

Horse Sickness (Amendment) Act, 1960

27 of 1961

[26 September 1961]

CONTENTS

1. Short Title And Extended
2. Definitions
3. Appointment Of Veterinary Officer
4. Power To Prohibit Or Regulates, Import, Export Or Transport Of, Holding Of Markets, Fairs, Etc., Of And Traffic In, Infective Horses
5. Prohibition Of Imports Or Export Of Otherwise Than By Routed Appointed
6. Establishment Of Quarantine Stations
7. Declaration Of Infected Areas
8. Restriction On Movement Of Horses
9. Detention For Marking, Etc., At Quarantine Station Shall Become Liable
10. Liability Of Person In Charge Of Horse For Feeding And Upkeep
11. Permit Of Release Of Horse
12. Prohibition To Pass Beyond Quarantine Station
13. Report Of Infection
14. Power To Isolate, Seize And Destroy Or Otherwise Of Infective Horse
15. Power To Enquire Disinfection Or Infected Promised Vehicle Or Vehicles
16. Disposal Of Carcass
17. Power Of Veterinary Officer To Hold Post-Mortem
18. Finally Of Decision Of Veterinary Officer
19. Keeping Or Grazing Infective Horse Prohibited
20. Bringing Of Infective Horse In Market, Etc
21. Placing Of Carcass Of Infective Horse In River, Etc., Prohibited
22. Powers Of Entry And Inspection
23. Penalty
24. Cognizance Of Offence
25. Jurisdiction Of Magistrate
26. Section 26
27. Protection For Action Taken Under This Act
28. Veterinary Officer To Be Public Servant
29. Power To Make Rules
30. Repeal

FORM 1 :- FORM I

FORM 2 :- Form II

FORM 3 :- FORM III

Horse Sickness (Amendment) Act, 1960

27 of 1961

[26 September 1961]

(Received the assent of the Governor on the 22nd October 1960; assent first published in the "Madhya Pradesh Gazette" on the 28th October 1960). An Act to provide for the prevention of the spread of African sickness among horses in Madhya Pradesh, and matters ancillary thereto. Be it enacted by the Madhya Pradesh Legislature in the Eleventh Year of the Republic of India as follows:-

1. Short Title And Extended :-

- (1) This Act may be called the Madhya Pradesh Horse Sickness Act, 1960.
- (2) It extends to the whole of Madhya Pradesh.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) a horse includes ponies, mules, donkeys, asses and other nine animals of both sexes and their young ones.
- (b) "horse sickness" means African horse sickness;
- (c) "infective" with reference to a horse means affected by horse sickness or having recently been in contact with or proximity to an animal so affected.
- (d) "infected area" means the area declared to be infected area under section 7;
- (e) "veterinary Officer" means a Veterinary Officer appointed under section 3.

3. Appointment Of Veterinary Officer :-

The State Government may, by notification appoint a person to be a Veterinary Officer for the purposes of this Act for such local area as may be specified in the notification.

4. Power To Prohibit Or Regulates, Import, Export Or Transport Of, Holding Of Markets, Fairs, Etc., Of And Traffic In, Infective Horses :-

The State Government may, for the purposes of preventing the outbreak or spread of horse sickness within the State, by notification.-

(a) Appoint the route or routes, by which horses may be imported in or export from the State or infected areas; or

(b) prohibit, control or regulate the taking of horses to animal markets, animal fairs, animal exhibitions or other concentration of animals.

(c) prohibit or regulate the sale or other dealings in infective horses or carcasses of such horses or any fodder, feeding utensils or other things used in connection with such horses which may in the opinion of the State Government carry infection.

5. Prohibition Of Imports Or Export Of Otherwise Than By Routed Appointed :-

Upon the issue of a notification under section 4 appointing routes for the import and export of horses, no person shall import into or export from the State or an infected area, any horse otherwise than by the route so appointed.

6. Establishment Of Quarantine Stations :-

(1) The State Government may establish quarantine stations for the inspection and detention of horses along the routed appointed under Section 4.

(2) All horses imported or intended to be exported shall be produced at such quarantine stations.

7. Declaration Of Infected Areas :-

(1) The State Government (or such officer not below the rank of Deputy Director of Veterinary Services as may be authorized by the State Government in this behalf) may, by notification, declare any area in which horse sickness has broken out or any area within which, in the opinion of the State Govt. (or such officer not below the rank of Deputy Director of Veterinary Services as may be authorized by the State Government in this behalf) amended by Act No. 7 of 1961 Received..... 1961 there is a danger of the out-break or spread of the 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.

(3) Upon the issue of a notification under sub-section (1), all horses in the infected area shall be liable -

(a) for being examined, tested, compulsorily inoculated against horse sickness and marked for the purpose of identification in such manner as the State Government may specify; and

(b) for being subjected to such preventive measures as the Veterinary Officer may deem fit.

(4) If as a result of examination and testing it is found that the horse is affected with horse sickness, the Veterinary Officer shall destroy it or cause it to be destroyed.

(5) Every person in charge of the horse shall give assistance for the examination, testing, inoculation marking and adoption of other preventive measures under sub-section (3).

8. Restriction On Movement Of Horses :-

No person shall transport by rail, road, water or air any horse-

(a) from any place outside the infected area to any place within the infected area;

(b) from any place within the infected area to any place outside the infected area except under a permit issued by an officer duly authorized in this behalf by the State Government and in accordance with such conditions as may be specified therein:

Provided that no permit shall be issued on the production of a certificate of a Veterinary Officer to the effect that the horse is not infective.

9. Detention For Marking, Etc., At Quarantine Station Shall Become Liabale :-

(a) for being examined, tested, compulsorily inoculated against horse sickness and marked for the purpose of identification in such manner and the State Government may specify; and

(b) being subjected to such preventive measures as the Veterinary Officer may deem fit; and

may be detained for the said purposes for such period not exceeding fifteen days, as the Veterinary Officer may deem fit.

(2) If as result of examination and testing it is found that the horse is affected with horse-sickness, the Veterinary Officer shall destroy it or cause it to be destroyed.

(3) Every person in charge of the horse shall give reasonable assistance to the Veterinary Officer of the Station and his subordinate for the examination, testing, adopting preventive

measures and working of much horses.

10. Liability Of Person In Charge Of Horse For Feeding And Upkeep :-

(1) The horse detained under section 9 shall remain under the care of the person importing or exporting the horse who shall also be responsible for its feeding and upkeep.

(2) Every person in charge of a horse shall, during the period of its detention, take reasonable precautions against its straying from limits of the place allotted for its halt.

11. Permit Of Release Of Horse :-

The Veterinary Officer of a quarantine station shall, at the time of release of horse from the station; grant a permit to the person in its charge and such person shall, while in charge of the horse, produce it whenever so required by a Veterinary Officer.

12. Prohibition To Pass Beyond Quarantine Station :-

(1) No person importing or exporting a horse by a route appointed under section 4 shall pass beyond a quarantine station unless he holds a permit under section 11.

(2) where the horse is taken beyond a quarantine station in contravention of sub-section (1), it shall, without prejudice to any other action that may be taken for such contravention under this Act against the person in charge thereof be liable for examination, inoculation and detention as if the place where it is detected after the contravention were a quarantine station.

13. Report Of Infection :-

Every owner or person in charge or having control of any horse who has reason to believe that the horse is infective shall forthwith report the fact to the nearest Veterinary Officer.

14. Power To Isolate, Seize And Destroy Or Otherwise Of Infective Horse :-

(1) Wherever a Veterinary Officer receives report under section 13 of whenever he has reason to believe that any horse within his jurisdiction is infective, he shall as much as practicable proceed to the place where the horse is kept and examine it and inquire into

the circumstances of the case.

(2) Where the Veterinary Officer, after due examination of the horse or all horses with which the infective horse has been in contact or to which it has been in close proximity, and such inquiry into the circumstances of the case if necessary, is of opinion that such horse is infective, he and, by order in writing, direct the owner or person in charge or having control of such horses:-

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

(b) to subject it to such treatment as may be specified in the order;

(c) to subject it to such cast or examination as may be prescribed:

Provided that where there is no person in charge of the horse and the owner is either unknown and cannot be ascertained without undue delay or the order cannot be communicated to the owner without undue delay the owner or person in charge of having control of the horse refuses to comply with the order under this subsection within such time as, in the opinion of the Veterinary Officer, is reasonable the Veterinary Officer may seize the horse and remove it to a place of isolation, segregation or to a close place.

(3) If after such segregation and test the Veterinary Officer:-

(a) is of opinion that any horse is not infective, he shall return it to the owner or to the person who, in his opinion is entitled to its possession:

Provided that where such owner or person cannot in the opinion of the Veterinary Officer, be found after reasonable inquiry, he shall send the horse to the rest cattle pound or deal with it in such other manner as may be prescribed; or

(4) The Veterinary Officer shall forthwith report every order of -----
-----this section to such authority as may be prescribed.

15. Power To Enquire Disinfection Of Infected Premises Vehicle Or Vehicles :-

Subject to rules made under this Act, the Veterinary officer by order in writing, may 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 horse has been kept to have such land, building, place, vessel, or vehicle disinfected and the fittings thereof and other things found therein or near there to be cleansed disinfected or destroyed in such manner, to such extent and within such time as may be specified in the order.

16. Disposal Of Carcass :-

(1) where a horse has been destroyed under the provision of this Act, the Veterinary Officer shall dispose of the carcass, the bedding of the horse and other articles used in connection in such manner as he may deem fit.

(2) Where an infective horse or a horse suspected to be infective dies; the person in charge of such horse shall forthwith communicate the fact of its death to the nearest Veterinary Officer who shall dispose of the carcass, the bedding of the horse and the articles used in connection with the horse in such manner as he may deem fit.

(3) All expenses incurred in connection with the disposal of carcass and other articles under this section shall be borne by the person in charge of the horse and in case of failure of the person to pay the same, they shall be recoverable as an arrear of land revenue.

17. Power Of Veterinary Officer To Hold Post-Mortem :-

Subject to rules made under this Act, the Veterinary Officer may make or cause to be made a post-mortem examination of any horse 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 the horse to be examined.

18. Final Decision Of Veterinary Officer :-

If any question arises under this Act whether any horse is infective or not the question shall be decided by the Veterinary Officer and his decision shall be final.

19. Keeping Or Grazing Infective Horse Prohibited :-

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

20. Bringing Of Infective Horse In Market, Etc :-

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

21. Placing Of Carcass Of Infective Horse In River, Etc.,

Prohibited :-

To certain shall place or permit to be placed in any river, lake ----- or water or within such distance there from as may be prescribed, the carcass or any part of the carcass of any horse which at the time of its death was infective or which was destroyed on account of its being infective or suspected to be infective.

22. Powers Of Entry And Inspection :-

(1) Subject to rules made under this Act, the Veterinary Officer may enter upon and inspect and 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 hi, by or under this Act and may seize any infective horse or any horse suspected to be infective or any bedding or other articles used for such horse or for a horse who had died or suspected to have died of horse sickness.

(2) Every Police Officer shall, at the request of a Veterinary Officer in writing, render such assistance as is required or proper enforcement of the Act.

23. Penalty :-

whoever contravenes any of the provisions of this Act or any rules made or notification issued the under or any direction given shall be punished with fine which may extend to five hundred rupees or with simple imprisonment which may extend to three months or with both.

24. Cognizance Of Offence :-

Notwithstanding anything in the Code of Criminal Procedure, 1803 (V of 1890), an offence under this Act shall be cognizable.

25. Jurisdiction Of Magistrate :-

No Magistrate, other than a Magistrate of the First Class or a Magistrate of the Judicial Class, specially sponsored in this behalf by the State Government, shall try any offence punishable under this Act.

26. Section 26 :-

27. Protection For Action Taken Under This Act :-

NO suit, prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in good faith under this Act or the rules made there under.

28. Veterinary Officer To Be Public Servant :-

Every Veterinary Officer shall be declared to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (XIV of 1860).

29. Power To Make Rules :-

(1) The State Government may make rules for the purpose of carrying into effect the provision of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for -

(a) regulating the import into or export from the State or any infected area of horse;

(b) the powers, duties and procedures of Veterinary or other officers under this Act;

(c) the matters which are to be or may be prescribed.

30. Repeal :-

The Madhya Pradesh Horse Sickness Ordinance, 1960), is hereby repealed.

FORM 1

FORM I

(SEE RULE 4)

Permit under clause (b) of sub-section (1) of section * of the Madhya Pradesh Horse Sickness Act, 1960, (No.21 of 1960)

No.....

Name in full ----- of -----(Place of residence) Tehsil ----- District -----is -----

----- horses described below from -----

to ----- via -----Panics (male) -----

Donkey (male)----- Horse -----Ponies

(Female)-----Donkeys (Male)----- Mares ----- Mules

(Male)----- horses (female) -----colt -----

----- Mules (female)----- Asses (female) -----

Filly -----

Brand or any other mark of identification -----

conditions, if any, -----

Station:-----

Date:----- Authorized Officer.

FORM 2

Form II

(See rule 5)

Certificate

No.....

I , -----(name)----- (designation) hereby
certify that I have this day, the -----196 at the request of Shri -----
----- of ----- Tehsil-----District -----, examined and
tested the horse/s described below said to belong to Shri ----- of
-----, Tehsil-----, District -----and
satisfied myself that the said horse/s is/are inoculated against the African Horse
Sickness and is / are not infective.

Description of horse or horses

Kind -----

Sex -----

Description -----

Approximate age -----

Place -----

Date ----- Veterinary Officer.

FORM 3

FORM III

(See rule 7)

Permit under section 11 of the Madhya Pradesh Horse
Sickness Act, 1960 (No. 21 of 1960)

No.----- Date -----

Name ----- Son of -----resident of
-----, tehsil-----, District -----, is
permitted to take ----- horse/s as described below from -----
----- to ----- his ----- which has or have been
released from the quarantine station -----

Description of horse or horses.

Kind -----

Sex -----

Description -----

Approximate age -----

Place -----

Date -----

Veterinary Officer.