

CHAPTER 61

DANGEROUS ANIMALS

Ordinance
No. 38 of 1921.

AN ORDINANCE TO MAKE PROVISION AGAINST INJURIES BY DANGEROUS ANIMALS.

[24th October, 1921.]

- Short title. 1. This Ordinance may be cited as the Dangerous Animals Ordinance.
- Interpretation. 2. In this Ordinance, unless the context otherwise requires-
- “animal” includes a wild animal, provided it is the property of any person ;
- “owner” includes the person having control or charge of an animal.
- Magistrate may issue summons on owner of dangerous animal. 3. Whenever a Magistrate, on taking such evidence as he thinks fit, is satisfied that an animal is dangerous and not kept under proper control by its owner, such Magistrate may issue a summons to such owner in the form in the Schedule.
- Service of summons, order, or notice. 4. (1) The summons and any order or notice made or given under this Ordinance shall, if practicable, be served on the person against whom it is made or to whom it is to be given in manner provided for service of a summons by the Code of Criminal Procedure Act.
- (2) If such summons, order, or notice cannot be so served, it shall be notified by a copy thereof being posted up at such place or places as may, in the opinion of the Magistrate, be fittest for conveying the information to such person and also by beat of tom-tom.
- Person to whom summons is directed may appear and show cause against order. 5. The person to whom such summons is directed may, within the time specified therein, appear in accordance with such summons and show cause against any order as is therein mentioned being made against him.
- Consequence of failing to do so. 6. If such person does not appear and show cause as required by the last preceding section, an order for the destruction of the animal shall be made by the court.
7. (1) If such person appears and shows cause, the Magistrate’s Court shall take evidence in the matter. Procedure in case of appearance.
- (2) If such court is satisfied that such an order would not be reasonable and proper, it shall refuse to make the same.
- (3) If the court is satisfied that the animal is dangerous and not kept under proper control, and that in the interests of the public safety it should be destroyed, the court may make an order for the destruction of such animal.
- (4) (a) If the court is satisfied that the animal is dangerous, but that the owner thereof is ready and able to keep it under proper control, the court may order such owner to keep the animal under proper control, and may require him to enter into a bond for any sum not exceeding one thousand rupees, with or without sureties, to carry out the terms of such order.
- (b) In the event of an owner not carrying out the terms of such order, such bond may be ordered by the Magistrate to be forfeited and recovered in the manner and subject to the conditions provided for the forfeiture of bonds in the Code of Criminal Procedure Act, and an order may be made by the court at the same or some other time for the destruction of the animal.
8. When an order for the destruction of a dangerous animal has been made under either of the last two preceding sections, the Magistrate’s Court shall give notice of the same to the person against whom the order was made, and shall further inform him that if he does not perform the act directed by the order within a time specified in the notice, the court will proceed to take measures for carrying such order into execution. Procedure on order for destruction being made

Consequence of disobedience to order.

9. (1) If such act is not performed within the time specified in the notice issued under the last preceding section, the Magistrate's Court may cause it to be performed, and may recover the costs of performing it by the distress and sale of any movable property of such person within or without the local limits of the jurisdiction of such court. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by a Magistrate within the local limits, of whose jurisdiction the property to be attached is found.

(2) Any police or peace officer or any person authorized by the Magistrate and all persons acting under the directions of any such officer or person may do all things

which are necessary for the carrying out of the order, and for any such purpose may enter upon any premises and break down any doors, fences, or other obstacles necessary to enable him or them to seize or approach the animal with the object of carrying out such act as aforesaid.

(3) No suit shall lie in respect of anything done in good faith under this section.

10. An order for the destruction of an animal made under the provisions of this Ordinance shall be subject to appeal in the manner and subject to the conditions laid down in the Code of Criminal Procedure Act. Appeal.

SCHEDULE

SUMMONS TO OWNER OF DANGEROUS ANIMAL

[Section 3.]

In the Magistrate's Court of

To A.B. of

Whereas the undersigned, Magistrate for, having taken evidence, is satisfied that a certain animal, to wit, a, of which you are the owner, is a dangerous animal, and is not kept under proper control :

You are hereby commanded to be and appear in person with your witnesses (if any) on the day of, 19., at, in the noon, at the Magistrate's Court at, to show cause why an order should not be made for the destruction of the said animal.

(Signed)., Magistrate.