

Madras Rinderpest Act, 1940

19 of 1940

[17 December 1940]

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PREAMBLE

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; ²[It is hereby enacted as follows:--]

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 21st May 1940, Part IV A, page 42.

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Madras (Transferred Territory) Extension of Laws Act, 1957 (Madras Act XXII of 1957).

2. These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948)

1. Short title, extent and commencement :-

(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 ²[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.

1. This word was substituted for the word "Province" by the Adaptation Order of 1950.

2. This word was substituted for the word "Provincial" by *ibid*.

*. Section 1 came into force on the 17th December 1940. The remaining sections have been applied to certain portions of the State by notification from time to time.

2. Madras Act II of 1866, not to apply to rinderpest :-

Nothing contained in the Madras Cattle-disease Act, 1866 (Madras Act II of 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.

3. Definitions :-

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 any 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.

4. Veterinary Surgeons and Inspectors :-

(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.

(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.

(4) Every person appointed under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code (Central Act XLV of 1860).

1. This word was substituted for the word "provincial" by the Adaptation Order of 1950.

5. Power to inoculate and regulate movement of animals and to control the holding of markets, fairs, etc., and traffic in infective animals, etc :-

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,--

(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 ²[State] or any part thereof, the removal from such area into any other area in the ²[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 ²[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.

1. This word was substituted for the word "provincial" by the Adaptation Order of 1950.

2. This word was substituted for the word "Province" by ibid.

6. Duty of certain persons to report rinderpest :-

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.

7. Power of Veterinary Surgeon to hold postmortem :-

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.

8. Isolation of infective animals, examination by Veterinary

Surgeon, etc :-

(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 of 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.

9. Cleaning 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 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.

(3) This section shall not apply to the rolling stock of any railway.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

10. Powers to require disinfection of infected premises, vessels and vehicles :-

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.

11. Declaration of private infected places and examination of such places by Veterinary Surgeon :-

(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:

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. Declaration of public infected places :-

(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.

(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.

13. Declaration of infected areas by the State Government :-

(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.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

14. Removal of animals and other things from infected areas or places :-

(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 or other thing used in connexion 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. 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 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.

16. Powers of entry and inspection :-

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.

17. Time for complying with and enforcement of orders :-

(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 by him 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. Recovery of expenses :-

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. Penalties :-

Whoever--

(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.

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

Whoever keeps or grazes in or on any forest, open field, roadside, or other enclosed 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. Penalty for bringing infective animal to market :-

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.

22. 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, 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.

23. 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 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.

24. Arrest without warrant :-

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. Institution of proceedings :-

No Magistrate shall take cognizance of any offence under this Act except upon the complaint or report of a Veterinary Surgeon.

26. Jurisdiction of Magistrates :-

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 specially empowered in this behalf by the ¹[State] Government.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

27. Bar of claim to compensation :-

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.

28. Bar of certain proceedings :-

(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.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

29. Limitation for certain suits and prosecutions :-

No suit shall be instituted against the ²[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.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

2. This word was substituted for the word "Crown" by *ibid*.

30. Power to make rules :-

(1) The ¹[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) 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 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 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 subsection (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. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.