Act may be called "The United State of Gwalior, Indore and Malwa (Madhya Bharat) Fisheries Act, Samvat 2006".

(2) It extends to the whole of the United State.

(3) It shall come into force on such date as the Union Government may, by notification in the *Government Gazette*, declare in this behalf.

Definitions. 2. In this Act unless there is anything repugnant in the subject or context,—

(i) "Fish" includes shell-fish, and any fish in all stages in its life history;

(ii) "Fisheries Development Officer" means such Officer as the Government may appoint for the purposes of this Act and includes any officer empowered by the Government to act as Fisheries Development Officer;

(iii) "Fixed engine" means any net, cage, trap or other contrivance for taking fish, fixed in the soil or made stationary in any other way;

(iv) "Private water" means water which is the exclusive property of any person or in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity, but does not include any river, canal, dam (unless otherwise specified) stream, *Zhil*, or any piece of water which ordinarily has direct communication with any river, canal, stream or *Zhil*.

Explanation.—Water shall not cease to be "Private water" within the meaning of this definition by reason only of the fact that persons other than the owners may have by customs a right of fishery therein.

- (v) "Prescribed" means prescribed by rules made under this Act.
- (vi) "United State" means the United State of Gwalior, Indore and Malwa (Madhya Bharat).
- (vii) "Government" means the Government of the United State.

3. (1) The Government after previous publication may make rules for the purpose hereinafter in this section mentioned and shall in such rules declare the waters, not being private waters, which all or any of them shall apply. Protection of fisheries by making rules.

(2) The Government may, by notification, apply such rules or any of them to any private waters with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may :—

- (a) Prohibit or regulate all or any of the following matters, that is to say—
 - (i) the erection and use of fixed engines;
 - (ii) the construction, temporary or permanent, of weirs, dams and *bunds*;
 - (iii) the dimension, size of mesh and kind of nets to be used and the mode of using them;
 - (iv) the use of more than one method of catching fish at one time;
- (b) prohibit the destruction of, or any attempt to destroy fishes by explosives, gun, bow, arrow or the like in land waters;
- (c) prohibit the destruction of, or any attempt to destroy fishes by using a chemical or any other substance likely to cause pollution of water;
- (d) prohibit the throwing into any water of any solid or liquid which may be harmful to fishes in such water;
- (e) prohibit fishing except under a licence and regulate the grant of such licences, the fees payable therefor the conditions to be inserted therein;
- (f) prescribe the seasons during which the killing, catching or sale of fishes of any prescribed species shall be prohibited;
- (g) prescribe a minimum size or weight below which no fish of any prescribed species shall be sold; and
- (h) prescribe any procedure regarding sale or auctioning of fishes.

(4) Such rules may also prohibit all fishing in any specified water for a specified period.

(5) In making any rules under this section the Government may provide for,—

- (a) the seizure, removal and forfeiture of any fixed engine or apparatus erected or used for fishing in contravention of the rules, and
- (b) the forfeiture of any fishes taken by means of any such fixed engine or apparatus.

Power to prohibit sale of fish. 4. The Government may by notification prohibit in any specified areas the offering or exposing for sale or barter of any fish capture of which has been made unlawful by any rule made under section 3 of this Act, although caught outside the United State and although their capture might be legal at the place where caught.

Penalties. 5. If any person contravenes any of the provisions of this Act or rules made thereunder, he shall on conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Arrest without warrant for offence under this Act. 6. (1) Any Sub-Inspector of Police or other person specially empowered by the Government in this behalf may, without warrant, arrest any person committing or attempting to commit a breach of any provisions of this Act or rules made thereunder if the person declines to give his name and address or if there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate except under an order of the Magistrate for his detention according to the provisions of the Code of Criminal Procedure (Adaptation) Act, Samvat 2006 (Act No. 22 of 1949).

(3) All officers empowered by the Fisheries Development Officer in this behalf shall have the same powers to search and investigation in respect of an offence under this Act as a Police Officer of the rank of a Sub-Inspector has under the provisions of the Code of Criminal Procedure (Adaptation) Act, Samvat 2006.

Jurisdiction inferior to that of Magistrate of the second class excluded. 7. (1) No court inferior to that of a Magistrate of the second class shall try any offence under this Act.

(2) No court shall take cognizance of any offence under this Act, except on a report in writing of the facts constituting such offence made by the Fisheries Development Officer or a Police Officer not below the rank of Sub-Inspector or any other Officer specially authorised by the Fisheries Development Officer in this behalf.

Offences to be compounded. 8. (1) Any offence specified in the Schedule may be compounded by the Fisheries Development Officer by acceptance of a sum not exceeding one hundred rupees.

(2) On composition of an offence, the accused shall be discharged and property seized from his possession shall be released.

9. All persons empowered to exercise powers and perform duties under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860, as adapted in the United State. Officers to be deemed public servants.

10. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. Protection for anything done in good faith.

11. As soon as this Act comes into force all laws, rules and orders, if any, relating to the fisheries in force in any part of the United State shall stand repealed : Repeal.

Provided that all orders given and actions taken under them, in so far as they are not repugnant or contrary to the provisions of this Act, shall be deemed to have been given or taken under this Act.

THE SCHEDULE

Offences compoundable under section 8

1. Fishing with a net having a smaller mesh than that prescribed under the rules made under this Act.
2. Fishing without a licence.
3. Selling or attempting to sell fish of a size or weight less than the standard prescribed under this Act.
4. Killing or catching or selling or attempting to kill, to catch or sell any fish of a prohibited species during a close season.
5. Fishing or attempting to fish with any gear or method other than the prescribed gear or method.
6. Using at any one time more than one method of catching fish when prohibited under the rules made under this Act.
7. Licence-holder employing or engaging non-licenceses to help him with their nets while fishing.
8. Fishing or attempting to fish in prohibited water.
9. Offering or exposing for sale or barter any fish, the sale of which is prohibited in any specified area by a Notification issued under section 4.

**THE MYSORE GAME AND FISH PRESERVATION
ACT, 1901**

MYSORE ACT II OF 1901

**An Act to prevent the indiscriminate destruction of
Wild Animals and Birds, and to provide for the
protection of Game and Fish in Mysore**

Preamble. WHEREAS it is expedient to prevent the indiscriminate destruction of wild animals and birds, and to provide generally for the protection of game and fish in Mysore, Her Highness the Maharani-Regent is pleased to enact as follows :—

Short title. 1. (1) This Act may be called the "Mysore Game and Fish Preservation Act, 1901".

Extent and commencement. (2) It shall extend to such local areas as may from time to time be specified by Government by notification in the *Official Gazette*.

(3) And it shall come into force at the end of six months from the date of its publication in the *Official Gazette*.¹

"Game" defined. 2. In this Act "Game" means antelope, ibex, jungle-sheep, sambhar and all other descriptions of deer, bison, hares, jungle-fowl, spur-fowl, pea-owl, partridge, grouse, quail, wood-cock, bustard, florican, duck and teal, and shall include such other animals and birds as the Government of Mysore may by notification in the *Official Gazette*, declare to be game.

Absolute protection of particular classes other than "Game". 3. The Government of Mysore may, from time to time, by notification in the *Official Gazette*, prohibit absolutely the killing or capture of any specified kinds of animals or birds, the killing or capture of which the Government may consider unsportsmanlike or otherwise inexpedient, provided that such animals or birds do not come under the definition of "Game" for the time being in force.

Limited protection of particular classes killed for commercial purposes. 4. Whenever the Government of Mysore has reason to believe that any particular kinds of wild animals or birds, whether included in the definition of "Game" or not, are being largely destroyed for the sake of their skins, horns or plumage for commercial or other purposes, it may, by notification in the *Official Gazette*,—

(a) prohibit the killing or capture of such particular kinds except under and in accordance with the conditions of a licence, granted by such officer and in such form as the Government may prescribe in this behalf, and

¹ Act II of 1901 was first published in the *Mysore Gazette*, dated 11th April, 1901 (Part III)

(b) prohibit the killing or capture of such particular kinds either during a defined period of time, or within a defined area, or both.

5. (1) The Government of Mysore may, from time to time, by notification in the *Official Gazette*, make rules for the regulation and control of fishing in any stream or lake, and may, from time to time, amend or cancel any rule so made.

(2) Rules under this section may, among other matters, prohibit the poisoning of the water of any stream or lake, and prohibit or regulate the placing or throwing of any explosive or deleterious substance therein, and the use, for the capture of fish, of fixed engines and nets of a mesh below a certain size.

6. The Government of Mysore may, from time to time, by notification in the *Official Gazette*,

(1) fix a season or seasons in every year during which it shall not be lawful for any person within any specified local area, to kill or capture, or attempt to kill or capture, game or fish of any specified kind;

(2) prohibit altogether, for any period not exceeding five years, within any specified local area, the killing or capture of game or fish of any specified kind;

(3) prohibit absolutely the killing or capture of the mature females or immature males or females of any specified kinds of game, or the taking out or destruction of the eggs of game birds;

(4) prohibit or regulate the setting of nets, snares, traps, or spring-guns, the laying of poison or poisonous ingredients or preparations, or the digging of pits, to entrap or kill game or any specified kinds of game;

(5) regulate or prohibit, except under, and in accordance with the conditions of a licence granted as provided by rules to be framed by the Government, the capture and killing of game or of any specified kinds of game,

and may, from time to time, amend or cancel such notification :

Provided that no such notification shall have effect until one month from the date of its first publication in the *Official Gazette*.

7. The Government of Mysore may, from time to time, by notification in the *Official Gazette*, make rules regulating the sale of game and fish within any specified local area.

8. Any person who wilfully kills, captures or sells, or attempts to kill, capture or sell any animal, bird, game or fish, or does any other act, in contravention of this Act

or of any rules or notification under this Act in contravention of any condition contained in a licence granted under this Act or under the rules made thereunder, shall be liable on conviction to fine not exceeding one hundred rupees.

Disposal of killed or captured game or fish, or weapons, etc., belonging to the offender convicted under section 8. **9.** When any person is convicted of an offence punishable under this Act, the convicting Court or Magistrate may direct that the whole or any portion of any animal, bird, game or fish, killed or captured by such person and of all weapons, implements and dogs used in and for the purpose of aiding the commission of such offence, shall be confiscated, and any licence granted under this Act to such person may be cancelled by the officer who granted such licence.

Fees, fines, etc., realized under Act. Rewards to informants. **10.** Subject to such rules as the Government of Mysore may, from time to time, prescribe, all fees, fines levied, and sums realized by the sale of property confiscated under this Act, shall be paid into the public treasury. But the convicting Court or Magistrate may award to any person or persons on whose information the conviction was obtained, the whole or any portion of any fine imposed or of any sum realized as aforesaid.

Power to Forest and other officers to make arrests of offenders under this Act. **11.** Any Forest Officer and any other Officer or person empowered, in this behalf, by the Government of Mysore or by a subordinate Revenue Authority to which the Government may have delegated its authority for the purpose may arrest, without a warrant, any person who commits in his view any offence punishable under this Act or the rules thereunder, and who, on demand, refuses to give his name and address or gives a name and address which there is reason to believe is false.

Exception. **12.** Nothing in this Act shall be deemed to prevent any owner or occupier of land from killing, capturing or pursuing game, doing damage to any crop growing thereon, so far as the same may be necessary for the protection of the crop.

THE TRAVANCORE-COCHIN FISHERIES ACT, 1950

ACT XXXIV OF 1950

WHEREAS it is expedient to make provisions for matters relating to Fisheries in the State of Travancore-Cochin;

IT is hereby enacted as follows:—

1. (1) This Act may be called the Travancore-Cochin Fisheries Act, 1950.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force at once. Commencement.

2. In this Act, unless there is anything repugnant in the subject or context,—

“Fish” includes shell-fish;

“Fixed engine” means any net, cage, trap or other contrivance for taking fish, fixed in the soil or made stationary in any other way; and

“Private water” means water which is the exclusive property of any person or in which any person has for the time being an exclusive right of fishery, whether as owner, lessee or in any other capacity.

Explanation.—Water shall not cease to be “private water” within the meaning of this definition by reason only that other persons may have by custom a right of fishery therein.

3. (1) The Government may, by a notification in the Gazette, declare the whole year or any part thereof to be a close time in any area for any kind of fish. Close time.

(2) Subject to the provisions hereinafter contained it shall be unlawful except under a licence, and in the manner and to the extent permitted thereby to capture any fish during such close time.

4. (1) The Government may make rules for the purposes hereinafter in this section mentioned and may, by a notification in the Gazette, apply all or any of such rules to such waters, not being private waters, as the Government may specify in the said notification. Protection of fish in selected waters by rules passed by Government.

(2) The Government may also, by a like notification, apply such rules or any of them to any private water with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may prohibit all fishing in any specified water except under a licence granted by the Government and in accordance with such terms and conditions as may be specified therein.

(4) Such rules may also prohibit or regulate either permanently, or for a time or for specified seasons only, all or any of the following matters, that is to say :—

- (a) the erection and use of fixed engines;
- (b) the construction of weirs;
- (c) the dimension and kind of the contrivances to be used for taking fish generally, or any specified kind of fish and the modes of using such contrivances;
- (d) the minimum size or weight below which no fish of any prescribed species shall be killed;
- (e) the variety, description or power of lights used for fishing; and
- (f) the destruction of fish or depletion of fisheries by pollution by trade or industrial effluents.

(5) Notwithstanding anything contained in sub-section (1) (2), (3) or (4), the Government may for the purpose of preserving or protecting fish in any area, make rules restricting, regulating or otherwise controlling fishing in private waters generally, and they may by notification in the Gazette apply all or any of such rules to such private waters as they may specify in the said notification after giving notice to the owners thereof and to all persons having or believed to have an exclusive right of fishing therein and after hearing their objections, if any.

(6) In making any rule under this section the Government may provide for—

- (a) the seizure, forfeiture, and removal of any fixed engines erected or used or nets or other contrivances used for fishing in contravention of the rules, and
- (b) the forfeiture of any fish taken by means of any such fixed engine or nets or other contrivances.

Offering or exposing for sale or barter any fish killed in contravention of rules under Section 4. 5. The Government may, by notification in the Gazette, prohibit in any specified area the offering or exposing for sale or barter of any fish killed in contravention of any rule made under the last foregoing section.

Penalty. 6. The breach of any notification under Section 3 or of any rules made under Section 4, or of any notification under Section 5, shall be punishable with fine which may extend to one hundred rupees:

Provided that the Superintendent of Fisheries or any officer not below the rank of a Fishery Inspector specially authorised by Government in that behalf may accept from any person reasonably suspected of having committed an offence against the rules made under sub-section (3) of Section 4 by way of compensation for the offence which may have been committed, and where any property has been seized as liable to forfeiture may release the same on payment of the value thereof as estimated by him.

7. (1) If any person uses any dynamite or other explosive substances in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees, or with both.

Destruction of fish by explosives in inland waters and on coasts.

(2) In sub-section (1) the word "water" includes the sea within a distance of one marine league of the sea coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

8. (1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees, or with both.

Destruction of fish by poisoning waters.

(2) The Government may, by notification in the Gazette, suspend the operation of this section in any specified area and may in like manner, modify or cancel any such notification.

9. The Government may, from time to time, make rules to determine the officers by whom, the form in which and the terms and conditions subject to which any licence shall be granted.

Grant of licence.

10. Subject to any rule made in this behalf by the Government, any licence may be cancelled or suspended by the authority competent to issue the licence—

Cancellation of licence.

(a) when any of the terms or conditions of the licence has been infringed, or

(b) when the holder or any of the holders has been convicted of an offence against the provisions of this Act.

11. Every licence granted under this Act shall, unless otherwise provided for in the rules, be transferable, and may be granted and renewed for any period not exceeding one year, subject to the payment of such fee and on such conditions as may be fixed by rules made by the Government from time to time:

Period of and fees for licence.

Provided that the Government or any Officer empowered by the Government in this behalf may, either in the interests of scientific research or for any other cause, exempt any person from taking out a licence under this Act:

Provided further that the provisions of this section shall not apply to fishing stakes and China nets.

12. Every holder of a licence granted under this Act shall be bound to produce such licence for inspection at any time, on being required to do so by any Magistrate, or by any Police Officer, or by any other person authorised in this behalf, by name or in virtue of his office by the Government.

Duty of licence-holders to produce licence.

- Subsequent convictions for offences under the Act.** 13. Whoever, having been already convicted of an offence under this Act, is again convicted thereunder, shall, on every subsequent conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.
- Confiscation.** 14. When any person is convicted of an offence punishable under this Act the convicting Magistrate may direct that any fish in respect of which the offence has been committed or the flesh or any part of such fish, together with the instruments, if any, with which the offence was committed, shall be confiscated.
- Presumption of commission of certain offences.** 15. Where any person is found carrying any fish recently captured or killed, together with any instruments with which such fish could be so captured or killed, the Court shall presume that he has captured or killed such fish with such instrument.
- Duty of Court as regards cancellation of licence.** 16. When the holder of a licence granted under this Act has been convicted of an offence thereunder, the convicting Court shall send a copy of its judgment together with the licence (if before the Court) to the nearest authority empowered to cancel the licence under this Act, for such action as such authority may deem fit.
- Power of seizure when offence committed in presence of certain Officers and persons.** 17. Where any person commits an offence against the provisions of this Act in the presence of a Police Officer, or of any other person authorised in this behalf by name or in virtue of his office by the Government, such officer or person may seize the fish, if any, captured or killed and also any instrument used in the commission of such offence, and shall send them without unnecessary delay, together with a report of the circumstances, to a Magistrate competent to take cognizance of the alleged offence.
- Power of Government to make rules.** 18. The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act and to provide for appeals from orders made under this Act by any person other than a Magistrate, and such rules, when so published, shall have the force of law.
- Power of Government to concede right of taking certain imported fish to clubs or associations.** 19. (1) Whenever it appears that adequate arrangements have been made by any club or association for preserving and protecting in any water any non-indigenous variety of fish specified by the Government by notification in the Gazette, the Government may by order in writing concede to such club or association the exclusive right of taking such fish in such water within such limits and for such period and subject to such conditions as the Government may deem fit.
- (2) Any club or association to which such right has been conceded may, subject to the approval of the Government, make rules for the protection and preservation of the fish to which the concession applies, and for regulating the manner in which they may be taken. Such rules when approved by the Government shall be published in the Gazette.

(3) In particular, and without prejudice to the generality of the power conferred by the last preceding sub-section, such rules may—

- (a) provide for the issue of licences by the club or association (either in addition to or in substitution for the licences prescribed by Section 9) enabling the licencees to fish for and take the fish to which the concession applies subject to the rules of the club or association;
- (b) prescribe the fees chargeable on the issue of such licences;
- (c) provide for the application of such fees; and
- (d) prescribe a close season for the fish with regard to which the concession was given.

20. Any person who fishes or takes, or attempts to take any fish for the taking of which a licence is required by rules made under Section 19 without such licence, or during the close season prescribed by such rules, or in contravention of any of such rules, shall be liable to the punishment prescribed by Section 6.

Fishing without licence in conceded waters.

21. Any Police Officer or other person specially empowered by the Government in this behalf may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act or of any rule made thereunder, if the name and address of such person be unknown to him and if such person declines to give his name and address or if the Police Officer or any person empowered as aforesaid shall have reason to doubt the accuracy of such name or address, if given, such person may, subject to the Code of Criminal Procedure for the time being in force, be detained at the Station-house until his name and address shall be correctly ascertained.

Power to arrest.

22. (1) Notwithstanding anything contained in any other provisions of this Act or any law or custom having the force of law, it shall be unlawful for any person except under a licence, and in accordance with the terms and conditions, if any, prescribed by rules made under this section, to attract prawns or cause or allow migration of prawns into private waters from any waters notified under sub-section (1) of Section 4 by the use of sluices, openings, alluring lights or other contrivances and catch, destroy, cause injury to or prevent escape of any such fish by the use of nets, gratings, gears or any other means whatsoever.

Prohibition against attracting prawns into private waters except under a licence.

(2) Any person contravening the provisions of sub-section (1) shall, on conviction, be liable to a fine not exceeding two hundred rupees.

(3) The Government may make rules for the purpose of giving effect to the provisions of this section and prescribe therein the terms and conditions under which a licence may be issued.

(4) Fee at such rates as may be fixed by the Government by rules made under sub-section (3) shall be paid in respect of every licence issued under sub-section (1):

Provided that the fee payable for any such licence shall not exceed a sum calculated at rupees five per acre of the private waters into which prawns are attracted or caused or allowed to migrate.

(5) The breach of any rule made under sub-section (3) or of the conditions of any licence issued under sub-section (1), shall be punishable with fine which may extend to one hundred rupees.

Power to apply provisions of Act to shells of fish.

23. The Government may, by notification in the Gazette, apply the provisions of this Act to shells of fish, if, in their opinion, it is desirable to prohibit or regulate the collection of the same from any water.

Explanation.—For the purposes of this section, the word “water” includes the sea within a distance of one marine league of the sea coast.

Repeal.

24. The Travancore Fisheries Act, XI of year 1097 and the Cochin Fisheries Act, III of 1092 are hereby repealed :

Provided that all licences granted under the said Acts shall continue in force for the periods for which the same have been granted subject to the provisions of the said Acts.

THE STATE OF BHOPAL FISHERIES ACT, 1952

ACT V OF 1953

An Act to provide for the protection, conservation, auctioning and development of Fisheries in the State of Bhopal

WHEREAS it is expedient to provide for the protection, conservation, auctioning and development of Fisheries in the State of Bhopal;

It is hereby enacted as follows :—

1. (1) This Act may be called the State of Bhopal Fisheries Act, 1952. Title, extent and commencement.

(2) It extends to the whole of the State of Bhopal.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, declare in this behalf.

2. In this Act unless there is anything repugnant in the subject or context,—

- (i) "Fish" includes shell-fish.
- (ii) "Fisheries Development Officer" means such officer as the Government may appoint for the purpose of this Act and includes any officer empowered by the Government to act as Fisheries Development Officer.
- (iii) "Fixed engine" means any net, cage, trap or other contrivance for taking fish fixed in the soil or made stationary in any other way.
- (iv) "Private Water" means water which is the exclusive property of any person or in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity.

Explanation.—Water shall not cease to be "Private Water" within the meaning of this definition by reason only of the fact that persons other than the owners may have by customs a right of fishery therein.

(v) "Prescribed" means prescribed by rules made under this Act.

3. (1) The Government after previous publication in the official Gazette may make rules for the purpose hereinafter in this section mentioned and shall in such rules, declare the waters, not being private waters to which all or any of them shall apply. Protection of Fisheries by making Rules.

(2) The Government may, by notification in the official Gazette, apply such rules or any of them to any private waters with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fisheries therein.

- (3) Such rules may—
- (a) prohibit or regulate all or any of the following matters, that is to say—
 - (i) the erection and use of fixed engines;
 - (ii) the construction of temporary or permanent weirs, dams and bunds;
 - (iii) the dimensions, size of mesh and kind of nets to be used and the mode of using them;
 - (iv) the use of more than one method of catching fish at one time;
 - (b) prohibit the destruction of or any attempt to destroy fishes by explosive, gun, bow, arrow or the like in inland waters;
 - (c) prohibit the destruction of or any attempt to destroy fishes by using a chemical or any other substance likely to cause pollution of water;
 - (d) prohibit the throwing into any water of any solid or liquid or gas which may be harmful to fishes in such waters;
 - (e) prohibit fishing except under a licence and regulate the grant of such licences, the fees payable therefor and the conditions to be inserted therein;
 - (f) prescribe the seasons during which the killing, catching or sale of fishes of any prescribed species shall be prohibited;
 - (g) prescribe a minimum size or weight below which no fish of any prescribed species shall be sold;
 - (h) prescribe any procedure regarding sale or auctioning of fishes; and
 - (i) require an owner of a private water to undertake fish-culture in his waters.
- (4) Such rules may also prohibit all fishes in any specified water for a specified period.
- (5) In making any rules under this section the Government may provide for—
- (a) the seizure, removal and forfeiture of any fixed engine or apparatus erected or used for fishing in contravention of the rules, and
 - (b) the forfeiture of any fishes taken by means of any such fixed engine or apparatus.

Power to prohibit sale of fish. 4. The Government may, by notification in the official Gazette, prohibit in any specified areas the offering or exposing for sale or barter of any fish the capture of which has been made unlawful by any rule made under section 3 of this Act, irrespective of the place where it has been caught.

5. If any person contravenes any of the provisions of this Act or rules made thereunder, he shall on conviction be punishable with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both.

Penalties.

6. (1) Any Sub-Inspector of police or other person specially empowered and notified in the official Gazette by the Government in this behalf may, without warrant, arrest any person committing or attempting to commit a breach of any provisions of this Act or rules made thereunder if the person declines to give his name and address or if there is reason to doubt the accuracy of the name and address if given.

Arrest without warrant for offence under this Act.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate except under an order of the Magistrate for his detention according to the provisions of the Code of Criminal Procedure, 1898.

Act V of 1898.

(3) All officers empowered by the Fisheries Development Officer in this behalf shall have the same powers to seize, search and investigate in respect of an offence under this Act as a Police Officer of the rank of a Sub-Inspector has under the provisions of the Code of Criminal Procedure, 1898.

Act V of 1898.

7. (1) No court inferior to that of a Magistrate of the second class shall try any offence under this Act.

Jurisdiction inferior to that of Magistrate of the II class excluded.

(2) No court shall take cognizance of any offence under this Act except on a report in writing of the facts constituting such offence made by the Fisheries Development Officer or a Police Officer not below the rank of Sub-Inspector or any other officer specially authorised by Fisheries Development Officer in this behalf.

8. (1) Any offence specified in the schedule may be compounded by the Fisheries Development Officer or any other person specially empowered by the Government in this behalf by acceptance of a sum not exceeding one hundred rupees along with the value of the property seized, as estimated by such officer.

Offences to be compounded.

(2) On composition of an offence, the accused shall be discharged and property seized from his possession shall be released.

9. All persons empowered to exercise powers and perform duties under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Officers to be deemed public servants.

Act XLV of 1860.

THE SCHEDULE

Offences compoundable under section 8

1. Fishing with a net having a smaller mesh than that prescribed under the rules made under this Act.
2. Fishing without a licence.
3. Selling or attempting to sell fish of a size or weight less than the standard prescribed under this Act.
4. Killing or catching or selling or attempting to kill, to catch or sell any fish of a prohibited species during a close season.
5. Fishing or attempting to fish with any gear or method other than the prescribed gear or method.
6. Using at any one time more than one method of catching fish when prohibited under the rules made under this Act.
7. Licence-holder employing or engaging non-licencees to help him with their nets while fishing.
8. Fishing or attempting to fish in prohibited waters.
9. Offering or exposing for sale or barter any fish, the sale of which is prohibited in any specified area by a Notification issued under section 4.

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