

The Bengal Diseases Of Animals Act, 1944

Bengal Act 6 of 1944

WB299

[11th January, 1945.]

An Act to provide for the prevention of the spread of contagious [diseases amongst livestock] in Bengal.

Whereas it is expedient to provide for the prevention of the spread of contagious [diseases amongst livestock] in Bengal;

It is hereby enacted as follows :-

1. Short title and extent. - (1) This Act may be called the [Bengal Diseases of Livestock Act], 1944.

(2) It extends to the whole of [West Bengal].

2. Definitions. - In this Act, unless there is anything repugnant in the subject or context, - [(1) * * *];

(2) "contagious disease" means rinderpest (that is to say, the disease commonly known as cattle plague), anthrax, hemorrhagic septicaemia, [foot-and-mouth disease, rabies, avian influenza (that is to say, the disease commonly known as bird flu)] and includes such other diseases as may be declared by the [State] Government by notification in *Official Gazette* to the contagious diseases for the purposes of this Act;

(3) "infected area" means an area in respect of which a notification under section 5 is in force;

[(4) "infective", used with reference to any livestock, means affected by a contagious disease or having recently been in contact with or proximity to such livestock so affected;

(4A) "livestock" means-

(a) bulls, bullocks, cows, oxen, heifers, calves, buffaloes, sheep, goats and all other ruminating animals, dogs, swine and Includes such other domesticated animals as may be specified in this behalf by the State Government by notification in the *Official Gazette*;

(b) poultry and all other birds;

(4B) "Livestock Development Assistant" means a Livestock Development Assistant of the State Government performing any of the duties for carrying out the purposes of this Act within the local limits of his jurisdiction and in his absence, includes any officer of the State Government who is authorized in this behalf by the State Government;]

(5) "prescribed" means prescribed by rules made under this Act;

[(6) "Veterinary Officer" means a Veterinary Officer of the State Government performing any of the duties for carrying out the purposes of this Act within the local limits of his jurisdiction and in his absence, includes any officer of the State Government who is authorized in this behalf by the State Government.]

[3. Report of contagious disease. - (1) Every owner or person in charge or having control of the livestock and every veterinary practitioner attending any livestock in the course of his

veterinary practice or otherwise, who has reason to believe that such livestock is infective shall forthwith report and any other person who has reason to believe that the livestock is infective, may report the fact to the Pradhan of the Gram Panchayat or the Livestock Development Assistant within the area of which such livestock is for the time being kept.

(2) The Pradhan of the Gram Panchayat or the Livestock Development Assistant on receiving any report under sub-section (1) shall without delay communicate such report to the Block Livestock Development Officer who shall, unless for reasons to be recorded in writing he considers that the report is unfounded in fact, instruct the Veterinary Officer to proceed to the place where the livestock for the time being is kept and examine the livestock and inquire into the circumstances of the case, and on receiving such instructions, the Veterinary Officer shall without delay comply therewith.

(3) Whenever the Veterinary Officer has reason to believe that any livestock within his jurisdiction is infective, he shall proceed as soon as possible to the place where the livestock is and examine it and inquire into the circumstances of the case, notwithstanding that no report under sub-section (2) in respect of such livestock has been received by him.

(4) If after the examination and inquiry referred to in sub-section (2) or sub-section (3) Veterinary Officer is of the opinion that any livestock is infective, he shall report the matter in the manner prescribed to the State Government or to such officer of the West Bengal Animal Husbandry and Veterinary Services under the Animal Resources Development Department as the State Government may appoint in this behalf and the Veterinary Officer shall also take such further action under the provisions of this Act may be necessary expedient and at the same time shall send a copy of such report to the Block Livestock Development Officer.]

4. Duty to segregate [infective livestock]. - Every owner or person in charge or having control of [an livestock] who has reason to believe that such [livestock] is infective shall as far as may be possible in the circumstances segregate such [livestock] in a place apart from all other [livestock] which are not infective and shall take all possible steps to prevent any [livestock] which is not infective from coming into contact with or approaching near to such [livestock].

5. Declaration of infected areas. - (1) The [State] Government or such officer as it may authorise in this behalf may by notification published in the manner prescribed declare any area in which any contagious disease has broken out, or any area within which in the opinion of the [State] Government, or such officer, there is a danger of the spread of any such disease, to be an infected area.

(2) Every notification under sub-section (1) shall specify the limits of the area which is declared to be an infected area and shall also specify the contagious disease in respect of which the area is declared to be an infected area.

6. Prohibition of [movement of livestock, etc.], into or out of infected areas. - (1) Save in accordance with the conditions of a licence granted by [Veterinary Officer]-

- (a) no person shall remove any [livestock], alive or dead, or any product of any [livestock] (including its excreta) or any part of any [livestock] or any fodder, bedding, harness or other things used in connection with an [livestock], and
- (b) no person owning or having charge or control of any [livestock] shall allow such [livestock] 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 [State] Government of any [livestock] or thing referred to in that sub-section through an infected area:

Provided that if such [livestock] 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).

7. Preventive vaccination or inoculation in infected areas. - (1) In all cases in which preventive vaccination or inoculation is possible and practicable against the contagious disease in respect of which an area has been declared to be an infected area, the [Veterinary Officer] shall vaccinate or inoculate, as the case may be, such kinds or classes of [livestock] in that area as may be prescribed in respect of such disease and the owner or person in charge or having control of every such [livestock] shall render every facility and assistance to him in carrying out such vaccination or inoculation.

(2) When a [Veterinary Officer] vaccinates or inoculates any [livestock] he may for the purpose of identification also mark such [livestock] in such manner as may be prescribed.

8. Compulsory segregation and [treatment of livestock] in infected areas. - (1) Where a [Veterinary Officer], after due examination of [the livestock] and such enquiry into the circumstances of the case as may be necessary, is of the opinion that such [livestock] is infective, he may by order in writing direct the owner or person in charge or having control of such [livestock],-

(a) to keep it where it is for the time being, or to remove it or allow 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 or person in charge or having control of such [livestock] shall comply with such order:

Provided that where there is no person in charge or having control of the [livestock] and the owner is either unknown and cannot be ascertained without undue delay, or the order cannot be communicated to him without undue delay or the owner or person in charge or having control of the [livestock] fails to comply with the order within such time as in the opinion of the [Veterinary Officer] is reasonable, the [Veterinary Officer] shall seize the [livestock] and remove it to a place of isolation or segregation and may subject it to such treatment as may be necessary.

(2) If the owner of [the livestock] seized under the proviso to sub-section (1) or his authorized agent applies in the prescribed manner for the return of such [livestock] to his possession, the [livestock] shall be so returned if such owner or his authorized agent pays any expenses, calculated in the prescribed manner, incurred for the upkeep of the [livestock] up to the date of its release:

Provided that on the release of the [livestock] the owner or his authorized agent, as the case may be, shall comply with any order which the [Veterinary Officer] may see fit to issue under sub-section (1).

(3) If the owner of [the livestock] seized under the proviso to sub-section (1) or his authorized agent does not apply for the release of the [livestock] under sub-section (2) and the [livestock] is, in the opinion of the [Veterinary Officer], no longer likely to infect any other [livestock] with the contagious disease in respect of which it was seized,

the [Veterinary Officer] shall send the [livestock] to the nearest cattle pound or deal with it in such manner as may be prescribed.

(4) Notwithstanding anything in sub-sections (1), (2) and (3) if the [Veterinary Officer], after due examination of any [livestock], certifies in writing that such [livestock] is affected with any of such contagious diseases as may be prescribed in this behalf, he may destroy the [livestock] or deal with it in such other manner as may be prescribed.

9. Disinfection of buildings, etc., in infected areas. - Subject to such rules as may be prescribed, the [Veterinary Officer] may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which an infective [livestock] has been kept to have such building, yard, vehicle or vessel disinfected, and the internal fittings thereof and other things found therein to be disinfected or destroyed, in such manner and to such extent as may be specified in the order, and such owner, occupier or person in charge shall comply with such order.

10. Prohibition of markets, fairs, etc., in infected areas. - No person shall organise, promote or hold in any infected area any [livestock] market, [livestock] fair, [livestock] exhibition or other concentration of [livestock] whether for the purpose of sport or trade, without the permission in writing of the [State] Government or such officer as the [State] Government may authorise in this behalf.

11. Power of [Veterinary Officer] to subject [infective livestock] to tests. - If the [Veterinary Officer] suspects that any [livestock] is infective he may subject it to such tests as may be prescribed and the owner or person in charge or having control of such [livestock] shall render every facility and assistance to him in carrying out the tests.

12. Power of [Veterinary Officer] to carry out *post mortem* examinations. - Subject to such rules as may be prescribed the [Veterinary Officer] may make or cause to be made a *post mortem* examination of any [livestock] which at the time of its death was infective or suspected to have been then infective and for this purpose he may cause the carcass of any such [livestock] to be exhumed.

13. Manner of burial or disposal of carcasses of [infective livestock]. - (1) Every [livestock] which at the time of its death is infective or suspected to be infective shall be buried at least six feet below the surface of the ground or dealt with in such other manner as may be prescribed.

(2) Except in the case of the exhumation of a carcass under section 12, no person shall disinter or otherwise remove the carcass of [any livestock] buried in compliance with the provisions of sub-section (1).

14. Prohibition on bringing [infective livestock] into any market, fair, etc. - Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of [livestock], any [livestock] which he knows or has reason to believe to be infective shall be punished with fine which may extend [in the case of a first conviction to one thousand rupees and in the case of a second or subsequent conviction to five thousand rupees].

15. Prohibition of sale or transfer of [infective livestock]. - Whoever sells or attempts to sell or to transfer in any manner to another person any [livestock] which he knows or has reason to believe to be infective shall be punished with fine which may extend [in the case of a first conviction to one thousand rupees and in the case of a second or subsequent conviction to five thousand rupees].

16. Penalties. - (1) Whoever-

- (a) having reason to believe that [any livestock] is infective fails to give information as required by sub-section (1) section 3, or

- (b) fails to segregate any [livestock] as required by section 4, or
- (c) contravenes the provisions of section 6, or
- (d) fails to render every facility and assistance to a [Veterinary Officer] as required by section 7, or
- (e) fails to comply with the order of a [Veterinary Officer] made under sub-section (1) of section 8, or
- (f) fails to comply with an order made under section 9, or
- (g) organises, holds or promotes, as the case may be, any [livestock] market, [livestock] fair, [livestock] exhibition or other concentration of [livestock] in contravention of the provisions of section 10, or
- (h) fails to render every facility and assistance to a [Veterinary Officer] as required by section 11, or
- (i) contravenes any of the provisions of section 13,

shall be [punished with fine which fine which may extend to five hundred rupees].

(2) If any person having been convicted of an offence punishable under any of the clauses (a) to (i) of sub-section (1) is again guilty of any offence punishable under that clause or is guilty of any offence punishable under any of the remaining said clauses he shall be [punished for every such subsequent offence with fine which may extend to one thousand rupees].

17. Power of [Veterinary Officer] to enter and inspect land, etc. - Subject to such rules, as may be prescribed, a [Veterinary Officer] may enter 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.

18. Time for complying with and enforcement of orders. - (1) Where by any 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 a 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 things are not done within the time specified in accordance with the provisions of sub-section (1), the authority issuing the requisition or order may cause the measures to be taken or the thing to be done and the cost thereof shall be recoverable from the person who was required to take such measures or to do such thing as if it were an arrear of land revenue.

19. Power of Police Officer to arrest without warrant. - Any Police Officer not below the rank of a Sub-Inspector may at the request in writing of a [Veterinary Officer] arrest, without warrant, any person who has been concerned in any offence under this Act.

20. Cognizance of offences. - No Court shall take cognizance of any offence under this Act except upon the complaint or report of a [Veterinary Officer].

21. Jurisdiction of Courts. - No Court inferior to that of a [Metropolitan Magistrate] or a Magistrate of the first class shall try an offence under the Act.

22. Bar of claim to compensation. - No person shall be entitled to any compensation in respect of the destruction of any [livestock] or thing or of any other loss, injury, detriment or inconvenience caused him by reason of anything done under this Act in good faith.

23. Indemnity. - No suit, prosecution or other legal proceedings shall lie against any servant of the [Government] for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

24. Power to make rules. - (1) The [State] Government may subject to the condition of previous publication make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for,-

- (a) the manner in which a report required in sub-section (4) of section 3 shall be made;
- (b) the manner in which a notification issued under sub-section (1) of section 5 may be published;
- (c) the kinds or classes of [livestock] which shall be vaccinated or inoculated in respect of each contagious disease referred to in sub-section (1) of section 7;
- (d) the manner in which [any livestock] may be marked under subsection (2) of section 7;
- (e) the manner in which an application under sub-section (2) of section 8 shall be made;
- (f) the manner in which the expense referred to in sub-section (2) of section 8 shall be calculated;
- (g) the manner in which [any livestock] may be dealt with under subsection (3) of section 8;
- (h) the contagious diseases referred to in sub-section (4) of section 8;
- (i) the rules subject to which a [Veterinary Officer] may issue an order under section 9;
- (j) the tests to which [any livestock] may be subjected under section 11;
- (k) the rules subject to which a *post mortem* examination of [any livestock] may be made under section 12;
- (l) the manner in which [any livestock] may be [dealt with] under subsection (1) of section 13;
- (m) the rules subject to which a [Veterinary Officer] may take action under section 17.