

THE MADHYA PRADESH HORSE SICKNESS ACT, 1960

(M.P. Act No. 21 of 1960)

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THE MADHYA PRADESH HORSE SICKNESS ACT, 1960¹

(M.P. Act No. 21 of 1960)

An Act to provide for the prevention of the spread of African sickness among horses in Madhya Pradesh and matters ancillary thereto.

Be it enacted by the Madhya Pradesh Legislature in the Eleventh Year of the Republic of India as follows :—

1. Short title and extent.—(1) This Act may be called **the Madhya Pradesh Horse Sickness Act, 1960.**

(2) It extends to the whole of Madhya Pradesh.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “*horse*” includes ponies, mules, donkeys, asses and other equine animals of both sexes and their young ones;

(b) “*horse sickness*” means African horse sickness;

(c) “*infective*” with reference to a horse means affected by horse sickness or having recently been in contact with or proximity to an animal so affected;

(d) “*infected area*” means the area declared to be infected area under Section

7;

(e) “*Veterinary Officer*” means a Veterinary Officer appointed under Section 3.

3. Appointment of Veterinary Officers.—The State Government may, by notification, appoint a person to be Veterinary Officer for the purposes of this Act for such local areas as may be specified in the notification.

4. Power to prohibit or regulate import, export or transport of, holding of markets, fairs, etc. of and traffic in, infective horses.—The State Government may, for the purpose of preventing the outbreak or spread of horse sickness within the State, by notification,—

(a) appoint the route or routes, by which horses may be imported in or exported from the State or infected area; or

¹ Received the assent of the governor on 22-10-1960; assent first published in the m.p. gazette, dated 28-10-

- (b) prohibit, control or regulate the taking of horses to animal markets, animal fairs, animal exhibitions or other concentration of animals;

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- (c) prohibit or regulate the sale or other dealings in infective horses or carcasses of such horses or any fodder, feeding utensils or other things used in connection with such horses which may in the opinion of the State Government carry infection.

5. Prohibition of import or export otherwise than by routes appointed.— Upon the issue of a notification under Section 4 appointing routes for the import and export of horses, no person shall import into or export from the State or an infected area, any horse otherwise than by the route so appointed.

6. Establishment of quarantine stations.—(1) The State Government may establish quarantine stations for the inspection and detention of horses along the routes appointed under Section 4.

- (2) All horses imported or intended to be exported shall be produced at such quarantine stations.

7. Declaration of infected areas.—(1) The State Government ¹²[or such officer not below the rank of Deputy Director of Veterinary Services as may be authorised by the State Government in this behalf] may, by notification, declare any area in which horse sickness has broken out or any area within which in the opinion of the State Government ³[or such officer] there is a danger of the outbreak or spread of the 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.

(3) Upon the issue of a notification under sub-section (1), all horses in the infected area shall become liable,—

- (a) for being examined, tested, compulsorily inoculated against horse sickness and marked for the purpose of identification in such manner as the State Government may specify; and
- (b) for being subjected to such preventive measures as the Veterinary Officer may deem fit.

(4) If as a result of examination and testing it is found that the horse is affected with horse-sickness, the Veterinary Officer shall destroy it or cause it to be destroyed.

¹

² .ins.by section 2 of m.p.act no. 27 of 1961.

³ Ins. by *ibid.*

(5) Every person in charge of the horse shall give reasonable assistance to the Veterinary Officer and his subordinates for the examination, testing, inoculation, marking and adoption of other preventive measures under sub-section (3).

8. Restriction on movement of horses.—(1) No person shall transport by rail, road, water or air any horse,—

- (a) from any place outside the infected area to any place within the infected area;
- (b) from any place within the infected area to any place outside the infected area except under a permit issued by an officer duly authorised in this behalf by the State Government and in accordance with such conditions as may be specified therein:

Provided that no permit shall be issued except on the production of a certificate of a Veterinary Officer to the effect that the horse is not infective.

9. Detention for marking, etc., at quarantine station.—(1) All horses on arrival at the quarantine station shall become liable—

- (a) for being examined, tested, compulsorily inoculated against horse sickness and marked for the purpose of identification in such manner as the State Government may specify; and
- (b) for being subjected to such preventive measures as the Veterinary Officer may deem fit;

and may be detained for the said purposes for such period not exceeding fifteen days, as the Veterinary Officer may think fit.

(2) If as a result of examination and testing it is found that the horse is affected with horse sickness, the Veterinary Officer shall destroy it or cause it to be destroyed.

(3) Every person in charge of the horse shall give reasonable assistance to the Veterinary Officer of the station and his subordinate for the examination, testing, adopting preventive measures and marking of such horse.

10. Liability of person in charge of horse for feeding and upkeep.— (1) The horse detained under Section 9 shall remain under the care of the person importing or exporting the horse who shall be responsible for its feeding and upkeep.

(2) Every person in charge of a horse shall, during the period of its detention, take reasonable precautions against its straying from the limits of the place allotted for its halt.

11. Permit of release of horse.—The Veterinary Officer of a quarantine station shall, at the time of release of horse from the station, grant a permit to the person in its charge and such person shall, while in charge of the horse, produce it whenever so required by a Veterinary Officer.

12. Prohibition to pass beyond quarantine station.— (1) No person importing or exporting a horse by a route appointed under Section 4 shall pass beyond a quarantine station unless he holds a permit under Section 11.

(2) Where the horse is taken beyond a quarantine station in Contravention of sub-section (1), it 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 examination, inoculation and detention as if the place where it is detected after the contravention were a quarantine station.

13. Report of infection.—Every owner or person in charge or having control of any horse who has reason to believe that the horse is infective shall forthwith report the fact to the nearest Veterinary Officer.

14. Power to isolate, seize and destroy or otherwise of infective horse.- Whenever a Veterinary Officer receives report under Section 13 or whenever he has reason to believe that any horse within his jurisdiction is infective, he shall, as soon as practicable proceed to the place where the horse is kept and examine it and inquire into the circumstances of the case.

(2) Where the Veterinary Officer, after due examination of the horse or all horses with which the infective horse has been in contact or to which it has been in close proximity, and such inquiry into the circumstances of the case as may be necessary, is of opinion that such horse is infective, he may, by order in writing, direct the owner or person in charge or having control of such horse,—

- (a) to keep it where it is for the time being or to remove it or to allow it to be removed to such place of isolation or segregation or to a close place as may be specified in the order;
- (b) to subject it to such treatment as may be specified in the order;
- (c) to subject it to such test or examination as may be prescribed:

Provided that where there is no person in charge of the horse and the owner is either unknown and cannot be ascertained without undue delay or the order cannot be communicated to the owner without undue delay or the owner or person in charge or having control of the horse refuses to comply with the order under this sub-section within such time as, in the opinion of the Veterinary Officer, reasonable, the Veterinary Officer may seize the horse and remove it to a place of isolation, segregation or to a closed place.

(3) If after such examination and test the Veterinary Officer,—

- (a) is of opinion that any horse is not infective, he shall return it to the owner or to the person who, in his opinion is entitled to its possession:

Provided that where such owner or person cannot, in the opinion of the Veterinary Officer, be found after reasonable inquiry, he shall send the horse to the nearest cattle pound or deal with it in such other manner as may be prescribed; or

(b) certifies in writing that any horse is affected with horse sickness the horse shall be destroyed or dealt with in such manner as may be prescribed.

(4) The Veterinary Officer shall forthwith report every order of seizure under this section to such authority as may be prescribed.

15. Power to require disinfection of infected premises, vessels or vehicles. Subject to the rules made under this Act, the Veterinary Officer by order in writing, may require the owner, occupier or person in charge of any land, building or other place, or of any vessel or vehicle in which an infective horse has been kept to have such land, building, place, vessel, or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto to be cleansed, disinfected or destroyed in such manner, to such extent and within such time as may be specified in the order.

16. Disposal of carcass.-(1) Where a horse has been destroyed under the provisions of this Act, the Veterinary Officer shall dispose of the carcass, the beddings of the horse and other articles used in connection in such manner as he may deem fit.

(2) Where an infective horse or a horse suspected to be infective dies, the person in charge of such horse shall forthwith, communicate the fact of the death to the nearest Veterinary Officer who shall dispose of the carcass, the beddings of the horse and other articles used in connection with the horse in such manner as he may deem fit.

(3) All expenses incurred in connection with the disposal of carcass and other articles under this section shall be borne by the person in charge of the horse and in case of failure of the person to pay the same they shall be recoverable as an arrear of land revenue.

17. Power of Veterinary Officer to hold post-mortem.-Subject to rules made under this Act, the Veterinary Officer may make or cause to be made a post-mortem examination of any horse which at the time of its death was infective or is suspected to have been then infective and for this purpose he may cause the carcass of the horse to be exhumed.

18. Finality of decision of Veterinary Officer.-If any question arises under this Act whether any horse is infective or not, the question shall be decided by a Veterinary Officer and his decision shall be final.

19. Keeping or grazing infective horse prohibited.-No. person shall keep or graze in an open or unenclosed land to which other persons have a right to access for their animals, any horse which he knows to be infective.

20. Bringing of infective horse in market, etc.-No person shall bring or attempt to bring in any market, fair or exhibition or other concentration of animals any horse which he knows to be infective.

21. Placing of carcass of infective horse in river, etc. prohibited.-No person shall place or permit to place in any river, lake, canal or water or within such distance there-from as may be prescribed, the carcass or any part of the carcass of any horse which at the time of its death was infective or which was destroyed on account of its being infective or suspected to be infective.

22. Powers of entry and inspection.-(1) Subject to rules made under this Act, the Veterinary Officer may enter upon 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 and may seize any infective horse or any horse suspected to be infective or any bedding or other articles used for such horse or for a horse who had died or suspected to have died of horse sickness. (2) Every police officer shall, at the request of a Veterinary Officer in writing, render such assistance as is required for proper enforcement of the Act.

23. Penalty.-Whoever contravenes any of the provisions of this Act or of any rules made or notification issued there-under or any direction given shall be punished with fine which may extend to five hundred rupees or with simple imprisonment which may extend to three months or with both.

24. Cognizance of offence.-Notwithstanding anything in the Code of Criminal Procedure, 1898 (V of 1898)¹, an offence under this Act shall be cognizable.

25. Jurisdiction of Magistrate.-No Magistrate, other than a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf by the State Government, shall try any offence punishable under this Act.

26. Bar of claim to compensation.-No person shall be entitled to any compensation in respect of the destruction of any horse or thing under the provisions of this Act or any loss, injury or inconvenience caused to him by reason of anything lawfully done under this Act.

27. Protection for action taken under this Act.-No suit, prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in good faith under this Act or the rules made there-under.

28. Veterinary Officer to be public servant.-Every Veterinary Officer shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (XLV of 1860).

29. Power to make rules.-(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for,—

¹ See now the code of criminal procedure, 1973(2 of 1974).

- (a) regulating the import into or export from the State or any infected area of horse;
- (b) the powers, duties and procedures of Veterinary or other officers under this Act;
- (c) the matters which are to be or may be prescribed.

30. Repeal.-The Madhya Pradesh Horse Sickness Ordinance, 1960 (No. 4 of 1960), is hereby repealed.