

## **EAST PUNJAB ANIMAL CONTAGIOUS DISEASES ACT, 1948**

**47 of 1948**

**[15th November, 1948]**

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## **EAST PUNJAB ANIMAL CONTAGIOUS DISEASES ACT, 1948**

**47 of 1948**

**[15th November, 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 1 PRELIMINARY

#### **1. Short title, extent and commencement :-**

(1) This Act may be called the East Punjab Animal Contagious Diseases Act, 1948.

(2) It extends to the whole of the Union Territory of Delhi.

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

#### **2. Power to exempt areas from the provisions of this Act :-**

Notwithstanding anything contained in section 1, the Chief Commissioner 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.

### **3. Definitions :-**

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.

### **4. Scheduled Diseases :-**

The diseases specified in Schedule in Appendix I shall in the first instance be scheduled diseases for the purpose of this Act, but the Chief Commissioner may, by notification

(a) delete any entry from the Schedule, or

(b) include in the Schedule any communicable disease of animal to which it is expedient in his opinion that the provisions of this Act should apply.

### **5. Veterinary surgeons :-**

(1) The Chief Commissioner may either by name or designation appoint any person holding the office of Veterinary Assistant or Veterinary Assistant Surgeons, or any graduate of a recognised veterinary college whom he thinks 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. Inspectors :-**

The Chief Commissioner may either by name or designation appoint any person he 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. Status of veterinary surgeons and inspectors :-**

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 (XLV of 1860).

## **8. Powers of Inspectors :-**

An inspector may, subject to any rules made in this behalf by the Chief Commissioner, 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 2

#### CONTROL OF DISEASE

## **9. Power to regulate interstate trade and to control transport of animals and things which may spread diseases :-**

(1) The Chief Commissioner for the purposes of preventing the outbreak or spread of any disease, may, by notification prohibit or regulate in such manner and to such extent as he may think fit

(a) the bringing or taking into the Union Territory of Delhi 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 his opinion, carry infection;

(b) the removal from any specified part of the Union Territory of Delhi of any such animals, parts of animals, or things.

(2) The Chief Commissioner may, by notification, specify the season or seasons during which and the route or routes by which animals may be imported into the Union Territory of Delhi and no person shall import animals into the Union Territory of Delhi otherwise than during the season and by the route so appointed.

(3) The Chief Commissioner may establish quarantine stations for the inspection and detention of such animals along the routine 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 by the Chief Commissioner.

(5) The animals so detained shall remain under the care of the person incharge 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.

**10. Power to control the holding of markets, fairs, etc :-**

The Chief Commissioner, 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 he may think fit, the holding of animal markets, animal fairs, animal exhibitions or other concentrations of animals in any specific area.

**11. Power to control traffic in infective animals :-**

The Chief Commissioner 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.

**12. Cleansing and disinfection of vessels and vehicles :-**

(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 Chief Commissioner may by regulations prescribe.

(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, 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.

**13. Duty of certain persons to report scheduled diseases :-**

Every owner or person in charge or every person bringing into the Union Territory of Delhi and every veterinary practitioner who has been called to treat, an animal which he has reason to believe to be infected shall forthwith report the fact to the Inspector exercising powers in the area.

**14. Power of veterinary surgeon to hold post-mortem :-**

Subject to such rules as may be made in this behalf by the Chief Commissioner, 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.

**15. Power to isolate infective animals :-**

(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 :

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. Examination by the Veterinary Surgeon :-**

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 Chief Commissioner may by regulations prescribe in this behalf.

**17. Action after examination by the Veterinary Surgeon :-**

(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 :

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 Chief Commissioner 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, deal with it in such other manner as the Chief Commissioner 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 Chief Commissioner may, by rules, prescribe in this behalf.

### **18. Compensation for animals destroyed :-**

Compensation may be paid to the owner of an animal if destroyed under section 17, and such compensation shall be determined and in accordance with the 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 Union Territory of Delhi, was affected with the disease on account of which it was destroyed.

### **19. Power to require disinfection infected premises, vessels or vehicles :-**

(1) Subject to rules to be made in this behalf by the Chief Commissioner, the Veterinary Surgeon may, by order in writing require the owner, occupier or person incharge of any building, vessel or vehicle in which there has been an infective animal to have such building, yard, vessel or vehicle disinfected, and 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.

(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, yards, vessels or vehicle to be disinfected or destroyed at the expense of the owner.

### **20. Declaration of private infected places :-**

(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 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.

### **21. Examination of infected place by Veterinary Surgeon :-**

(1) The Veterinary Surgeons 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 Chief Commissioner in this behalf.

### **22. Declaration of public infected places :-**

(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.

(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 incharge 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 Chief Commissioner in this behalf.

### **23. Declaration of infected areas by the Chief Commissioner :-**

(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 he may think fit, the Chief Commissioner

(a) -may cancel any declaration made under sections 20, 21, or 22;

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

(2) Where the Chief Commissioner 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 Chief Commissioner confirms such declaration either with or without modifications the Chief Commissioner 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 place, and area so defined shall cease to be an infected the Inspector shall give notice accordingly to the owner, occupier or person incharge 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. Removal of animals and other things from infected areas, or places :-**

(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.

(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).

**25. Power to return animals etc to infected areas :-**

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.

**26. Time for complying with enforcement of orders :-**

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.

**27. Recovery of expenses incurred under this chapter :-**

Where any action may be taken under this Chapter in respect of any property at 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 3**

**PENALTIES AND PROCEDURE**

**28. Penalties for contraventions of Acts, Regulations and Rules :-**

Whoever

(a) removes from any part of the Union Territory of Delhi any animal, alive or dead or any part of an animal or any fodder, bedding or other thing in contravention of 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 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 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 first conviction, to one hundred rupees and, in the case of a second or subsequent conviction, to five hundred rupees.

**29. Penalty for keeping or grazing infective animal in unenclosed land :-**

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, an animal which he knows to be infective shall be punishable with fine which may extend in the case of first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

**30. Penalty for bringing infective animal to market :-**

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.

**31. Penalty for placing carcass of infective animal in river :-**

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 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, in the case of a second or subsequent conviction to five hundred rupees, or with both imprisonment and fine.

**32. Penalty for disinterring carcass of diseased animal :-**

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.

**33. Penalty for malicious and vexatious entry or seizure by inspector :-**

(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 one month from the date on which the offence is alleged to have been committed.

**34. Arrest without order or warrant :-**

Any police officer not 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 sections 9, 10, 24 and 31 of this Act.

**35. Institution of proceedings :-**

No prosecution under this Act, except under section 33 shall be instituted except by or under the authority of the Veterinary Surgeon.

**36. Jurisdiction of Magistrates :-**

No Magistrate shall try any offence under this Act unless he is a

Magistrate of the first class, or Magistrate of second class specially empowered in this behalf by the Chief Commissioner.

**37. Bar of claim to compensation :-**

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.

**38. Power of Chief Commissioner to make Regulations and Rules :-**

(1)The Chief Commissioner 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 439

(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;

(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, treatment (including sterilisation 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 Union Territory of Delhi or any specified part or place thereof, and the movement from one place to another, in the Union Territory of Delhi of animals, alive or dead, or parts of animals or fodder, bedding or other thing;

(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-State quarantine stations.

(2) In making a rule under this section the Chief Commissioner 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 case of a second or subsequent conviction to five hundred rupees.

**39. Power to make Regulations and Rules subject to previous publication :-**

(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.

(2) All regulations and rules made by the Chief Commissioner under

this Act shall be published in the Official Gazette.

**40. Protection to persons acting under this act :-**

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.