

THE ORISSA ANIMAL CONTAGIOUS DISEASES ACT, 1949.

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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 commencement.

1. (1) This Act may be called the Orissa Animal Contagious Diseases Act, 1949.

(2) It extends to the whole of the Province of Orissa.

(3) This section shall come into force at once and the Provincial Government may, by notification, bring the rest of this Act, or any part of it into force in the Province or in any area in the Province on such date and for such period as may be specified in the notification.

Power to exempt areas from the Provisions of this Act.

2. Notwithstanding anything contained in section 1 the Provincial 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.

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 rules or regulations 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 Provincial 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.

Veterinary Surgeons.

5. (1) The Provincial 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 Provincial 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 XLV of 1860 Indian Penal Code.

Powers of Inspector

8. An Inspector may, subject to any rules made in this behalf by the Provincial 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-provincial trade and to control transport of animals and things which may spread disease.

9. (1) The Provincial 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 Province 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 Province of Orissa of any such animals, parts of animals, or things.

(2) The Provincial Government may, by notification, specify the season or seasons during which and the route or routes by which, animals may be imported into the Province and no person shall import animals into the Province otherwise than during the season and by the route so appointed.

(3) The Provincial 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.

(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.

Power to control the holding of markets, fairs, etc.

10. The Provincial 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 traffic in infective animals.

11. The Provincial 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.

Cleaning 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 Provincial Government may, by regulations, prescribe.

(2) The Provincial 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.

Duty of certain persons to report scheduled disease.

13. Every owner or person in charge of, every person bringing into the Province 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.

Power of
Veterinary
Surgeon
to hold
post-
mortem.

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 to
isolate
infective
animals.

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 :

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.

Examina-
tion by
the Veteri-
nary
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 Provincial Government may, by regulations, prescribe in this behalf.

Action after
examination
by
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 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 Provincial 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 Provincial 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 Provincial 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 Province 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 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.

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 arrange for the immediate disinfection thereof 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 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.

(3) The Veterinary Surgeon shall forthwith report his action under sub-section (2) to the authority prescribed 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, 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.

(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.

Declaration of infected areas by the Provincial Government.

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 Provincial Government—

(a) may cancel any declaration made under section 21 or 22; or

(b) may confirm such declaration either with or without modifications.

(2) Where the Provincial 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 Provincial Government confirms 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 license 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, order, notification or rule within which such measures shall be taken or such thing shall be done, as the case may be.

Recovery of expenses incurred under this Chapter.

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.

CHAPTER III

PENALTIES AND PROCEDURE

Penalties for contravention of the Acts, regulations and rules.

28. Whoever—

(a) removes from any part of the Province 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 ;

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 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 a 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 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.

Bar of claim to compensation.

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.

Power of Provincial Government to make regulations and rules.

38. (1) The Provincial 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 licenses 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 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 Province of Orissa or any specified part or place thereof and the movement from one place to another in the Province 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-provincial quarantine stations.

(3) In making a rule or regulation under this section the Provincial 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 Provincial Government under this Act shall be published in the Gazette.

Protection to persons acting under the Act.

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.

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 1899
V of 1910

SCHEDULE

APPENDIX I

SCHEDULE OF DISEASES REFERRED TO IN SECTION 4

1. Rinderpest or Cattle Plague
2. Foot and Mouth Disease
3. Haemorrhagic Septicaemia
4. Blackquarter
5. Anthrax
6. Tuberculosis
7. Johnes Disease
8. Glanders and Farcy
9. Epizootic Lymphangitis
10. Dourine
11. Rabies
12. Surra