

ASSAM ACT XXVI OF 1948

THE ASSAM CATTLE DISEASES ACT, 1948

(Passed by the Assembly)

[Received the assent of the Governor on the 29th November, 1948]

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An

Act to provide for the prevention of the spread of contagious diseases among cattle in the Province of Assam.

Preamble.

WHEREAS it is expedient to take measures to prevent the spread of contagious diseases among cattle in the Province of Assam ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Assam Cattle Diseases Act, 1948.

(2) This Act, except sections 3 to 8, extends to the whole of the Province of Assam and shall come into force at once. Sections 3 to 8 shall extend to such areas and come into force on such dates as the Provincial Government may, by notification, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (i) "Cattle" means cows, bulls, bullocks, buffaloes, sheep and goats and the young ones of these species of both sexes and such other domesticated animals as may be prescribed ;
- (ii) "Contagious disease" means a disease specified in the Schedule to this Act and any other disease which the Provincial Government may, by notification in the official Gazette, declare to be a contagious disease ;
- (iii) "infected area" means an area in respect of which a notification under section 10 is in force ;
- (iv) "infective" used with reference to an animal means affected by a contagious disease or having recently been in contact with or proximity to an animal so affected ;
- (v) "Inoculation" means inoculation with any protective serum or vaccine or with both ;
- (vi) "Owner" in relation to any animal includes a person having charge of such animal ;
- (vii) "Prescribed" means prescribed by rules made under this Act ;
- (viii) "Veterinary Officer" means any officer of the Civil Veterinary Department not below the rank of Veterinary Assistant Surgeon.

Price 2 as. or 2 d.

Seasons and routes for importation of cattle.

3. (1) When sections 3 to 8 have been extended to any area, the Provincial Government may, by notification, appoint the season or seasons during which and the route or routes by which cattle may be imported into such area, and no person shall import cattle into such area otherwise than during the season and by the route so appointed.

Quarantine stations.

(2) The Provincial Government may establish quarantine stations for the inspection and detention of such cattle along the routes appointed under sub-section (1).

Vaccination and marking of cattle.

4. (1) All cattle on arrival at a quarantine station shall—

- (a) be vaccinated against such contagious disease, as may be notified in this behalf unless the Veterinary Officer of the station is satisfied that they have been vaccinated against such disease within 18 months immediately preceding their arrival or within such longer period so preceding as may be prescribed; and
- (b) be marked in the prescribed manner.

Period of detention of cattle at quarantine station.

(2) The period of detention of cattle at a quarantine station for the purpose of inspection and vaccination shall be such as may be prescribed.

Assistance to Veterinary Officer for inspection, etc., of cattle.

(3) Every person in charge of cattle shall give reasonable assistance to the Veterinary Officer of the station and his subordinates for the inspection, vaccination and marking of such cattle.

Feeding and upkeep of detained cattle.

5. (1) All cattle detained in a quarantine station shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep.

(2) The Provincial Government shall make appropriate arrangements for the supply of cattle-food, grazing and water and may recover the charges incurred by the levy of fees as may be prescribed.

Precautions against straying of cattle.

(3) Every person in charge of cattle shall, during the period of their detention, take reasonable precautions against their straying from the limits of the quarantine station or from the place allotted for their halt.

Liability to pay vaccination and marking fees.

6. (1) The person in charge of cattle shall pay all dues in respect of detention of such cattle in a quarantine station including such fee as may be prescribed for vaccination and marking.

(2) If such dues are not paid, the Veterinary Officer of the station may seize as many cattle as will, in his opinion, suffice to defray the dues leviable under sub-section (1) and such incidental charges in connection with the seizure and sale and forthwith report the fact to the Deputy Commissioner or such other officer as may have been appointed by the Deputy Commissioner in this behalf.

(3) The Deputy Commissioner or other officer so appointed may, if satisfied that such dues have not been paid, issue such notice or

proclamation as may be prescribed and cause the cattle so seized, or as many as will, in his opinion, suffice to defray the dues and incidental charges, to be sold by auction and the proceeds of the sale applied to the payment of—

(a) the amount due under sub-section (1),

the charges in connection with the seizure, custody, feeding and upkeep of the cattle and the proceedings of the sale.

(4) The balance of the purchase money, if any, shall be delivered to the person who was in charge of the cattle when they were seized or their owner, together with an account showing—

(a) the number of cattle seized and sold,

(b) the time during which they had been in custody,

(c) the proceeds of sale, and

(d) the manner in which those proceeds have been disposed of.

Permit of release of cattle. 7. The Veterinary Officer of a quarantine station shall, at the time of release of cattle from the station, grant, in such form as may be prescribed, a permit to the person in their charge, and such person shall, while in charge of the cattle, produce it whenever so required by such officers as may be prescribed. If such person fails to produce a permit, the officers aforesaid shall give him reasonable facility to produce the same within a given time.

Prohibition to pass beyond quarantine station. 8. No person importing cattle into any area during a season and by route appointed for such area under section 3 shall pass beyond a quarantine station unless he holds a permit under section 7 in respect of the cattle in his charge.

Report of contagious disease. 9. Every owner or person in charge or having control of an animal, and every Veterinary practitioner attending any animal in the course of his veterinary practice or otherwise, who has reason to believe that such animal is infective shall forthwith report and any other person who has reason to believe that an animal is infective may report the fact to the Veterinary Officer within the area of which such animal is for the time being kept.

Power to notify infected areas. 10. The Provincial Government or such officer as it may authorise in this behalf may, in the manner prescribed, declare any local area in which any cattle is affected by or exposed to any contagious disease specified in such notification to be an infected area.

Prohibition of movement of animals, etc., into or out of infected areas. 11. (1) Save in accordance with the conditions of a license granted by a Veterinary Officer—

(a) no person shall remove any animal, alive or dead, or any product of any animal (including its excreta) or any part of any animal or any fodder, bedding, harness or other things used in connection with an animal, and

(b) no person owning or having charge of control of any animal shall allow such animal to proceed, from any place within an infected area to any place outside such area or from any place outside an infected area to any place within such area.

(2) Nothing in sub-section (1) shall prevent the carriage by railway or by any mechanically propelled vessel of a type approved by the Provincial Government of any animal or thing referred to in that sub-section through an infected area :

Provided that if such animal or thing at any stage during its carriage by railway or such vessel through an infected area is unloaded therein it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

Prohibition of markets, fairs, etc., in infected areas.

12. No person shall organise, promote or hold in any infected area any animal market, animal fair, animal exhibition or other concentration of animals whether for the purpose of sport or trade, without the permission in writing of the Provincial Government or such officer as the Provincial Government may authorise in this behalf.

Inoculation of animals.

13. (1) On the issue of a notification under section 10 a Veterinary Officer appointed for the infected area may inoculate every healthy animal of the species affected by or exposed to the contagious disease specified in such notification

(2) For the purpose of inoculating any such animal the Veterinary Officer may, by notice in writing, call upon the owner of the animal to produce it for inoculation at the time and place specified in such notice and such owner shall give that officer reasonable facility and assistance in carrying out the inoculation.

Compulsory segregation and treatment of animals in infected areas.

14. If a Veterinary Officer, after due examination of an animal and such enquiry as may be necessary, is of opinion that such animal is infective, he may by order in writing, direct the owner of such animal—

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

(b) to subject it to such treatment as may be specified in the order ; and such owner shall comply with such order.

Compulsory inoculation of animals.

15. (1) The Provincial Government may, in the manner prescribed, notify any local area as a compulsory inoculation area in respect of Rinderpest or any other contagious disease specified in the Schedule.

(2) A Veterinary Officer may inoculate any animal of the species specified in a notification under sub-section (1).

(3) For the purpose of inoculation of any such animal, a Veterinary Officer may, by notice in writing, call upon the owner of the animal to produce it for inoculation at the time and place specified in such notice and such owner shall give that officer reasonable facility and assistance in carrying out the inoculation.

Marking of animals.

16. For the purpose of identification, the Veterinary Officer may mark the inoculated animal by branding or tattooing with letters or numerals, or with both.

Certificate of inoculation.

17. When inoculation has been carried out under sections 13, 14 or 15 the Veterinary Officer shall, if requested by the owner of the inoculated animal, issue a certificate in the prescribed form showing that the animal has been inoculated against the disease shown in such certificate.

No fee to be charged for inoculation. 18. Except as provided in sub-section (1) of section 6 no fee shall be recoverable for inoculation carried out in accordance with the provisions of this Act.

Non-compliance with sections 13, 14 or 15 to be reported to Police. 19. If the owner of an animal in respect of which a notice has been issued under sub-section (2) of section 13, section 14 or sub-section (3) of section 15 fails to observe a direction issued by the Veterinary Officer in accordance with the provisions of the said sections, the Veterinary Officer concerned shall report the default to the nearest Police Station and the Officer-in-charge of such Police Station or such other Police Officer as may be deputed by him in this behalf shall thereupon seize the animal and detain it for production before the Veterinary Officer reporting the default.

Recovery of expenses of detention. 20. The expenses of detention and production before the Veterinary Officer incurred under section 19 shall be recoverable at such rates as may be prescribed from the owner of the animal. If he fails to pay the amount due, it may, without prejudice to any other mode of recovery, be recovered by sale, by public auction, of such number of the owner's animals as may be sufficient to realise such amount.

Manner of the disposal of carcasses of infective animals. 21. (1) On the issue of a notification under section 10, the owner of any animal, which has died or is believed to have died of any contagious disease, shall bury such animal at least six feet below the surface of the ground or deal with it in such manner as may be prescribed.

(2) A Veterinary Officer may, when he has reason to believe that any animal had died of any contagious disease, issue a notice to the owner to bury such animal in the manner provided under sub-section (1).

(3) No person shall disinter or otherwise remove the carcass of any animal buried in compliance with the provisions of sub-section (1) or (2).

Penalty. 22. Whoever contravenes any of the provisions of this Act, or of any rule or order made thereunder shall, on conviction, be punishable with fine not exceeding fifty rupees, or in default with simple imprisonment for a term not exceeding one month.

Bar of legal proceedings. 23. No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

Rules. 24. (1) The Provincial Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Provincial Government may make rules—

(a) prescribing the manner in which an area may be declared to be an infected area or a compulsory inoculation area ;

(b) prescribing the form of notice issued under sub-section (2) of section 13, section 14 and sub-section (3) of section 15 ;

(c) prescribing the form of certificate granted under section 16 ;

- (d) providing for the custody of animals detained under this Act and for their feeding and watering while under detention and prescribing the charges to be levied for feeding and watering such animals and for their production by the Police before the Veterinary Officer ;
- (e) regulating the sale of animals liable to be sold under section 20 ;
- (f) providing for the disinfection of buildings where infective animals are kept in infected areas ;
- (g) prescribing the manner of disposal of carcasses of infective animals under section 21 ;
- (h) prescribing the fee for vaccination and marking under section 6.

(3) All rules made under this Act shall be laid before the Assam Legislative Assembly, as soon as possible after they are made, and shall be subject to such modifications or amendments as may be made by the said Assembly.

SCHEDULE

(See section 2)

- (1) Anthrax.
- (2) Black Quarter.
- (3) Bovine Contagious Pleuro-pneumonia.
- (4) Contagious Abortion.
- (5) Haemorrhagic Septicaemia.
- (6) Rinderpest.
- (7) Rabies.