

SIND ACT No. VIII OF 1948.¹

[THE SIND CATTLE (CONTAGIOUS DISEASES) ACT, 1948.]

[16th March, 1948]

An Act to provide for the prevention of the spread of contagious diseases among cattle in ~~the Province of~~ Sind

WHEREAS it is expedient to take measures to prevent the spread of contagious diseases among cattle in ~~(the Province of)~~ Sind; It is hereby enacted as follows :—

Short title
and extent.

1. (1) This Act may be called the Sind Cattle (Contagious Diseases) Act, 1948.

(2) It extends to the whole of ~~the Province of~~ Sind.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "cattle" means cows, bulls, bullocks, buffaloes, sheep and goats and the young ones of these species of both sexes ;

(2) "contagious disease" means a disease specified in the Schedule to this Act and any other disease which the Provincial Government may, by notification in the *Official Gazette*, declare to be a contagious disease ;

(3) "Director" means the ²[Director of Animal Husbandry] Sind ;

(4) "Veterinary Officer" means any officer of the ³[Animal Husbandry Department] not below the rank of a Veterinary Assistant Surgeon ;

(5) "inoculation" means inoculation with any protective serum or vaccine or with both ;

(6) "owner" in relation to any animal includes a person having charge of such animal ;

(7) "infected" with its grammatical variations means infected with a contagious disease ;

(8) "~~Province~~" means the Province of ~~Sind~~ ;

¹ For Statement of Objects and Reasons, see S. G. G., 1948, Pt. IV, p. 53; and for proceeding in Assembly, see S. L. A. Debates, 1948, Vol. III, Book No. 3, pp. 37-39.

² Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "Director of Veterinary Services".

³ Subs. *ibid*, for "Civil Veterinary Department".

⁴ Subs. by W.P. Laws (Adap.) Ord. 1964, for "the Province of Sind".

⁵ Omitted by - *ibid*

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

(10) "Tuberculin test" means the test carried out with tuberculin for the purpose of detecting the disease of tuberculosis.

3. The Provincial Government or such officer as it may authorise in this behalf may, in the prescribed manner, declare any local area in which any cattle is affected by or exposed to any contagious disease specified in such notification to be an infected area.

Power to notify infected areas.

4. (1) On the issue of a notification under section 3 it shall be lawful for a Veterinary Officer appointed for the infected area to inoculate every healthy animal of the species affected by or exposed to the contagious disease specified in such notification.

Inoculation of animals.

(2) For the purpose of inoculating any such animal the Veterinary Officer may, by notice in writing, call upon the owner of the animal to produce it for inoculation at the time and place specified in such notice.

(3) On receipt of notice referred to in sub-section (2) the owner of the animal shall detain such animal within the area selected by the Veterinary Officer and give that officer every facility and assistance in carrying out the inoculation.

(4) During the period of detention, which shall not be more than six days, the Veterinary Officer may allow the animal to be taken out of the area selected as aforesaid, for grazing and watering, but the owner of the animal shall be responsible for its return to such area and for its production before the Veterinary Officer as and when required by the Veterinary Officer.

5. For the purpose of identification, the Veterinary Officer may mark the inoculated animal by branding or tatooing with letters or numerals or both.

Marking of animals.

6. (1) The Provincial Government, for the purpose of preventing the outbreak or spread of any contagious disease, may by notification in the *Official Gazette*, prohibit or regulate in such manner and to such extent as it thinks fit—

Power to regulate inter-provincial trades, etc.

(a) the bringing or taking into the Province or any specified place therein of any cattle, alive or dead, or of any parts of cattle or of any kind of fodder, litter or other thing which may, in its opinion, carry infection,

1. Suleman v. P. Laws (Adap) order 1964, for "the Province"

(b) the removal from any specified part of the ~~Province~~ ^[Sind] of any such cattle, parts of cattle or things.

(2) The Provincial Government may, by notification in the *Official Gazette*, specify the season or seasons during which and the route or routes by which cattle may be imported into the ~~Province~~ ^[Sind], and no person shall import cattle into the ~~Province~~ otherwise than during the season and by the route so specified.

(3) The Provincial Government may establish quarantine stations for the inspection and detention of such cattle along the routes appointed under sub-section (2). All cattle on arrival at a quarantine station shall be liable—

(a) to be inoculated against a contagious disease, unless the Veterinary Officer is satisfied that they have been inoculated against such disease within eighteen months immediately preceding their arrival or within such longer period so preceding as may be prescribed; and

(b) to be marked under section 5.

(4) The period of detention of cattle at a quarantine station for the purpose of inspection and inoculation shall be such as may be prescribed.

Prohibition to pass beyond quarantine station.

7. No person importing cattle into any area during a season and by a route specified for such area under section 6 shall pass beyond a quarantine station, unless he holds a certificate under section 11 in respect of the cattle in his charge.

Power to control the holding of markets, fairs, etc.

8. (1) The Provincial Government, for the purpose of preventing the outbreak or spread of any contagious disease, may, by notification in the *Official Gazette*, prohibit or regulate, in such manner and to such extent as it may think fit, the holding of cattle markets, cattle fairs, cattle exhibitions or other concentrations of cattle in any area specified in such notification.

(2) An order made under sub-section (1) shall be published in such manner as the Provincial Government may direct.

Power to control traffic in infective animals.

9. The Provincial Government may, by order, prohibit or limit the sale of, or other traffic in, infective cattle, or in the carcass of cattle which at the time of their death were infective, or in any parts of such cattle, or litter, feeding utensils or other things which may carry infection.

Duty of certain persons to report contagious disease.

10. Every owner of any cattle which he has reason to believe to be affected with a contagious disease and every person bringing into the ~~Province~~ ^[Sind], and every Veterinary practitioner who has been

1. Subs. by W. P. Laws (Asst) under 1964, for "the Province"
Art. 2, Sch. IV B

called to treat such cattle shall forthwith report the fact to the nearest Veterinary Officer.

11. When inoculation has been carried out under section 4 or section 6, the Veterinary Officer shall, if requested by the owner of the inoculated animal, issue a certificate in the prescribed form showing that the animal has been inoculated against the disease shown in such certificate. Certificate of inoculation.

12. No fee shall be recoverable for inoculation carried out in accordance with the provisions of this Act. No fee to be charged for inoculation.

13. If the owner of an animal in respect of which a notice has been issued under sub-section (2) of section 4 refuses to produce or detain such animal for inoculation in accordance with the provisions of the said section, the Veterinary Officer concerned shall report the default to the nearest police station and the officer-in-charge of such police station, or such other police officer as may be deputed by him in this behalf, shall thereupon seize the animal and detain it for production before, and inoculation by, the Veterinary Officer reporting the default. Non-compliance with section 4 to be reported to police.

14. The expenses of detention and production before the Veterinary Officer incurred under section 13 and the expenses of detention under sub-section (4) of section 6 shall be recoverable at such rates as may be prescribed from the owner of the animal. If he fails to pay the amount due, it may, without prejudice to any other mode of recovery, be recovered by sale, by public auction, of such number of the owner's animals as may be sufficient to realize such amount. Recovery of expenses of detention.

15. (1) A Veterinary Officer may, subject to any prescribed rules— Power to enter and search and carry out tuberculin test.

(a) enter and search any building, field or other place for the purpose of ascertaining whether there is therein any animal which is affected with tuberculosis;

(b) where the Veterinary Officer has reason to believe that an animal is affected with tuberculosis he shall, with the consent of the owner of the animal, carry out on such animal the tuberculin test.

(2) If the owner does not consent to the tuberculin test being carried out on his animal, the Veterinary Officer may serve a notice in writing on him stating that such test would be carried out on the animal on a day and at the time specified in the notice.

(3) On receiving a notice under sub-section (2) the owner of the animal shall afford all necessary facilities to the Veterinary Officer for carrying out the tuberculin test on the animal.

Power of seizure.

16. (1) A Veterinary Officer may seize any animal in respect of whom the tuberculin test has disclosed a positive result.

(2) When an animal is seized under sub-section (1), the Veterinary Officer shall at once make a report in writing of such seizure to the Director.

(3) For the purpose of identification of an animal seized under sub-section (1) the Veterinary Officer may mark it in the manner provided in section 5.

Segregation of the animal and disinfection of the premises.

17. (1) Where an animal is seized under sub-section (1) of section 16 the Veterinary Officer may—

(a) direct, by order in writing, the owner of the animal to remove it or permit it to be removed for the purpose of segregation to a place specified in the order, and such direction shall be sufficient authority for the detention of the animal in that place for that purpose,

(b) issue a notice to the owner of the building, shed, place or lines, or to the person in-charge thereof, directing him to have the same disinfected and the internal fittings thereof, or such other things found therein or near thereto as the Provincial Government may prescribe, destroyed.

(2) On the failure or neglect of the owner or other person as aforesaid to comply with the notice within a reasonable time, the Veterinary Officer 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.

Appeal.

18. (1) The owner of an animal seized under sub-section (1) of section 16 may within thirty days of such seizure make an appeal in writing to the Director against such seizure.

(2) The Director may, after examining the manner in which the tuberculin test was carried out—

(a) dismiss the appeal; or

(b) allow the appeal; or

(c) order a fresh tuberculin test to be carried out on the animal.

19. (1) Where an appeal has been allowed under sub-section (2) of section 18, the Director shall make an order that the animal shall be restored to its owner and the Veterinary Officer who seized the animal shall carry out such order. Effect of orders on appeal.

(2) Where—

(a) no appeal has been made within the time prescribed by sub-section (1) of section 18, or

(b) such an appeal has been made but has been dismissed, or

(c) the fresh tuberculin test ordered on such appeal has again disclosed a positive result, the Director may order the animal to be destroyed in such manner as may be prescribed.

(3) The carcass of an animal destroyed under sub-section (2) shall be disposed of in such manner as may be prescribed.

20. (1) Whoever contravenes the provisions of section 4 or sub-section (3) of section 15 shall, on conviction, be punishable with fine not exceeding Rs. 50, or in default with simple imprisonment for a term not exceeding one month. Penalty.

(2) Whoever contravenes the provision of any notification or order issued or made, under sub-section (1) or (2) of section 6 or section 8 or section 9 or the provisions of section 7 or section 10 shall, on conviction, be punishable with imprisonment which may extend to three months or with fine or with both.

21. No Court inferior to that of a Magistrate of the second class shall take cognizance of an offence under this Act. Cognizance of offences.

22. No legal proceedings shall be taken against any person for anything in good faith done or ordered to be done in pursuance of this Act. Bar of Legal proceedings.

23. (1) The Provincial Government may make rules¹ for carrying out the purposes of this Act. Rules.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Provincial Government may make rules—

(a) prescribing the manner in which an area may be declared to be an infected area ;

(b) prescribing the form of notice issued under sub-section (2) of section 4 ;

¹ For Rules, see G. N., Deptt. of Food and Agri. No. 26-A/V/43(i), dated 5th December, 1949, see S. G. G., 1949, Pt. IV-A, pp. 161-166.

(c) prescribing the period for the purpose of clause (a) of sub-section (3) of section 6 ;

(d) prescribing the period of detention of cattle at a quarantine station ;

(e) prescribing the form of certificate granted under section 11 ;

(f) providing for the custody of animals detained under this Act and for their feeding and watering while under detention and prescribing the charges to be levied for feeding and watering such animals and for their production by the police before the Veterinary Officer ;

(g) regulating the sale of animals liable to be sold under section 14 ;

(h) regulating the exercise of powers conferred on Veterinary Officers under section 15 ;

(i) prescribing the fittings and other things which may be destroyed under sub-section (1) of section 17 ; and

(j) prescribing the manner in which an animal may be destroyed and its carcass disposed of under sub-section (3) of section 19.

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2 ~~[(3) Rules made under this Act shall be laid upon the table of the Sind Legislative Assembly at the session of the said Assembly next following and shall be liable to be modified or rescinded by a resolution of the said Assembly and the modification or rescission so made shall, after publication by notification in the Official Gazette, be deemed to have come into force.]~~

24. [Repeal of Sind Act XXII of 1940.] Rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955) s. 6, Sch. II.

SCHEDULE.

(See section 2.)

- (1) Rinderpest.
- (2) Haemorrhagic Septicaemia.
- (3) Anthrax.
- (4) Black Quarter.
- (5) Contagious Abortion.
- (6) Tuberculosis.