

# The Orissa Glanders and Farcy Rules, 1941

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### Rule THE-ORISSA-GLANDERS-AND-FARCY-RULES-1941 of 1941

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The Orissa Glanders and Farcy Rules, 1941Published vide Notification Orissa Gazette, Part 3/1360-1994-Notification No. 1298-4.6.1991Notification No. 1298-D, dated the 4th June, 1941. - In exercise of powers conferred by Section 14 of the Glanders and Farcy Act, 1899 (XIII of 1899), and in supersession of all previous Notifications issued under the said section and in force in any part of the (Province of Orissa, the Governor of Orissa is pleased to make the following rules to carry out the purposes and objects of the said Act.

#### 1.

In these rules -(1)"the Act" means the Glanders and Farcy Act, 1899 (XIII of 1899);(2)"Magistrate" means -(a)the District Magistrate or Deputy Commissioner;(b)the Joint Magistrate at headquarters;(c)the Sub-Divisional officer means Revenue Divisional officer or the Senior Deputy Magistrate in charge of the headquarters during the absence on tour of District Magistrate or Deputy Commissioner;(3)"Director" means Director of Development, Orissa;(4)"Deputy Director" and "Assistant Director" means Deputy Director and Assistant Director respectively of Veterinary Services, Orissa;(5)"Inspector means an Inspector appointed under the Act;(6)"Veterinary Practitioner" means a Veterinary Practitioner appointed Under Sub-section (1) of Section 7 of the Act;(7)the expression "Horses" includes (besides horses) camels, asses and mules;(8)"Diseased" means affected with glanders, farcy, or any other dangerous epizootic disease of horses which the Governor of Orissa may, by notification in the official Gazette under Sub-section (1) of Section 2 of the Act, specify in this behalf-;(9)"Schedule" means a schedule annexed to these rules.

#### 2.

Operations under the Act, in all the areas to which these rules apply within the province, shall be under the control of the Deputy Director.

### **3. Duties of owner or persons in charge of horse suspected of being diseased.**

(1)When any horse is diseased or suspected of being diseased, the owner or person in charge thereof shall-(a)if practicable, remove the horse to some isolated buildings as far away as possible from the place where it had been standing or to a remote part of such place;(b)keep the horse as far away possible from other horses, dwelling houses and public roads;(c)give information as soon as possible at the Police Station in whose jurisdiction the said horse is, to an officer-in-Charge of a Police-Station, or to an Inspector, if he be nearer than the said Police Station, that such horse is diseased or suspected of being diseased.(2)The Police officer to whom information is given under Clause (c) of Sub-rule (1) of this rule shall forthwith report the same to the Superintendent of Police and to the nearest Inspector other than the Superintendent of Police.

### **4. Inspector's power regarding entry and search for diseased animals.**

(1)For the purpose of ascertaining whether there is any horse which is diseased as defined in the Act in any enclosure, field, building or other jurisdiction to which he is appointed, enter, search such enclosure, field, building or other places provided that no such entry shall be made between the hours of sunset and sunrise.(2)Every such entry and inspection shall be made in the presence of the owner or person in charge of the place, or of the owner or person in charge of the horse or of both, if they desire to attend.(3)Before making any such entry the Inspector shall, if so required, produce his certificate of appointment. Every certificate shall be in the form set forth in Schedule 1.(4)When making any such entry, search or inspection, the Inspector may be accompanied by any other person whom he may consider it necessary to take with him.(5)The owner or person in charge of the place and the owner or person in charge of the horse, shall give free access to the Inspector and the person (if any) accompanying him and shall in every way facilitate the search and inspection.(6)If an Inspector has reason to believe that the owner or person in charge of the horse is absenting himself in order to evade the Provisions of the Act or of these rules or if he meets with resistance or obstruction in making the entry, he may nevertheless make such entry if he be accompanied by not less than two persons, appointed in writing by the Magistrate.

### **5. Procedure when the Inspector believes horse to be diseased.**

(1)Whenever an Inspector seizes a horse under Section 6 of the Act, he shall isolate it in a suitable place for the purpose of examination, for such a period not exceeding four months as may be deemed necessary.(2)For the purposes of examination, mallein or any other recognised test may be employed.(3)The fact of such seizure and isolation shall be at once reported by the Inspector by a telegram to the Deputy Director, and in writing to the Magistrate and the nearest Veterinary Practitioner. The Inspector shall record his reasons for recommending the detention of the horse and full particulars of the case.

## **6. Seizure and isolation of horses in contact with a diseased horse.**

- Any horse which has been in the same field, building or place or in contact with a diseased horse may, at the discretion of the Inspector, be seized by him and isolated for the purpose of observation by a veterinary practitioner and for test, should he deem it necessary.

## **7. Formalities after seizure of horse.**

(1)When an Inspector seizes a horse, he shall present to the owner or person in charge of the horse a notice of seizure in the form set forth in Schedule II, a notice in the form set forth in Schedule III and a printed copy of these rules.(2)When an Inspector is also a veterinary practitioner and the horse on examination is found to be diseased, he shall also present to such owner or person in charge, a certificate in the form set forth in Schedule IV.(3)If the Inspector is not a veterinary practitioner, and if the horse is found on examination by a veterinary practitioner to be diseased, the Inspector shall, as soon as practicable, procure from such practitioner a certificate in the form set forth in Schedule IV and shall serve a copy of it on the said owner or person in charge of the horse. If the said owner or person in charge is absent at the time of seizure the Inspector shall affix to a prominent place within or near the premises where the seizure took place, the documents hereinbefore mentioned.(4)In either of the above cases, the certificate in the form set forth in Schedule IV shall be countersigned by the Deputy Director.

## **8. Procedure when horse is suspected of surra or lymphangitis epizootica.**

- If any horse is certified under Section 8 of the Act to be suffering from surra or lymphangitis epizootica a veterinary practitioner may, with the consent of the owner, direct that such horse shall be medically treated in such a manner, and at such a place as to ensure that no danger to any other horse is entailed provided as follows : (i)no horse so treated shall be discharged unless certified to be cured of the disease by a bacteriological examination by the Deputy Director;(ii)in the event of the disease proving incurable, the horse shall, subject to the restriction hereinafter imposed, be humanely destroyed in the presence of an Inspector.No horse certified to be suffering from surra or lymphangitis epizootica shall be destroyed until the existence of one of the said diseases has been confirmed by a bacteriological examination by the Deputy Director.

## **9. Destruction of horses.**

(1)If a Veterinary Practitioner certifies under Sub-section (1) of Section 8 of the Act that a horse is suffering from glanders, farcy, surra or any other disease under the Act, the Inspector shall, save as otherwise provided in the proviso to the said section and in Rule 8 of these rules, cause it to be immediately destroyed in his presence.(2)If a diseased horse dies or is destroyed under the Act, the owner or person in charge of it shall, as soon as possible, and with all due care for the prevention of contagion to other horses and to human beings, cause the carcass to be taken to a suitable place to be there burnt, buried, or otherwise disposed of there, in the safest and most efficacious manner practicable.

## **10. Methods of disposal of carcass.**

(1)When the carcass of a horse destroyed under the Act is buried, the grave shall be not less than six feet deep and the skin of the carcass shall be slashed to prevent its being used. All earth contaminated with blood or any discharge from the carcass shall be thrown into the grave. The carcass shall be covered with twenty pounds of quick lime, and finally the grave shall be filled with earth well rammed in. The whole of the work shall be carried out under the supervision of an Inspector(2)When a horse seized under the Act dies before completion of the examination or test, the carcass shall be treated as diseased, and shall be disposed of in accordance with the provisions of Sub-rule (2) of Rule 9 and Sub-rule (1) of this rule.

## **11. Precaution during transit of diseased horse or carcass.**

- When carcass of a horse, which is diseased or which is believed to be diseased is about to be removed to another place for examination, slaughter, cremation, burial or any other lawful purpose, the owner or person in charge of the horse or carcass shall attach a suitable covering over the nostrils and to any part of the body from which, contagious or infectious matter may escape, so as to minimise the danger of spreading infection during removal.

## **12. Control over diseased horses.**

- No owner or person in charge, having been served with a notice of seizure issued under Rule 7, shall intentionally or negligently cause or permit any horse or horses mentioned in the said notice, to be removed or used, otherwise than in accordance with these rules.

## **13. License for removal of horses.**

- Licences under Section 11 of the Act for the removal of horses shall be granted by the Inspector in the form set forth in Schedule V.

## **14. Method of disinfection of buildings, etc., under Section 9 of the Act.**

(1)Whenever an Inspector issues a notice under Section 9 of the Act to the owner or person in charge of the building, shed or other enclosed place, or open lines or vessel or vehicle to have the same disinfected, such notice shall be in the form set forth in Schedule VI and the work of disinfection shall be carried out within the time specified in such notice and in the following manner : (a)Every piece of stable gear shall be destroyed by fire.(b)The roofs of buildings shall be well cleaned and freed from all dust and cobwebs.(c)The walls shall be scraped, the wooden mangers and feeding boxes shall be burnt, and all wood work, which has been within reach of horses, shall be carefully washed, with soft soap and hot water containing five per cent crude carbolic acid or phenyl.(d)If the floor is of mud or brick it shall be dug up to a depth of at least eight inches and if urine has percolated to greater depth, to that depth and fresh material should be laid down;(e)If the floor is of cement and is in good repair, it shall be treated in the same way as the walls, but if it is not in good

repair, it shall be treated as provided in Clause (d). (f) All refuse derived from cleaning and all dung, litter, straw, grass or hay shall be taken to a suitable place and burnt and any material left after burning shall be buried in accordance with orders issued by an Inspector. (g) All buildings shall be thoroughly whitewashed with good lime and water to which five per cent crude carbolic acid or phenyl has been added. (h) Temporary stables or straw, grass or similar materials shall be pulled down, removed to a suitable place and burnt, the floor being treated in the manner prescribed in Clause (d) or Clause (e), as the case may be. (i) The woodwork of any cart, horse box, railway, truck, or vessel with which a diseased horse has come in contact shall first be scraped, then washed with soap and hot water containing five per cent crude carbolic acid or phenyl and afterwards painted. (2) Notwithstanding anything contained in Sub-rule (1) of this rule the Inspector may direct such other or further method of disinfection as in the special circumstances of the case may appear to him to be required.

## **15. Examination of buildings, etc., after disinfection.**

(1) All buildings, places and things which have been disinfected under Rule 14, shall after disinfection be examined by an Inspector. (2) The owner or person in charge of any such building, place or thing shall give such Inspector all reasonable facilities for such examination. (3) If the Inspector is not satisfied that the disinfection has been thoroughly done, he may pass such orders as he may consider necessary to secure the proper disinfection of such building, place or thing and the owner or person in charge thereof shall be bound forthwith to carry out such order.

## **16. Expenses connected with Isolation, disinfection, etc.**

- The expenses connected with-(i) feeding, detaining, isolating and testing a horse; (ii) the disinfection of any building, place or thing; (iii) the disposal of carcasses under the provisions of the Act-shall be borne by the owner; provided that the whole or any part of such expenses may be remitted by the Deputy Director if it is proved to his satisfaction that the owner has executed promptly and thoroughly all the duties laid upon him, by or under the Act, or these rules. (2) The expenses or portion thereof, if any, remitted by the Deputy Director under Sub-rule (1) of this rule shall be defrayed by the Provincial Government.

## **17. Recovery of sums due.**

- Any sum due from any person under Rule 16 may be recovered by the Magistrate from the owner or person in charge of the horse as if it were a fine.

## **18. Procedure when horse is considered not to be diseased.**

- If after completing the examination referred to in Section 7 of the Act, the Veterinary Practitioner does not certify that the horse is diseased, such expenses, if any, as have been incurred in connection with the seizure, keeping, removal and examination of the horse shall be defrayed by the Provincial Government, the horse being forthwith delivered to the person entitled to possession thereof.

## **19. Assistance of Magistrate.**

- If an Inspector or a Veterinary Practitioner has reason to believe that the provisions of the Act will not be properly carried out in any case, such Inspector or Veterinary Practitioner may apply to the Magistrate for assistance.

## **20. Penalty for breach of rules.**

- Whoever refuses or neglects to comply with or commits a breach of any of these rules, may be punished with imprisonment for a term which may extend to one month, or with a fine which may extend to fifty rupees or with both.

## **21. Compensation.**

- Compensation may be given-(i)to the owner of a horse which is clinically diseased;(ii)to the owner of a horse which is apparently healthy and shows no outward symptoms of disease, but which has been in contact with a diseased horse and reacts under any recognised test, and is thus proved to be diseased ; provided as follows :(a)the horse is proved to the satisfaction of an Inspector to have been the property of its present owner for not less than 14 days prior to the detection of the disease;(b)in the opinion of a Veterinary Practitioner it was apparently free from disease, at the time when it came to be the property of its present owner;(c)it is not the property of the Provincial Government, or of a District or Local Board or Municipality or of any asylum for animals or of a company or body receiving financial assistance from the Provincial Government ;(d)the owner of the infected horse has exercised reasonable expedition in bringing the case to the notice of an Inspector;(e)the owner has given all reasonable assistance to such Inspector, and to the officers of the Veterinary Department in preventing the spread of infection;(f)the premises, harness, etc., have been disinfected or cleaned to the satisfaction of an Inspector.The District Magistrate will determine the value of the horse in consultation with a Veterinary Inspector, or the Deputy Director, as the case may be.The scale of compensation will be-Half the value of the horse subject to a maximum compensation of Rs. 100, which may be raised to Rs. 150 in the case of camels only.The estimate is to be based on the value of the horse immediately before it became subject to the Act and these rules.Explanation-(1) The object of conditions (a) and (b) of the proviso to Rule 21 is to discourage any dealing in or importation of horses known or suspected to be diseased.(2)A horse becomes subject to the provisions of the Act and rules relating to slaughter, immediately if it is infected, that is to say, before it shows clinical symptoms of disease.

I

[See Rule 4]Certificate of appointment of InspectorCertified that.....of.....of the Civil Veterinary Department, Orissa, has been appointed by Government notification noted on the margin to be an Inspector under the Glanders and Farcy Act, 1899 (XIII of 1899), and to exercise and perform the powers conferred and the duties imposed by that Act, on such officers.Deputy DirectorVeterinary Services, OrissaDated.....

## II

[See Rule 7] Notice of seizure under Section 6 of the Glanders and Farcy Act, 1899 Notice is hereby given to you.....of.....that whereas I have reason to believe that your horse, as described on the margin, is diseased. I hereby seize the said horse Description Breed : Sex : Colour : Apparent age Brand or any other marks of identification : Inspector under the Act Dated.....

## III

[See Rule 7] Prohibition against removal under Section 11 of the Glanders and Farcy Act, 1899 Notice is hereby given to you.....of.....that whereas the horse described below of which you are in charge, has been in the same field, building or place as, or in contact with a diseased horse, you are prohibited by law from removing the horse described except in good faith for the purpose of preventing infection or under a licence to be granted by the Inspector and subject to the conditions of the licence : Description Breed : Sex : Colour : Apparent age : Brand or any other marks of identification : The penalty for contravention of this rule is imprisonment for a term which may extend to one month or fine which may extend to fifty rupees, or both. Inspector under the Act Dated.....

## IV

[See Rule 7] Certificate that horse is diseased I.....Veterinary Practitioner, appointed under Section 7 of the Glanders and Farcy Act, hereby certify as follows : A horse as noted below said to belong to .....or to have been in charge of..... having been seized under the said Act by ..... an Inspector under the Act, I have this day the..... of.....20.....examined the said horse and believe it to be diseased within the meaning of Section 2(1) of the said Act. Description Breed : Sex : Colour : Apparent age Brand or any other marks of identification : Director/Deputy Director Dated.....Veterinary Practitioner Civil Veterinary Department

## V

[See Rule 13] Licence to remove a horse (Licence for the removal of the under-mentioned horse/horses which has/have been with a diseased horse.) Under Section 11 of the aforesaid Glanders and Farcy Act, and in accordance with the rules made under Section 14 of the said Act, I hereby grant this : .....day.....20 to the owner or person in charge of the horse described below. Description Breed Sex : Colour : Apparent age : Brand or any other marks of identification : a licence to remove the same from.....to.....on the conditions and with the precautions noted below : Conditions.....Precautions.....Dated.....(Inspector) Note-Section 11 of the Glanders and Farcy Act provides as follows: "No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such horse, except in good faith for the purpose of preventing infection, or under a licence to be granted by the Inspector and subject to the conditions of the licence."

## VI

[See Rule 14] Notice of disinfection Notice is hereby given to you ..... that whereas a diseased horse was/horses were kept in your..... situated at..... of which place ..... is the owner/person in charge ; you are hereby directed under Section 9 of the Glanders and Farcy Act, 1899 and in accordance with the rules made under Section 14 of the said Act, to carry out, within .....days the disinfection in the following manner:(a)every piece of stable gear shall be destroyed by fire;(b)the roofs of buildings shall be well-cleaned and freed from all dust and cobwebs;(c)the walls shall be scraped, the wooden mangers and feeding boxes shall be burnt and all woodwork, which has been within reach of horses, shall be carefully washed with soft soap and hot water containing five per cent crude carbolic acid or phenyl;(d)if the floor is of mud or brick it shall be dug up to a depth of at least eight inches and if urine has percolated to a greater depth, to that depth and fresh material should be laid down;(e)if the floor is of cement, and is in good repair, it shall be treated in the same way as the walls, but if it is not in good repair, it shall be treated as provided in Clause (d);(f)all refuse derived from cleansing and all dung, litter, straw, grass or hay shall be taken to a suitable place and burnt and any material left after burning shall be buried, in accordance with orders issued by an Inspector;(g)all buildings shall be thoroughly whitewashed with good lime and water to which five per cent crude carbolic acid or phenyl has been added;(h)temporary stables of straw, grass or similar materials shall be pulled down, removed to suitable place and burnt, the floor being treated in the manner prescribed in Clause (d) or Clause (e), as the case may be;(i)the woodwork or any cart, horse box, railway, truck, boat or vessel with which a diseased horse has come in to contact, shall first be scraped, then washed with soap and hot water containing five per cent crude carbolic acid or phenyl and afterwards painted.(Inspector)DatedN.B.-Section 9(2) of the Glanders and Farcy Act, 1899, provides in respect of a notice issued under that section as follows, namely : "On the failure or neglect of such owner or other person as aforesaid to comply with the notice within a reasonable time, the Inspector shall cause the building, shed, place or lines to be disinfected and the fittings or other things to be destroyed and the expense (if any) thereby incurred may be recovered from the owner or other person as if it were a fine."