

THE MADHYA PRADESH CATTLE DISEASES ACT, 1934

No. XVI of 1934

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THE MADHYA PRADESH] CATTLE DISEASES ACT, 1934 [No. XVI of 1934]

AMENDING ACTS

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| (i) A.O. of 1937 | (ii) CP. & Berar Act No. 27 of 1936 |
| (iii) C.P. & Berar Act No.
35 of 1948 | (iv) AO. of 1950 |
| (vi) M.P. Act No.7 of 1958 | (v) M.P.AO.1957 |
| | (vii) M.P. Act No. 23 of 1958. |

An Act to provide for the prevention of the spread of contagious diseases among cattle in Madhya Pradesh.

Whereas it is expedient to provide for the prevention of the spread of contagious diseases among cattle; And whereas the previous sanction of the Governor-General required by sub-section (3) of section 80-A of the Government of India Act has been obtained to the passing of this Act; It is hereby enacted as follows:

1. Short title, extent and commencement.- (1) This Act may be called The Madhya Pradesh Cattle Diseases Act, 1934.

(2) This Act except Chapters I and II, extends to and shall be in force in the whole of Madhya Pradesh. Chapters I and II shall be in force in such area in which immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958), they were in force in the Mahakoshal region and shall, on such commencement extend to and be in force in the areas in which the like provisions of the corresponding laws were in force in the Madhya Bharat and Vindhya Pradesh regions.

(3) Sections 3 to 9 shall extend to such other area of the State and come into force on such dates as the State Government may, by notification in the Official Gazette, direct.

2. Definitions.-In this Act, unless there is anything repugnant in the subject or context,- (a) "*cattle*" means such domesticated animals as may be prescribed;

(b) "*contagious disease*" means rinderpest and such other disease as may be prescribed; and

(b-1) "*Infective*" means affected by a contagious disease, or having recently been in' contact with or proximity to a cattle so affected or residing in an area declared to be infected area;

(c) "*Prescribed*" means prescribed by rules made under this Act;

(d) "*Veterinan; Officer*" means any officer of the Civil Veterinary Department not below the rank of Stock Supervisor.

CHAPTER 1

REGULATION OF ENTRY AND MOVEMENT OF CATTLE IN A LOCAL AREA.

3. Seasons and routes for importation of cattle.-(I) When Sections 3 to [8] have been extended to any area, the State Government may, by notification, appoint the season or seasons during which and the route or routes by which cattle may be imported into such area, and no person shall import cattle into such area otherwise than during the season and by the route so appointed.

(2) Quarantine stations.- The State Government may establish quarantine stations for the inspection and detention of such cattle along the routes appointed under sub-section (1).

4. Vaccination and marking of cattle.-(I) All cattle on arrival at a quarantine station shall be liable-

- (a) to be vaccinated against contagious disease, unless the Veterinary Officer of the station is satisfied that they have been vaccinated against such disease within 18 months immediately preceding their arrival or within such longer period so preceding as may be prescribed; and
- (b) to be marked in the prescribed manner.

(2) Period of detention of cattle at quarantine stations.- The period of detention of cattle at a quarantine station for the purpose of inspection and vaccination shall be such as may be prescribed.

(3) Assistance to Veterinary Officer for inspection etc. of cattle.-Every person in charge of cattle shall give reasonable assistance to the Veterinary Officer of the station and his subordinates for the inspection, vaccination and marking of such cattle.

(4) If any cattle on arrival at a quarantine station are found to be infective and in the opinion of the Veterinary Officer it is necessary to detain them for preventing the spread of contagious disease, he may detain them for such period as may be prescribed.

5. Feeding and upkeep of detained cattle.-(1) The cattle so detained shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep.

Fodder depots and watering arrangements at quarantine stations.-**(2)** The State Government shall establish fodder depots through the agency of the Forest Department at quarantine stations for the supply of fodder on payment to persons in charge of cattle so detained or provide facilities for the grazing of such cattle on payment in any adjoining Government forest. The State Government shall, likewise, make watering arrangements at every such station, unless there is a natural supply of water close there to, and persons in charge of cattle shall be entitled to water free of charge.

Precautions against straying of cattle.-**(3)** Every person in charge of cattle shall, during the period of their detention take reasonable precautions against their straying from the limits of the quarantine station or from the place allotted for their halt.

6. Liability to pay vaccination and marking fee.-(1) The person in charge of cattle shall be liable to pay the prescribed fee for their vaccination and marking under Section 4 .

(2) If such fee is not paid, the Veterinary Officer of the station may seize as many cattle as well, in his opinion, suffice to defray the fee leviable under sub-section (1) and forthwith report the fact to the 1[Collector] or such other officer as may have been appointed by the 2[Collector] in this behalf.

(3) The 3[Collector] or other officer so appointed may, if satisfied that such fee has not been paid, issue such notice or proclamation as may be prescribed, and cause the cattle so seized to be sold by auction and the proceeds of the sale applied to the payment of :-

- (a) the amount due on account of the fee leviable under sub-section (1), and
 - (b) the charges in connection with the seizure, custody, feeding and upkeep of the cattle and the proceedings of the sale.
- (4)** The balance of the purchase money, if any, shall be delivered to the person who was in charge of the cattle when they were seized or their owner, together with an account showing-
- (a) the number of cattle seized,
 - (b) the time during which they had been in custody,
 - (c) the proceeds of sale, and
 - (d) the manner in which those proceeds have been disposed of.

7. Permit of release of cattle.-The Veterinary Officer 'of a quarantine station shall, at the time of release of cattle from the station, grant, in such form as may be prescribed, a permit to the person in their charge, and such person shall, while in charge of the cattle produce it whenever so required by such officers of the Revenue, Police, Forest, Medical or Veterinary Department as may be prescribed. If such person fails to produce a permit, the officers aforesaid shall give him reasonable facility to produce the same within a given time.

8. Prohibition to pass beyond quarantine station.-(I) No person importing cattle into any area during a season and by route appointed for such area under Section 3 shall pass beyond a quarantine station unless he holds a permit under Section 7 in respect of the cattle in his charge :

Provided that where, as a result of the import of cattle by rail such cattle have to pass beyond a quarantine station, they shall, on their arrival at the destination, be liable to be dealt with in accordance with the provisions of Sections 4, 5, 6 and 7 as if they had arrived at a quarantine station and the person importing such cattle shall, after detaining them forthwith, inform the Veterinary Assistant Surgeon having jurisdiction over the place of destination about their arrival; and

(2) Where cattle are taken beyond a quarantine station in contravention of sub-section (1) they shall without prejudice to any other action that may be taken for such contravention under this Act against the person in charge thereof, be liable for inspection, vaccination and detention in accordance with the provisions of Sections 4, 5, 6 and 7 as if the place where they are detected after the ontravention were a quarantine station

9. Prohibition to purchase or sell unvaccinated cattle.-No professional dealer in cattle shall purchase or sell cattle from or to any person and no person shall sell cattle to such dealer, unless such cattle have been vaccinated against contagious disease within 18 months immediately preceding the date of purchase or sale, as the case may be, or within such longer period so preceding as may be prescribed.

CHAPTER II PREVENTION AND CONTROL OF CONTAGIOUS DISEASES

9_A. Special provision for prevention of rinderpest.-(I) The State Government or such officer as it may authorise in this behalf may, by notification, declare any area to be a compulsory rinderpest inoculation area. Every such notification shall specify the limits of the area so declared and the fact of the issue of such notification shall be made widely known in such area in the manner prescribed.

(2) Upon the issue of a notification under sub-section (1) all cattle in the said area as are above six months of age at the date of publication of the notification shall become liable for being compulsorily inoculated against rinderpest and marked for the purpose of identification in the prescribed manner.

(3) As soon as may be, after the issue of the notification under sub-section (1), the Veterinary Officer appointed for the compulsory rinderpest inoculation area shall visit every village in the said area for the purpose of carrying out inoculation of cattle of such village against rinderpest and marking them in the rescribed manner. The date on which the Veterinary Officer is to visit the village shall be announced in advance by beat of drum throughout the village.

(4) On the date announced under sub-section (3), every person in charge of cattle which are liable to compulsory inoculation under sub-section (2), shall produce or cause to be produced the same before the Veterinary Officer for inoculation against rinderpest and for being marked in the prescribed manner.

(5) Every person in charge of cattle, which are liable to compulsory inoculation under sub-section (2) shall give reasonable assistance to the Veterinary Officer and his sub-ordinates for carrying out inoculation and marking of such cattle.

(6) If the date announced under sub-section (3), any person in charge of cattle which are liable to compulsory inoculation under sub-section (2), omits to produce them for inoculation before the Veterinary Officer, he may without prejudice to any action that may be taken against such person under this Act for such omission, use such reasonable force as may be required for the purpose of carrying out the inoculation and marking of such cattle .

(7) The State Government may make rules for the purpose of carrying out the provisions of this section and such rules may, among other things, empower a Veterinary Officer to take such measures as may be necessary for the enforcement of this Act and the rules and determine in what manner and by whom any expenses incurred for the enforcement of this Act and the rules shall be defrayed.

9-B'. Report of contagious disease.-(1) Every owner or person in charge or having control of any cattle, who has reason to believe that such cattle is infective shall forthwith report the fact to the Mukaddam or Patel as the case may be, of the village in which the cattle is kept or if the cattle is kept in any other place and if such place has a Veterinary dispensary, to the Veterinary Officer in charge of the dispensary or to the Secretary or executive Officer of the local authority having jurisdiction over the area in which the cattle is kept.

(2) Every Mukaddam, Patel, Secretary or Executive officer of the local authority concerned who becomes aware of any case of infective cattle whether from report received under sub-section (1) or otherwise shall forthwith send intimation of the same to the appropriate Veterinary Assistant Surgeon.

(3) Whenever a Veterinary Officer receives a report under sub-section (1) or sub-section (2) or has reason to believe that any cattle within his jurisdiction is infective, he shall proceed as soon as possible to the place where the cattle is and shall take such action as may be prescribed for the declaration of the area as infected area and for the enforcement of the provisions of the Act in that area, and shall send a report of the action taken to such authority as may be prescribed.

9-C. 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.

9.D. Power to take special measures and make rules as to contagious diseases.-(1) On the issue of a notification under Section 9-C, the State Government or the officer authorised under the said section may take, or require - empower any person to take such measures and enforce such rules to be observed by the public or by any person or class of persons as the State Government or such officer deems necessary to prevent the outbreak of a contagious disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation, if any), shall be defrayed.

(2) In particular and without prejudice to the generality of the foregoing provisions, the State Government may take measures and make rules for-

(a) prohibition of movement of cattle carouses, or articles appertaining to them, into or out of infected areas:

- (b) preventive vaccination or inoculation of cattle in infected areas and marking of cattle for purposes of identification:
- (c) compulsory segregation and treatment of cattle in infected areas. Power of State Government to disperse, prohibit or regulate the holding of cattle-market, cattle-fair, cattle-exhibition, etc.-The State Government may, for the purpose of preventing the outbreak or spread of a contagious disease, by order disperse, prohibit or regulate in such manner and to such extent as it may think fit, the holding of cattle-market, cattle-fair, cattle-exhibition or other concentration of a cattle. Such order shall be published in such manner as the State Government may think fit.

CHAPTER3 SUPPLEMENTAL

10-A. Power of Veterinary Officer to enter and inspect land, etc.-Subject to such rules as may be made, a Veterinary Officer may enter and inspect any land, building or other place or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

10-B. Invoking Police assistance.-A Police Officer not below the rank of Sub-Inspector shall at the request in writing of a Veterinary Officer render such assistance as is required for proper enforcement of the Act.

11. Penalty.-Whoever is guilty of any act or omission in contravention of any of the provisions of this Act, or of any rule or order made thereunder, shall be punishable with fine which may extend to five hundred rupees or, in default of payment of the fine, with simple imprisonment which may extend to three months.

General.-Sections 11, 11-A and 11-B read together indicated that all offences under this Act are cognizable and triable at least by a Magistrate of the Second Class. Section 5 of the Code of Criminal Procedure lays down that all offences under any law other than the Penal Code shall be investigated, inquired into, tried and otherwise dealt with according to the provision contained in that Code subject to any enactment for the time being in force regulating the manner or place of investigating, enquiring into, trying or otherwise dealing with such offences. There being no further machinery set up under this Act the provision as laid down in Section 5 of the Code of Criminal Procedure will be applicable in respect of offences punishable under this Act.

11_A. Cognizance of offences.- Notwithstanding anything in the Code of Criminal Procedure, 1898³ (V of 1898), all offences under this Act shall be cognizable.

11-B. Jurisdiction of Courts.-No Court inferior to that of a Magistrate of the Second Class shall try offences punishable under this Act or any rule made thereunder.

12. Bar of suits.-No suit or other legal proceedings shall lie against any person for anything in good faith done or intended to be done under this Act.

13. Power to make rules.-(1) The State Government may, subject to the condition of previous publication, make rules consistent with this Act- (a) as to all matters which are to be prescribed; (b) regulating the powers, duties and procedure of servants of the Government, under this Act; (c) for the guidance of all persons in all matters connected with this Act; and generally, for carrying out the purposes of this Act.

(2) All rules made under this Act by the State Government shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid.

