

# The Tamil Nadu Cattle-Disease Act, 1866

TAMILNADU

India

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### Act 2 of 1866

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The Tamil Nadu Cattle-Disease Act, 1866 Act No. 2 of 1866 Statement of Objects and Reasons - Tamil Nadu Cattle-Disease (Amendment) Act, 1980. - Under section 1 of the Tamil Nadu Cattle-Disease Act, 1866 (Tamil Nadu Act II of 1866), the State Government or subject to their control, the Board of Revenue, is authorised to bring the Act into force in the districts or parts thereof by means of a notification published in the Official Gazette. It has been represented to the Government that quite often it is not possible for the Collectors of the districts to move the Government, to issue a notification bringing the Act into force in the districts well in advance before the commencement of cattle fairs. To obviate this difficulty, it has been decided to empower the collectors of the districts also to bring the Act into force in their respective districts or part thereof.<sup>2</sup> It has also been decided to increase the quantum of penalty under section 18 of the Act for breach of any rule made under the Act.<sup>3</sup> Opportunity has been availed of to amend section 18 of the Act providing for the making of rules to carry out the purposes of the Act, the publication of the rules and notifications and the placing of the said rules and notifications before the Legislature, in order to give effect to the recommendation of the Committee on delegated Legislations.<sup>4</sup> The Bill seeks to give effect to the above objects. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette, Extraordinary, dated the 4th February 1980. Received the assent of the Governor on the 16th March 1866, and of the Governor-General on the 11th April, 1866 An Act for the prevention of the spread of disease among cattle in the [State of Tamil Nadu] [This expression was substituted for the expression 'Madras Presidency' by the Tamil Nadu Adaptation of Laws Order, 1970, to which was deemed to have come into force on the 14th January, 1969.]. Preamble. - Whereas it is expedient to take measures to prevent the spreading of contagious or infectious diseases among animals in the [State of Tamil Nadu] [This expression was substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, to which was deemed to have come into force on the 14th January, 1969.], and, with that object, to prescribe by law in what way animals so infected shall be dealt with. It is hereby enacted as follows:-

**1. Act to be extended to such places, and during such period of time, as the [State Government] [The words 'Provincial Government' were substituted for The words 'Governor in Council' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] think proper.**

- This Act shall be put in force in such districts, or parts of district and during such periods of time, as the [State Government] [The words 'Provincial Government' were substituted for The words 'Governor in Council' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] [or subject to [their] [These words were inserted by the Tamil Nadu Decentralization Act, 1914 (Tamil Nadu Act VIII of 1914).] control the Board of Revenue] may, from time to time, direct by notification in the [Official Gazette] [These words were substituted for The words 'Fort. St. George Gazette' by the Adaptation Order of 1937.]. This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957) repealing the corresponding law in that territory. The provisions of this Act have been made inapplicable to the disease of rinderpest in any area to which the provisions of the Tamil Nadu Rinderpest Act, 1940 (Tamil Nadu Act XIX of 1940) have been applied by notification under section 1 (3) of that Act and so long as such notification remains in force-see section 2 of Tamil Nadu Act XIX of 1940.

## **2. Interpretation clause.**

- The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction:-the word 'Magistrate' shall include all persons exercising all or any of the powers of a Magistrate; words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender shall include the feminine; [the word 'animal' shall mean any camels, buffalo, horse, pony, ass, bull, bullock, cow, heifer, calf, sheep, lamb, goat, kid, swine or dog.] [Substituted for the original definition by the Tamil Nadu Cattle-disease (Amendment) Act, 1963 (Tamil Nadu Act 29 of 1963).]

## **3. Establishment of hospital-pounds.**

- Whenever this Act shall have been applied as above provided, to any district, or part of a district, hospital-pounds shall be established in such places as the Magistrate of the district, [or, in the City of [Chennai] [Inserted by Madras Act I of 1879, section 1.] [the Commissioner of the Corporation] [These words were substituted for the words 'the President of the Municipal Commission' by section 3 of the Madras Cattle-disease (Amendment) Act, 1921 (Madras Act III of 1921).] shall determine, and keepers shall be appointed to such pounds by the said Magistrate [or Commissioner, as the case may be.] [These words were added by section 3(1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1961 (Tamil Nadu Act XIV of 1951).] The village or villages by which every hospital-pound is to be used shall be determined and notified by the Magistrate.

#### **4. Notice by owner of cattle attacked by disease.**

- Whenever, in any district or part of a district to which this Act has been extended as above provided, any animal is attacked by any contagious or infectious disease, it shall be the duty of the owner, or of the person in charge thereof, to give immediate notice to the keeper of the hospital-pound provided for the village or township in which the animal may at the time be.

#### **5. Examination by pound keeper.**

- On receiving notice as aforesaid, the keeper of the hospital-pound shall, as soon as possible, examine the animal and shall decide whether it is necessary to place it in the hospital-pound for treatment.

#### **6. [ Removal to the hospital-pound. [Section 6 was substituted by section 2 of the Madras Cattle-disease (Amendment) Act, 1921 (Madras Act 111 of 1921).]**

- If the keeper of a hospital-pound should be opinion that the animal has any contagious or infectious disease, he may thereupon require the owner of the animal or the person in charge thereof to place it in the hospital-pound.]

#### **7. Inspection of places in which animals suspected to be diseased are found.**

- Every keeper of a hospital-pound, or person there to authorized by the Magistrate of the district, [or, in the City of [Chennai,] [Inserted by Madras Act I of 1879, section 1.] [the Commissioner of the Corporation] [These words were substituted for the words 'the President of the Municipal Commission' by section 3 of the Madras Cattle-disease (Amendment) Act, 1921 (Madras Act III of 1921).], shall have power, within the range for which he is appointed, to enter upon and inspect any premises or place in which any animal or animals, which he suspects to be labouring under any contagious or infectious disease, may be found, and to examine and inspect whenever or wherever he may deem it necessary, any animal or animals which he suspects to be labouring under such disease, and to require the removal of such animal or animals to the hospital-pound for the range.

#### **8. Cleansing of premises in which diseased animal has been or is.**

- Every keeper of hospital-pound, or person thereto authorized by the Magistrate of the district, [or, in the City of [Chennai,] [These words were inserted by section 1 of the Madras Act I of 1879.] [the Commissioner of the Corporation,] [These words were substituted for The words 'the President of the Municipal Commission' by section 3 of the Madras Cattle Disease (Amendment) Act, 1921 (Madras Act III of 1921).] shall have power, within his range, to cause to be cleansed and disinfected, in any manner which he may think proper, any premises in which any animal labouring under any contagious or infectious disease has been or may be, and to cause to be disinfected, and, if necessary destroyed, any fodder, manure or refuse-matter which he may deem likely to propagate the said disease.

## **9. Expenses for food and treatment by whom to be borne.**

- From the time when any animal affected as aforesaid is taken charge of by the keeper of the hospital-pound, all expenses incurred on account of feeding and medical treatment for the said animal shall be borne by the cattle-pound fund established under [Act III of 1857] [The references to this Act should be read as if made to the Cattle-Trespass Act, 1871 (Central Act 1 of 1987), vide s. 2 of the latter Act.] unless the owner, or person in charge thereof, desires to supply the food and medicines himself: Provided that always that such food and medicines shall be such as the keeper of the hospital-pound may approve or direct.

## **10. Power to destroy diseased animals.**

- The keeper of the hospital-pound, or other person thereto authorized by the Magistrate of the district, [or, in the City of [Chennai,] [These words were inserted by section 1 of the Madras Act I of 1879.] [the Commissioner of the Corporation,] [These words were substituted for The words 'the President of the Municipal Commission' by section 3 of the Madras Cattle Disease (Amendment) Act, 1921 (Madras Act III of 1921).] shall be empowered to destroy any animal either before or after it has been impounded as aforesaid, whenever it shall appear to him to be necessary to prevent the spread of contagion or infection. Burial of carcass. - When any animal shall have been so destroyed, or shall die whilst in charge of the keeper of the hospital-carcass, pound, it shall be the duty of the said keeper to have the carcass of the said animal buried at least six feet below the surface of the ground, and any cost incurred in so doing shall be met from the cattle-pound fund. Bar of claim to compensation. - No compensation shall be claimable in respect of any loss incurred by reason of any act authorized by this section.

## **11. Owner to pay costs for animal cured.**

- Should an animal impounded as aforesaid recover from the disease under which it may have been labouring, the owner or person who was in charge thereof shall pay to the keeper of, the hospital-pound, to be placed to the credit of the cattle-pound fund, the actual cost of the feeding and treatment of such animal. Recovery in case of default. - Should he fail to pay the expenses aforesaid, then the said animal shall lie sold by auction, and the sum realized by its sale, after deducting the amount of the expenses, shall be paid over to the owner, or the person who was in charge :Owner when not chargeable. - Provided always that, in such cases as the owner or person who was in charge may elect to supply food and medicine, he shall not be required to pay any charges whatever.

## **12. Bar to removal, without licence, of animal in contact with diseased cattle.**

- No person having in his possession, or under his custody, any animal which has been in the same shed or stable, or in the same herd or flock, or in contact, with any animal labouring under any contagious or infectious disease, shall remove such animal alive from his land or premises without the licence of the keeper of the hospital-pound for the range, or of some person authorized by the Magistrate of the district, [or, in the City of [Chennai,] [These words were inserted by section 1 of

the Madras Act I of 1879.] [the Commissioner of the Corporation,] [These words were substituted for the words 'the President of the Municipal Commission' by section 3 of the Madras Act III of 1921.] to grant such licence. Licences. - Every such licence shall be in writing, and shall only permit the removal of such animal to some place where it can be conveniently kept apart from all other animals, until the hospital pound-keeper or other person authorized as aforesaid, is satisfied that there is no reasonable probability of such animal propagating the disease.

### **13. Penalty for failing to give notice when animal is attacked by disease.**

- If any person who may be in charge of any animal at the time of its being attacked by a contagious or infectious disorder shall fail to give notice to the hospital pound-keeper of the village, as required in section 4, the said person shall be liable, on conviction before a Magistrate, to a fine not exceeding rupees five for every instance of such neglect, commutable, if not paid, to simple imprisonment for any period not exceeding ten days.

### **14. Penalty for refusing to obey directions of cattle pound-keeper, etc.**

- Any person who shall fail to comply with the directions of a hospital pound-keeper, or of a person duly authorized by the Magistrate of the district, [or, in the City of [Chennai,] [These words were inserted by section 1 of the Madras Act I of 1879.] [the Commissioner of the Corporation,] [These words were substituted for the words 'the President of the Municipal Commission' by section 3 of the Madras Act III of 1921.] in that behalf, as to the impounding any diseased animal; or to the disinfecting any premises or place where any diseased animal may have been kept; or to the disinfecting or destroying any fodder, manure and refuse-matter which may be likely to propagate the disease; or who may remove, without a licence, any animal which has been in the same shed or stable, or in the same herd or flock, or in contact with any animal labouring under any contagious or infectious disease, shall, on conviction before a Magistrate, be liable, for every such offence, to a fine of twenty rupees, commutable, if not paid, to simple imprisonment for any period not exceeding ten days.

### **15. [ Penalty for opposing seizure and impounding of diseased animals. [Section 15 was substituted for the original section by section 2 of the Madras Cattle-Disease (Amendment) Act, 1921 (Madras Act III of 1921).]**

- In any district or part of a district in which this Act is in force, hospital pound-keepers, all police officers not below the rank of a Sub-Inspector and such other persons as the Magistrate of the district, or, in the City of [Chennai], the Commissioner of the Corporation, may specially empowered, may seize and impound all animals suffering from contagious or infectious disease, and any person who shall forcibly oppose such seizure, or who shall forcibly rescue the animals after such seizure, shall be deemed to have committed an offence punishable under section 186 of the Indian Penal Code (Central Act XLV of 1860).]

## **16. Complaint of seizure by owner.**

- Any person whose animals shall have been seized as being diseased may prefer a complaint against the seizure, at any time within ten days from the date thereof, to any Magistrate. Form of complaint.

- The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances. Procedure thereon. - If, on examination of the complainant or his agent, the Magistrate shall see reason to believe that the complaint to be well founded, he shall summon the party complained against, and shall proceed to make a summary inquiry into the case. If the seizure be adjudged illegal, the Magistrate shall award to the complainant such damages as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure, together with all expenses incurred by the complainant in procuring the release of the animals; or, if the animals have not been released, the Magistrate, in addition to the award of damages, shall make an order for their release, and shall direct that the expenses leviable under this Act shall be paid by the party who made the seizure. The amount of all damages and expenses so awarded shall be recoverable according to the process prescribed in [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came in to force on the 14th January, 1969.] [Act No. V of 1865] [The Tamil Nadu District Police (Amendment) Act, 1865.] for the recovery of forfeitures or penalties imposed under the authority of [Act XXIV of 1859.] [The Tamil Nadu District Police Act, 1859.]

## **17. Fees and fines to be credited to the revenues of the State.**

- All fines levied under this Act shall be credited to [the revenues of the State] [The words 'the revenues of the Province' were substituted for the words 'the cattle-pound fund established under the provisions of Act III of 1857, which fund shall be available for payment of all expenses incurred under the provisions of this Act' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Province' by the Adaptation Order of 1950. Now the consolidated fund of the State.]: Reward to informer. - Provided that it shall be lawful for the officer inflicting a fine under this Act to direct any portion thereof, not exceeding one-half, to be paid to the informer.

## **18. Power to make by-laws.**

- It shall be lawful for the [State Government] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] by notice published in the [Official Gazette] [Substituted for The words 'Fort St. George Gazette' by the Adaptation Order of 1937.] to make and prescribe such by-laws as may, from time to time, seem necessary for the more effectually preventing the spreading of infectious or contagious diseases among animals; provided that such by-laws shall not be repugnant to the provisions of this or any other Act. Penalty for breach. - A breach of any such by-laws shall render the party liable, on conviction before a Magistrate, to a fine not exceeding rupees ten, or imprisonment for fifteen days.