

Rajasthan Animal Diseases Act, 1959

RAJASTHAN

India

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Act 5 of 1959

- Published on 1 January 1959
- Commenced on 1 January 1959
- [This is the version of this document from 1 January 1959.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Animal Diseases Act, 1959(Act No. 5 of 1959)RJ51[Received the assent of the Governor on the 15th day of January, 1959]An Act to provide for the prevention and control of diseases affecting animalBe it enacted by the Rajasthan State Legislature in the Ninth Year of the Republic of India as follows :-

1. Short title, extent and commencement

(1)This Act may be called the Rajasthan Animal Diseases Act, 1959.(2)It extends to the whole of the State of Rajasthan.(3)It shall come into force at once.

2. Definitions

- In this Act, unless the subject or context otherwise requires(a)"animal" means any species of cattle or bird, whether .domesticated or not kept in confinement;(b)"bird" includes fowls, geese, chicks and the like and the eggs thereof;(c)"buffalo" includes a she -buffalo and the young ones of a buffalo;(d)"infected area" means the area declared under Section 13 to be infected with a scheduled disease;(e)"infective animal" means an animal which is affected with a scheduled disease or has recently been in contact with, or close proximity to an animal so affected;(f)"scheduled disease" means any disease specified in the Schedule to this Act;(g)"veterinary officer" includes an Inspector as well as a Veterinary Surgeon appointed under Section 3.

3. Appointment of Veterinary Surgeons and Inspectors

(1)The State Government may, by notification in the official Gazetted, appoint Veterinary Surgeons and Inspectors for all or any of the purposes of this Act and may also specify in such notification the area within which each of them shall exercise his powers and perform his duties under the Act.(2)A Veterinary Surgeon shall within the area for which he is appointed exercise in addition to his powers as a Veterinary Surgeon all the powers which an Inspector may exercise under this Act.

4. Veterinary Surgeons and Inspectors to be public servants

- Every Veterinary Surgeon and every Inspector appointed under this Act shall be deemed to be a public servant with in the meaning of Section 21 of the Indian Penal Code (Central Act XLV of 1860).

5. Power to prohibit, regulate or control certain things

(1)For the purpose of preventing the outbreak or spread of any scheduled disease, the State Government may, by notification in the Official Gazetted, prohibit, control or regulate in such manner and to such extent as it thinks fit (a)the movement of any animals or the carcasses thereof or of any part of animals or carcasses thereof or any fodder or other things used in connection with such animals which may, in the opinion of the State Government carry infection;(b)the sale of or other dealings in any animals or the carcasses thereof which at the time of their death were infective or any fodder or other thing used in connection with such animals which may, in the opinion of the State Government carry infection ;(c)the bringing from any neighbouring State or specified place or places therein into the State of Rajasthan or into any specified place thereof of any animal alive or dead or of any part of such animal or of any other thing which may in the opinion of the State Government carry infection; or(d)the taking into any neighbouring State or any specified place or places therein of any such animal or part of such animal or other thing from the State or Rajasthan or any part thereof; or(e)the removal from any specified part of the State of Rajasthan of any such animal or part of such animal or thing to any other part of the State of Rajasthan.(2)For the purpose aforesaid, the State Government may, by like notification, specify the season or seasons during which and the route or routes by which any animals may be brought into the State and no person shall bring such animals into the State otherwise than during the season and by the route so specified.

6. Power to control holding of markets and fair

- For the purpose of preventing the outbreak or spread of any scheduled disease the State Government may, by notification in the official Gazetted, prohibit or regulate in such manner and to such extent as it thinks fit the holding of animal markets, animal fairs, animal exhibitions or other concentrations of animals in any area specified in such notification.

7. Establishment of quarantine station

(1)The State Government may establish quarantine stations for the inspection and detention of animals along the routes specified under sub-section (2) of Section 5.(2)All animals inspected or detained at a quarantine station shall be liable,-(a)to be vaccinated against any scheduled disease if in the opinion of the officer in-charge of such station it is necessary to do so; and(b)to be marked in the prescribed manner.(3)The period of detention of animals at a quarantine station for the purpose of inspection, vaccination and .marking shall be such as may be prescribed.(4)The animals detained at a quarantine station shall remain under the care of the person incharge who shall be responsible

for their feeding and upkeep and for the payment of such fee for their vaccination and marking as may be prescribed.(5)The officer in-charge of the quarantine station shall, at the time of release of an animal from the station, grant in such form as may be prescribed a permit to the person in-charge of the animal and such person shall, while in-charge of the animal, produce it whenever required to do so by an Inspector or a Police Officer.

8. [Prevention of outbreak or spread of scheduled diseases - For the purpose of preventing the outbreak or spread of any scheduled disease a Veterinary Officer may order any animal to be vaccinated or inoculated and branded in the prescribed manner or treated in such other manner as he deems fit.] [Substituted vide section 2 Rajasthan Act No. 29 of 1960 (published in Rajasthan Gazetted Extraordinary Part 4-A, dated 20.9.1960).]

9. Power to isolate infective animal

. (1) Where an Inspector has reason to believe that any animal is infective he may, by order in writing, direct the owner a 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 or to such closed place 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 where the order cannot be communicated to the owner of the animal without undue delay or where the person incharge of the animal to comply with the order under this sub-section, the Inspector may seize the animal and remove it to a place of isolation or segregation or to a closed.(2)The Inspector shall forthwith report to the Veterinary Surgeon every order of seizure under sub-section (1).

10. Examination by Veterinary Surgeon

(1)On receipt of a report under sub-section (2) of Section 9, the Veterinary Surgeon shall, as soon as practicable, 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 prescribed test.(2)If after such examination, the Veterinary Surgeon,(a)is of opinion that 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 or(b)certifies in writing that any animal is infective or is affected with a scheduled disease, the animal shall be dealt within such manner as may be prescribed.

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

(1)If any Inspector has reason to believe that an infective animal is kept on any land, or in any building or other place he shall, forthwith by order in writing, declare such land, building or place to

be infected place, deliver a copy of the order to the owner, occupier or person in-charge of the infected place and report his action to the Veterinary Surgeon.(2)Nothing in sub-section (1) shall apply to any place which is owned by, under the control or management of, any local authority or a railway administration and in which animals are kept temporarily for the purpose of sale or exhibition or while in transit.(3)On receipt of a report under sub-section (1) the Veterinary Surgeon shall, as soon as practicable, examine the infected place and the animals kept therein. After such examination, he shall either confirm or cancel the order passed by the Inspector.(4)If the Veterinary Surgeon confirms the order passed by the Inspector, he may declare all places in which animals are kept, temporarily or otherwise, within a radius not exceeding one mile from the infected place, to be infected places. The Veterinary Surgeon shall cause a notice of such declaration to be proclaimed in the area concerned by drum.The Veterinary Surgeon shall thereafter report the action taken by him under this section to the prescribed authority.(5)If the Veterinary Surgeon cancels the order passed by the Inspector, the place specified in such order shall cease to be an infected place and the Inspector shall cause a notice of such cancellation to be proclaimed by beat of drum.

12. Declaration of public infected places

(1)Where the Veterinary Surgeon has reason to believe that an infective animal is or has been kept in any place which is owned by or is under the control or management of any local authority or a railway administration and in which animals are kept temporarily for purposes of sale or exhibition Or while in 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) to be exhibited prominently, in the infected place in Hindi;(b)cause a copy of such order to be delivered at the office of the local authority or to the Station Master of the nearest railway station, as the case may be; and(c)forthwith report the action taken by him to the prescribed authority.

13. Power to declare infected areas

(1)On receipt of the report of the Veterinary Surgeon under sub-section (4) of Section 11 or sub-section (2) of Section 12, the prescribed authority shall, after making such further inquiry as it thinks fit, (a)confirm the declaration under sub-section (1) or (4) of Section 11 or sub-section (1) of Section 12 either with or without modification; or(b)cancel any such declaration.(2)Where the prescribed authority confirms any such declaration either with or without modification, a notification shall be published in the official Gazetted defining the limits of the area to which the declaration, with the modification, if any, made therein shall apply and declaring such area to be an infected area and a copy of such notification along with its Hindi translation shall be caused to be exhibited in some prominent place within such area.(3)The prescribed authority may, by notification in the official Gazetted add to amend, vary or rescind any notification published under sub-section (2) either on its own motion or on a further report of the Veterinary Surgeon submitted to it.(4)On publication of a notification under sub-section (2) or sub-section (3), any place declared by the Inspector or the 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 occupier or person incharge of such place.(5)Where the prescribed authority cancels any declaration referred to in sub-section (1) any place specified in such declaration shall cease to be an infected place and the Inspector shall give

notice accordingly.

14. Removal of animal and other things from infected area or place prohibited without licence

(1) Where any area or place has been declared to be an infected area or place under the foregoing provisions on person shall, while such a declaration remains in force, remove any infected animal, alive or dead, or any part of such animal or any food, bedding or other thing in connection with an infected animal save in accordance with the conditions of a licence granted by the Inspector. (2) Nothing contained in sub-section (1) shall apply to 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 the provisions of sub-section (1).

15. Power to require animals, etc., to be brought back to infected area

- Where any animal or thing referred to in Section 14 is removed from an infected area or place otherwise than in accordance with the conditions of a licence granted under that section, any Inspector or Police Officer may require the owner or person in-charge of such animal or thing to take it back to such area or place : Provided that nothing in this section shall affect the powers of an Inspector under Section 9 to deal with infective animals.

16. 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 by him at such periods and in such manner as may be prescribed. (2) The person in charge of every such vessel or vehicle shall, when required to do so by an inspector cause the vessel or vehicle to be taken to such place as the Inspector may direct and to stop and remain stationary for so long as may reasonably be necessary for the purpose of enabling the Inspector to inspect such vessel or vehicle. The Inspector may after such inspection, if in his opinion the vessel or vehicle is not in a sanitary condition, require it to be cleansed and disinfected in the prescribed manner.

17. Power to require disinfection of infected premises, vessels or 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 land, building or other place or of any vessel or vehicle in which an infective animal has been kept to have such land, building, place, 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.

18. Power of veterinary surgeon to hold post-mortem examination

- 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 infective, and for this purpose, -he may ensue the carcass of such animal to the exhumed.

19. Duty of certain persons to report scheduled disease

- Every owner or person in-charge of, and every veterinary practitioner who has been called to treat in animal which he has reason to believe to be affected with a scheduled disease shall forthwith report the fact to the Veterinary Officer having jurisdiction in the area.

20. Keeping or grazing infective animal prohibited

- No person shall keep or graze in open or unclosed land, to which other persons have a right of access for their animals, any animal which he knows to be infective.

21. Bringing of infective animals in market etc., prohibited

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

22. Placing of carcass of infective animals in river etc. prohibited

- No person shall without lawful authority disinter or cause to be disintered, the carcass or any part of the carcass of any animal which, at the time of its death, was infective.

23. Disinterring without lawful authority carcass of animal prohibited

- No person shall without lawful authority disinter or cause to be disintered, the carcass or any part of the carcass of any animal which, at the time of its death, was infective.

24. Power to entry and inspection

- Subject to such rules as may be prescribed, an Inspector may enter upon and inspect any 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 him by or under this Act.

25. Enforcement of orders and recovery of expense

(1)Where, by any notice, requisition or order made under this Act or under any rule or notification 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.(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 cost of the person concerned.(3)The cost of any measures taken or thing done under sub-section (2) shall be recoverable from the person concerned in the manner provided by the Code of Criminal Procedure, 1898 [Now See Criminal Procedure Code 1973.] (Central Act V of 1898) for the recovery of fines as if such costs were a fine imposed by a court.

26. Power of Veterinary Surgeon to decide whether or not animal is infective

- If any question arises under this Act whether or not an animal is infective animal or is affected with a scheduled disease, the question shall be decided by the veterinary Surgeon and his decision shall be final.

27. Penalties

- Whoever -(i)fails to carry out any direction specified in or contravenes the term of, any notification issued under Section 5 or brings into the State any animal in contravention of the provisions of sub-section (2) thereof, or(ii)fails to feed or look after the upkeep of an animal under sub-section (4) of Section 7 or fails to produce the permit under sub-section (5) thereof, or(iii)fails to comply with an order made by Veterinary Officers under Section 8 or by an Inspector under sub-section (1) of Section 9, or(iv)removes any animal or things from an infected area or place in contravention of the provisions of Section 14, or(v)fails to comply with any direction given by an Inspector or a Police Officer under Section 15, or(vi)fails to cleanse or disinfect any vessel, or vehicle used for removing animals in the manner prescribed as required under sub-section (1), or fails to cause any vessel or vehicle to stop and remains stationary when required to do so under sub-section (2) of Section 16, or(vii)fails to comply with an order made by a Veterinary Surgeon under Section 17, or(viii)fails to report them an animal is infective as required by Section 19, or(ix)keeps or grazes any animals which he knows to be infective in contravention of the provisions of Section 20, or(x)brings or attempts to bring any animal which he knows to be infective in contravention of provisions of Section 21, or(xi)disinters or causes to be disintered the carcass or any part of the carcass of any animal which, at the time of its death, was infective in contravention of the provisions of Section 23,shall on conviction, 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 whether under the same or any other clause of this section, to two hundred rupees or with simple imprisonment upto fifteen days or with both.

28. Penalty for placing carcass of infective animal in river etc.

- Whoever places or causes or permits to be placed in any river, lake, canal or other water the carcass or any part of the carcass of any animal which at the time of its death was infective in contravention of the provisions of Section 22 shall, on conviction, 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 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.

29. Penalty for vexatious entry, inspection and seizure

(1)Whoever, being an inspector or a Veterinary Surgeon under this Act, vexatiously and unnecessarily enter or inspects any land, building or other place or any vessel or vehicle or seizes or detains any animal shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.(2)No prosecution under this section shall be instituted after the expiry of three months from the date of the commission of the offence.

30. Officers bound to assist Inspector and Veterinary Surgeon

- All village officers and all officers of the State Revenue, Agriculture, Development and Veterinary Departments shall be bound (a)to give immediate information to the Veterinary Surgeon and Inspector having jurisdiction in the area regarding the prevalence of a scheduled disease among animals in the area,(b)to take all necessary measures to prevent the spread of such disease; and(c)to assist the Veterinary Surgeons and Inspector to carry out the provisions of this Act.

31. power to seizure

- Any Veterinary Officer or any Police Officer not below the rank as may be prescribed may seize any animal in respect of which an offence under this Act has been or is reasonably suspected to have been committed.

32. Institution of proceedings

- No Magistrate shall take cognizance of any offence punishable under this Act other than the offence punishable under Section 29 except upon the complaint of a Veterinary Surgeon.

33. Jurisdiction of Magistrate

- No Magistrate, other than a Magistrate of the first class or a Magistrate of the second class specially empowered in this behalf by the State Government, shall try any offence punishable under this Act

34. Bar of claim to compensation

- No person shall be entitled to any compensation on account of the destruction of any thing under the provisions of this Act or of any loss, injury or inconvenience caused to him by reason of anything lawfully done under this Act.

35. Officers to act subject to order of Government

- All officers shall exercise the powers and perform the duties conferred and imposed on them by or under this Act in accordance with such orders, not inconsistent with the provision of this Act, as the State Government may from time to time make.

36. Protection for action taken under this Act

- No suit, prosecution or other legal proceeding shall lie against any person for anything done or intended to be done in good faith under this Act or the rules made thereunder.

37. Rules

(1)The State Government may make rules for the purpose of carrying into effect the provisions of this Act.(2)In particular and without prejudice to the generality to the following power such rules may be made for all or any of the following matters, namely :-(i)the manner of marking animals under sub-section (2), the period of detention under sub-section (3), the amount of fee for the Vaccination and marking of animals under sub-section (4), and the form of permit under sub-section (5) of Section 7.(ii)the test to which an animal may be submitted under sub-section (1), and the manner in which an animal may be dealt with under sub-section (2) of Section 10;(iii)the authority to be prescribed for the purposes of Sections 11, 12 and 13;(iv)the periods and the manner in which the vessels and vehicles shall be cleaned and disinfected under Section 16;(v)for disinfecting land, building or other place or vessel or vehicle under Section 17;(vi)the making of post-mortem examination under Section 18;(vii)for regulating the powers of an Inspector under Section 24;(viii)the compulsory inoculation of any animals in any district or area;(ix)the disinfection of contact animals or animals in infected area; and(x)all matters which may be or are required by any provision of this Act to be prescribed.

38. procedure to be observed in making rules

- All rules under Section 37 shall be subject to the condition of their being made after previous publication, shall, when so made, be laid before the House of the State Legislature at the session thereof next following and shall be liable to be rescinded or modified by a resolution of that House, and the rescission or modification shall, after publication by notification in the official Gazette, be deemed to have come into force.

39. Power to delegate

- The State Government may, by notification in the official Gazette, delegate to any officer or authority subordinate to it all or any of its power under this Act except the powers under Sections 37 and 40.

40. Power to add to the schedule

- The State Government may, by notification in the official Gazetted, add to or omit from the Schedule any animal disease and the said disease shall from the date of the notification be deemed to have been added to or omitted. from the Schedule.

41. Repeal

- The Madhya Bharat Animal Contagious Diseases Act, 1955 (No. 21 of 1955) is so far as it applies to the Sunel area, the Bombay Animal Contagious Diseases Act, 1948, in so far as it applies to the Abu area and all other corresponding laws in force in any part of the State are hereby repealed :Provided that any action taken or order made under any such Act or law shall be deemed to have been taken or made, as the case may be, under this Act.

Schedule

[See Section 2, Clause (f)]

1. Rinderpest or cattle plague

2. Foot and Mouth Disease

3. Hoemorrhagic Septicaemia

4. Blackquarter

5. Anthrax

6. Tuberculosis

7. Johne's Disease

8. Rabies

9. Glanders and Farcy

10. Epizootic Lymphangitis

11. Dourine

12. Surra

13. Anaerobiasis in sheep and cattle

14. [Swine fever] [Added by Notification No. 468/F. 2 Agr/III/72 (Published in Rajasthan Gazetted Part 4(II), Order, dated 28.8.1975)]