

Himachal Pradesh Livestock And Birds Diseases Act, 1968

(Act No. 24 Of 1969)

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SCHEDULE

(Received the assent of the President on 13th September, 1969 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated the 22nd January, 1970, pp. 9-19).

An Act to provide for the prevention and control of diseases affecting livestock and birds.

Himachal Pradesh Livestock And Birds Diseases Act, 1968

(Act No. 24 Of 1969)

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.-

(1) This Act may be called the Himachal Pradesh Livestock and Birds Diseases Act, 1968.

(2) It extends to the whole of Himachal Pradesh.

(3) This section shall come into force at once and the Government may, by notification, bring the rest of the Act or any part of it into force in Himachal Pradesh or in any area in Himachal Pradesh on such date [Act came into force from 9th July, 1971 vide Notification. No. 6-7/69 A.H. (Sectt.)-I), dated 8th July, 1971, published in the Rajpara, Himachal Pradesh (Extra-ordinary), dated 8th July, 1971, pp. 559.] and for such period as may be specified in the notification.

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

Not with standing anything contained in section 1, the Government 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) 'an infective livestock or bird' is one which is affected with a scheduled disease or has recently been in contact with or in close proximity to livestock or bird so affected ;

(b) 'bird' means a domesticated fowl, goose or chick, and includes such other bird as may from time to time be specified by the Government by notification ;

(c) 'Government' means the Government of Himachal Pradesh;

(d) 'livestock' means all domesticated animals maintained on farms or by individuals including horses, donkeys, mules elephants, cattle, buffaloes, goats, sheep, dogs, cats or such other animals as may, from time to time, be specified by the Government by notification.

(e) 'notification' means notification published under proper authority in Rajpatra, Himachal Pradesh;

(f) 'Official Gazette' means Rajpatra, Himachal Pradesh;

(g) 'prescribed' means prescribed by regulations or rules made under this Act; and

(h) 'schedule' means schedule to this Act.

4. Scheduled diseases.-

The diseases specified in the schedule shall in the first instance be scheduled diseases for the purpose of this Act, but the Government may, by notification,-

(a) delete any entry from the schedule, or

(b) include in the schedule any communicable disease of livestock or birds to which it is expedient in their opinion that the provision of this Act should apply.

5. Veterinary Surgeons.-

(1) The Government may either by name or by designation appoint any person holding the office of Veterinary Assistant Surgeon, or 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.

6. Inspectors.-

The Government may either by name or by designation appoint any person it 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, 1860, (45 of 1860).

8. Powers of Inspectors.-

An Inspector may, subject to any rules made in this behalf by the 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

9. Power to regulate inter-State trade and to control transport of livestock and birds and things which may spread diseases.-

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

(a) the bringing or taking into Himachal Pradesh or any specified place therein of any livestock or birds, alive or dead, or of any parts of livestock or birds, or of any kind of fodder, bedding or other thing which may, in its opinion, carry infection ;

(b) the removal from any specified part of Himachal Pradesh of any such livestock of birds, parts of livestock or birds, or things.

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

(3) The Government may establish quarantine stations for the inspection and detention of such livestock or birds along the route appointed under sub-section (2).

(4) The period of detention of livestock or birds at a quarantine station for the purpose of inspection, vaccination, if necessary, marking and issuing of a permit for the release of livestock or birds from the station shall be such as may be prescribed by the Government.

(5) The livestock or birds 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 fee for their vaccination and marking as may be prescribed by the Government.

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

The Government, 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 it may think fit, the holding of markets, fairs, exhibitions or other concentrations of livestock or birds in any specific area.

11. Power to control traffic in infective livestock or birds.-

The Government may, by regulations, prohibit or limit the sale of or other traffic in infective livestock or birds, or in the carcasses of livestock or birds which at the time of their death were infective or in any parts of such livestock or birds, 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 livestock or birds shall be cleansed and disinfected periodically in such manner as the Government may, by regulations, prescribe.

(2) The 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, 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 aircraft.

13. Duty of certain persons to report scheduled disease.-

Every owner or person in charge or every person bringing into Himachal Pradesh

and every veterinary practitioner who has been called to treat livestock or bird which he has reason to believe to be infective 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 Government, the Veterinary Surgeon may make or cause to be made or post-mortem examination of any livestock or bird 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 livestock or bird to be exhumed.

15. Power to isolate infective livestock or birds.-

(1) Where an Inspector has reason to believe that any livestock or bird is infective, he may by order in writing, direct the owner or person in charge of such livestock or bird 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 livestock or bird, and the owner is unknown or the order cannot be communicated to him without undue delay or the person in charge of the livestock or bird refuses to do as ordered above the Inspector may seize the livestock or bird 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 livestock or birds as soon as possible and may also examine all livestock or birds which it has been in contact with or in close proximity to and for this purpose may submit any livestock or bird to any test which the Government 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 livestock or bird 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 livestock or bird to the nearest cattle-pound, or deal with it in such other manner as the Government may, by rules, prescribe in this behalf.

(2) If after such examination, the Veterinary Surgeon certifies in writing that any livestock or bird is affected with a scheduled disease, he shall deal with it in such other manner as the Government may, by rules, prescribe in this behalf.

(3) If, after such examination, the Veterinary Surgeon certifies that the livestock or bird is infective though not diseased, the livestock or bird shall be dealt with in such manner as the Government may, by rules, prescribe in this behalf.

18. Compensation for livestock or birds destroyed.-

Compensation may be paid to the owner of livestock or bird if destroyed under section 17, and such compensation shall be determined, in accordance with rules to be made in this behalf, by the Government :

Provided that-

- (i) no compensation shall be paid to any person convicted of any offence punishable under this Act committed in respect of such livestock or bird ;
- (ii) no compensation shall be paid in respect of any livestock or bird which, when it was brought into Himachal Pradesh, was affected with the disease on account of which it was destroyed.

19. Power to require disinfection of infected premises, vessels or vehicles.-

(i) Subject to rules to be made in this behalf by the Government, 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 livestock or bird to have such building, yard, vessel or vehicle disinfected, and the internal fittings 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.

(ii) 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.

20. Declaration of private infected places.-

(1) If the Inspector has reason to believe that there is an infective livestock or bird in any field, yard or building in which livestock or birds 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.

(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 livestock or birds are temporarily kept for sale, exhibition or in transit.

21. Examination of infected place by Veterinary Surgeon.-

(1) The Veterinary Surgeon shall, as soon as possible, examine the infected place and the livestock or birds 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 livestock or birds 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 Government in this behalf.

22. Declaration of public infected place.-

(1) Where the Veterinary Surgeon has reason to believe that infective livestock or birds are or have been in any place owned, controlled or managed by any local authority, or railway administration or aircraft company where livestock or birds are temporarily kept for purposes of sale, transit or exhibition, he may, by order in writing, declare such place to be 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 in charge 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 Government in this behalf.

23. Declaration of infected areas by the Government.-

(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 it may think fit, the Government-

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

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

(2) Where the 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 Government confirms such declaration either with or without modifications, the Government 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.

24. Removal of livestock or birds and other things from infected areas or places.-

(1) No person shall remove from any infected area or place any livestock or bird, dead or alive, or any part of livestock or bird, or any fodder, bedding or other thing used in connection with livestock or birds, 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 livestock or bird or thing:

Provided that where any livestock or bird 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 livestock or birds etc. to infected areas.-

Where any livestock or bird 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 livestock or bird 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 livestock or birds.

26. Time for complying with and 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 III

PENALTIES AND PROCEDURE

28. Penalties for contraventions of Act, regulations and rules.-

Whoever-

(a) removes from any part of Himachal Pradesh any livestock or bird, alive or dead, or any part of livestock or bird or any fodder, bedding or other thing in contravention of a notification issued under section 9, or imports livestock or birds 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 livestock or birds in contravention of a notification issued under section 10 ;

(c) sells or otherwise traffic in, or attempts to sell or traffic in, an infective livestock or bird, or in anything mentioned in section 11 which may carry infection, or the carcass of livestock or bird which at the time of its death was infective in contravention of section 11;

(d) being a common carrier fails to clean or disinfect any vessel or vehicle used for the transport of livestock or birds 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 livestock or bird 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 livestock or bird or thing from any infected place 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.

29. Penalty for keeping or grazing infective livestock or bird in un-enclosed land.-

Whoever keeps or grazes in or on any forest, open field, roadside, or other un-enclosed land to which other persons have a right of access for their livestock or birds, any livestock or bird 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.

30. Penalty for bringing infective livestock or bird to market.-

Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of livestock or birds, any livestock or bird 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 livestock or bird 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 or any livestock or bird 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 or, 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 livestock or bird.-

Whoever, without lawful authority, disinters or causes to be disinterred the carcass or part of the carcass of any livestock or bird 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 veraciously enters or inspects any land or building or other place or any vessel or vehicle, or seizes or detains any livestock or bird, 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. 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 or the Inspector.

35. Jurisdiction of magistrates.-

No magistrate shall try any offence under this Act unless he is a magistrate of the first class or magistrate of the second class especially empowered in this behalf by the Government.

36. 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 livestock or bird or 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.

37. Delegation.-

The Government may, by notification, delegate all or any of its powers under this Act to any of its officers.

38. Power of Government to make regulations and rules.-

(1) The Government 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 livestock or birds 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 livestock or birds under section 15 ;

(d) to regulate post-mortem examination of livestock or birds under section 14, and the disposal of livestock or birds under sub-sections (1), (2) and (3) of section 17 ;

(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, detention, treatment (including sterilization and inoculation), and disposal of livestock or birds 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 Himachal Pradesh or any specified part or place thereof, and the movement from one place to another in Himachal Pradesh of livestock or birds, alive or dead, or parts of livestock or birds or fodder, bedding or other thing ;

(n) to prohibit or limit sale or traffic in infective livestock or birds or carcasses of infective livestock or birds ;

(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 livestock or birds, and the destruction of infected matter or things found therein or near thereto ;

(p) to prescribe the tests to be applied to livestock or birds suspected of being infective;

(q) to prescribe the manner in which livestock or birds shall be destroyed, and the manner in which carcasses or parts of carcasses, fodder, beddings 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 Government 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.

(3) Every rule and regulation made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session, for a total period of ten days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Legislative Assembly makes any modification in the rule or the regulation or decides that the rule or the regulation should not be made, the

rule or the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

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 and rules being made after previous publication.

(2) All regulations and rules made by the Government under this Act shall be published in the official gazette.

40. Protection to persons acting under this Act.-

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

41. Repeal and savings.-

The East Punjab Animal Contagious Diseases Act, 1948 (47 of 1948), as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 and the Punjab Livestock and Birds Diseases Act, 1948, as in force in the areas transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, (31 of 1966), are hereby repealed:

Provided that anything done or any action taken or any proceedings commenced or continued under the aforesaid Acts shall be deemed to have been done, taken, commenced or continued under the corresponding provisions of this Act.

SCHEDULE

	English names.		Vernacular names
1.	Rinderpest or Cattle plague	1.	Mata, Wah, Sitla, Mok, Zehmat.
2.	Foot and Mouth disease	2.	Rora Mun-Khur.
3.	Haemorrhagic Septicaemia	3.	Gal-Ghotu, Garhi.
4.	Black-quarter	4.	Phar Suja.
5.	Anthrax	5.	Sat, Goli.
6.	Tuberculosis	6.	Tap-i-Dik.
7.	Johne's disease	7.	Purana Dust.
8.	Glanders and Farcy	8.	Bad Kanar.
9.	Epizootic Lymphangitis	9.	Zeharbad.
10.	Dourine	10.	Atshik-i-Aspan.
11.	Rabies	11.	Halkapan, Bawlapan, Pagalpan.
12.	Surra	12.	Pheta. Tebersa or Sokra.

13.	African Horse Sickness	13.	Africa ki Ghoron ki Bimari.
14.	Swine Fever	14.	Suron ka Bukhar.
15.	Contagious Caparine Pleuro-Phenumonia.	15.	Photka.
16.	Contagious Abortion.	16.	Mutadi Isquate Hamal.
17.	Rani khet Disease	17.	Ranikhet.
18.	Salmonellosis	18.	Choozon ke Safeid Dast.
19.	Coccidiosis	19.	Maror.