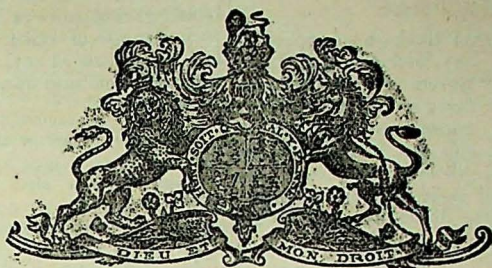


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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th November 1898:

Bill No. 13 of 1898.

THE GLANDERS AND FARCY BILL.

CONTENTS.

SECTIONS.

1. Short title, extent and commencement.
2. Definition of "diseased."
3. Application of Act to local areas by Local Government.
4. Local Government to appoint Inspectors.
5. Power of entry and search.
6. Power of seizure.
7. Horse to be examined by Veterinary Practitioner.
8. Horse to be destroyed if found diseased: otherwise restored.
9. When horse diseased, place where it has been to be disinfected, etc.
10. Owner or person in charge of diseased horse to give notice.
11. Prohibition against removal, without license, of horse which has been with diseased horse.
12. Vexatious entries, searches and seizures.
13. Penalty for refusing to comply with notice under section 9, or moving horse contrary to section 11.
14. Power to make rules.

15. Appointment of same person to be both Inspector and Veterinary Practitioner.
16. Repeal.

THE SCHEDULE.—ENACTMENTS REPEALED.

A Bill to consolidate and amend the Law relating to Glauclers and Farcy.

WHEREAS it is expedient to consolidate and amend the law relating to glauclers and farcy; It is hereby enacted as follows:

1. (1) This Act may be called the *Glauclers and Farcy Act, 1898.* [1.]
 - (2) It extends to the whole of British India; and
 - (3) It shall come into force at once.
 2. (1) In this Act, unless there is anything repugnant in the subject or context, "diseased" means affected with glauclers or farcy or any other dangerous epidemic disease among horses which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf. [2.]
 - (2) *The Provisions of this Act relating to horses shall apply also to asses and mules.*
 3. The Local Government may, by notification in the local official Gazette, apply this Act, or any provision of this Act, to [3.]
- Application of Act to local areas by Local Government.

any local area, to be specified in such notification, within the *province*.

- [4.] 4. (1) When this Act has been so applied to any local area, the Local Government may, by notification in the *local* official Gazette, appoint such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of such local area or such portions thereof as it may prescribe, the powers conferred and the duties imposed by this Act on such officers.

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

XLV of 1860.

- [5.] 5. *Within the local limits for which he is so appointed, any such Inspector may, subject to such rules as the Local Government may make in this behalf, enter and search any field, building or other place for the purpose of ascertaining whether there is therein any horse which is diseased within the meaning of this Act.*

- [6.] 6. *Within such limits as aforesaid, any such Inspector may seize any horse which he has reason to believe is diseased.*

- [7.] 7. *On any such seizure, the Inspector shall cause the horse so seized to be examined as soon as possible by such Veterinary Practitioner as the Local Government may appoint in this behalf:*

Provided that, when the Inspector is also a Veterinary Practitioner so appointed, he may make the examination himself.

- [8.] 8. (1) *If such Veterinary Practitioner certifies in writing that such horse is diseased, the Inspector shall cause the same to be immediately destroyed:*

Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any rules which the Local Government may make in this behalf, be either destroyed or otherwise treated or dealt with as the Veterinary Practitioner may deem necessary.

(2) *If such Veterinary Practitioner does not so certify that such horse is diseased, the Inspector shall at once deliver the same to the person entitled to the possession thereof.*

- [9.] 9. (1) *When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of such building, shed, place or lines, or the person in charge thereof, directing him to have the same disinfected and the internal fittings thereof, or such other things found therein or near thereto as the Local Government may by rule prescribe, destroyed.*

(2) *On the failure or neglect of such owner or other person to comply with such notice within*

a reasonable time, the Inspector shall cause such building, shed, place or lines to be disinfected and such fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from such owner or other person as if it were a fine.

- [10.] 10. *The owner or any person in charge of a diseased horse shall give immediate information of such horse being diseased to the Inspector or to some police-officer.*

- [11.] 11. *No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall move such horse, except in good faith for the purpose of preventing infection or under a license to be granted by the Inspector and subject to the conditions of such license.*

- [12.] 12. (1) *Whoever, being an Inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place, or seizes or detains any horse on the pretence that it is diseased, 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.*

- [13.] 13. *Whoever refuses or neglects to comply with any notice issued by the Inspector under section 9, or for moving under section 9, or moves any horse in contravention of section 11, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.*

- [14.] 14. (1) *The Local Government may make rules to carry out the purposes and objects of this Act.*

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

- (a) *regulate entries and searches by Inspectors under this Act;*
- (b) *regulate the destruction or treatment, as the case may be, of horses certified under section 8 to be diseased, and the disposal of the carcasses of diseased horses which have been destroyed thereunder;*
- (c) *regulate the disinfecting of buildings and places in which diseased horses have been, and prescribe what things found therein or near thereto shall be destroyed; and*
- (d) *regulate the grant of licenses under section 11 and the conditions on which such licenses shall be granted.*

(3) All such rules shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

(4) In making any rule under this section, the Local Government may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

[15.] 15. Any Veterinary Practitioner may be appointed by the Local Government to be both Inspector and Veterinary Practitioner for all or any of the purposes of this Act or of any rule thereunder.

[New.] 16. *The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof.*

THE SCHEDULE.
ENACTMENTS REPEALED.
(See section 16.)

Year.	No.	Short Title.	Extent of Repeal.
1879	XX	<i>The Glanders and Farcy Act, 1879.</i>	<i>The whole Act.</i>
1891	XII	<i>The Repealing and Amending Act, 1891.</i>	<i>So much as relates to Act XX of 1879.</i>
1896	XV	<i>The Glanders and Farcy Act (1879) Amendment Act, 1896.</i>	<i>The whole Act.</i>
1897	XIV	<i>The Indian Short Titles Act, 1897.</i>	<i>So much as relates to Act XV of 1896.</i>

STATEMENT OF OBJECTS AND REASONS.

Sections 5 and 6 of the Glanders and Farcy Act, 1879 (XX of 1879), as interpreted by the Courts, merely empower an Inspector appointed under that Act to enter and search, with a view to seizure, any building or place in which, from personal knowledge or information taken down in writing, he has reason to believe that there is a horse affected with glanders or farcy. They give such an officer no power to visit places, such as livery stables, for the purpose of ascertaining whether there is therein any animal which is so diseased and ought, in the public interests, to be seized and destroyed. The main object of the legislation now proposed—see clauses 5 and 6 of the Bill—is to remove this defect in the law.

2. The expediency of making the Act capable of application, like the Bengal Contagious Diseases (Animals) Act, 1880 (Ben. Act VIII of 1880), to diseases among horses, other than glanders or farcy, has at the same time been brought to the notice of the Government of India, and a wider meaning has, in consequence, been given to the word "diseased" by clause 2 (1) of the Bill.

3. These changes involve certain other ancillary amendments in the Act of 1879. Thus section 8 is imperative as to the immediate destruction of a horse affected with glanders or farcy; but this is not necessary in the case of, say, anthrax, to which the law may hereafter be extended, and clause 8 of the Bill has, therefore, been drawn in a modified form. Again, section 12 must cease to penalize entry or search without reasonable ground of suspicion, and the corresponding clause now proposed has been altered accordingly. Finally, the Act has already been more or less substantially amended by Acts XII of 1891 and XV of 1896, and, in these circumstances, it has been deemed desirable to repeal the whole and to re-enact it with the necessary alterations. The measure has thus taken the form of "a Bill to consolidate and amend the law relating to glanders and farcy."

(Signed) C. M. RIVAZ.

The 28th October 1898.

J. M. MACPHERSON,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th November 1898 :

No. 14 of 1898.

A Bill to amend the Law relating to Carriers.

WHEREAS it is expedient to amend the law relating to carriers; it is hereby enacted as follows :—

Short title and commencement. 1. (1) This Act may be called the Carriers Act, 1899; and

(2) It shall come into force on the first day of May 1899.

III of 1865. 2. After section 9 of the Carriers Act, 1865, the following section shall be added, namely :—
Addition of new section 10 to Act III, 1865.

" 10. No suit shall be instituted against a common carrier for the loss, damage or non-delivery of goods entrusted to him for carriage, unless notice of the loss, damage or non-delivery, as the case may be, has been given to him before the institution of the suit and within six months of the time when the loss, damage or non-delivery first came to the knowledge of the plaintiff."

3. In the second schedule to the Indian Limitation Act, 1877, the entry numbered 30 shall be removed from Part V to Part IV, and for the words "Two years" in the second column thereof, fixing the period of limitation for a suit against a carrier for compensation for losing or injuring goods, the words "One year" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill proposes to add to the Carriers Act, 1865 (III of 1865), a section providing that no suit shall be instituted against a common carrier for loss, damage or non-delivery of goods entrusted to him for carriage unless notice has been given to him before the institution of the suit and within six months of the time when the loss, damage or non-delivery came to the knowledge of the plaintiff. It further proposes to amend the second schedule to the Indian Limitation Act, 1877 (XV of 1877), so as to reduce the period of limitation for the institution of such a suit from two years to one year from the time when the loss or injury complained of occurred.

2. The measure is the outcome of representations which have from time to time been made by certain River Steamer Companies and have formed the subject of prolonged consideration on the part of the Secretary of State, the Government of India and Local Governments. These Companies have for several years past been pressing to be relieved from some of the liabilities which fall upon them as common carriers. At the outset the chief cause of complaint lay in the fact that steam-boats belonging to railways had by section 81 of the Indian Railways Act, 1890 (IX of 1890), been exempted from the obligations imposed by the Carriers Act, 1865; but this has been removed through the repeal, by Act IX of 1896, of the special provision in question. There remains, however, a further grievance which, in the opinion of the Government of India, calls for a remedy. The onus of proving the absence of negligence or of criminal conduct is, by section 9 of the Act of 1865, laid upon the carrier; and it seems unreasonable that persons in the position of these Companies should be liable to meet claims preferred, it may be, two years after the occurrence of the cause of action, when it is difficult, if not impossible, for them to defend themselves with the necessary evidence, consisting in the main, as it must, of the statements of the crew, who never make engagements for so long a period. It would not be right to legislate in favour of River Steamer Companies only, and it has, therefore, been decided to require that notice be given within a reasonable time of the intention to bring a suit against any carrier, and that the period of limitation in such cases should be reduced. As to the amount of the notice and the extent of the reduction there has been some difference of opinion; but the Government of India have, after giving their best consideration to the matter, arrived at the conclusion that notice should be given within six months, and that the period of limitation should be fixed at one year, instead of at two years.

3. These proposals will not meet all the demands made by the Companies referred to; but the Government of India think that they will remove all just cause of complaint on their part.

The 22nd October 1898.

(Signed) M. D. CHALMERS.

J. M. MACPHERSON,
Secretary to the Government of India.