

DOURINE ACT, 1910

5 of 1910

[25th February, 1910]

CONTENTS

1. Short title and extent
2. Definitions
3. Registration of horses
4. Appointment of inspectors and veterinary practitioners
5. Powers of inspector
6. Duties of inspector
7. Inspection of horses
8. Powers of veterinary practitioner
9. Compensation for horse destroyed, etc
10. Settlement of compensation
11. Committees for hearing appeals
12. Appeals
13. Vexatious entries and searches
14. Rules
15. Penalties
16. Protection to persons acting under Act

DOURINE ACT, 1910

5 of 1910

[25th February, 1910]

STATEMENT OF OBJECTS AND REASONS "The object of Bill is to prevent the spread of dourine, a contagious disease of horses which is spread by coition. The existence in India of this obscure disease was first brought to the notice of Government in 1903. As it was reported to constitute a serious menace to the horse-breeding industry in this country, precautionary measures were at once taken executively to check the spread of the disease, especially in the horse-breeding districts of Northern India. In the following year attention was again drawn to the importance of the subject and as a result of a report by the present Inspector-General of the Civil Veterinary Department, further executive action was taken. After consulting Local Governments it was eventually decided that, in

order effectually to combat the disease, legislation was necessary. The Bill, which is self-explanatory, has been drawn up on the model of the Glanders and Farcy Act 13 of 1899. It is permissive in character and has been drafted so as to allow the widest discretion to Local Governments as regards the registration of stallions maintained for breeding purposes. Dourine cannot be diagnosed except by bacteriological examination, and sub-clause (8)(b) accordingly makes proof of the disease by microscopical examination a necessary preliminary to further action under that clause. It is considered advisable to enlist the co-operation of horse-owners as much as possible in dealing with this obscure and dangerous disease, and liberal provision has been made in clause 9 for the payment of compensation when necessary."- Gazette of India, 1909, Part V, p. 96.

1. Short title and extent :-

(1) This Act may be called the Dourine Act, 1910.

(2) This section extends to the whole of India except ¹[the territories which immediately before the 1st November, 1956, were comprised in Part B States]; the rest of this Act extends only to such areas as the State Government may, by notification ² in the Official Gazette, direct.

1. Substituted for "Part B States" by 2 A. L. O., 1956.

2. It has been so extended to Coorg., see Coorg Gazette, 1919, Pt. I, p. 118, to Bombay, see Bombay Gazette, 1919 Pt. I, p. 3001, to the Central Provinces, see Central Provinces Gazette, 1922, Pt. I, p. 1151.

2. Definitions :-

(1) In this Act, the expression "inspector" and "veterinary practitioner" mean, respectively, the officers appointed as such under this Act, acting within the local limits for which they are so appointed.

(2) The provisions of this Act in so far as they relate to entire horses shall, if the ¹ [State Government], by notification as aforesaid, so directs, apply also to entire asses used for mule-breeding purposes.

1. Substituted for "Provincial Government" by A. L. O., 1950.

3. Registration of horses :-

The ¹ [State Government] may, by notification as aforesaid, make

such orders as it thinks fit directing and regulating the registration of entire horses maintained for breeding purposes.

1. Substituted for the words "Provincial Government" by A. L. O., 1950.

4. Appointment of inspectors and veterinary practitioners :-

(1) The ¹ [State Government] may by notification as aforesaid, appoint any persons it thinks fit to be inspectors, and any qualified veterinary surgeons to be veterinary practitioners, under this Act, and to exercise and perform, within any area prescribed by the notification, the powers conferred and duties imposed by this Act upon such officers respectively.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

1. Substituted for the words "Provincial Government" by A. L. O., 1950.

5. Powers of inspector :-

An inspector may, subject to such rules as the State Government may make in this behalf,-

(a) enter and search any building, field or other place for the purpose of ascertaining whether there is therein any horse which is affected with dourine;¹[*]

(b) prohibit, by order in writing, the owner or keeper of any horse, which in his opinion is affected with dourine, from using such horse for breeding purposes, pending examination by the veterinary practitioner;

² [(c) direct, by order in writing, the owner or keeper of any horse which, in the opinion of the inspectors, is affected with dourine 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 horse in that place for that purpose.]

1. The word "and" was repealed by the Dourine (Amendment) Act (8 of 1920), S. 2.

2. Inserted, *ibid*.

6. Duties of inspector :-

An inspector issuing an order under section 5 ,¹ [* *] shall

forthwith forward a copy of such order to the veterinary practitioner.

1. The word and letter "clause (b)" were repealed by the Dourine (Amendment) Act (8 of 1920), S. 3

7. Inspection of horses :-

A veterinary practitioner receiving a copy of an order forwarded under section 6 shall, as soon as possible after receipt of such copy, examine the horse mentioned therein, and may for such purpose enter any building, field or other place.

8. Powers of veterinary practitioner :-

A veterinary practitioner may -

(a) cancel any order issued under section 5 , ¹[* *]; or

(b) if on microscopical examination ²[or by other scientific test] he finds that any horse is affected with dourine,-

(i) in the case of an entire horse, cause it to be castrated,

³ [(ii) in the case of a mare, with the previous sanction of such authority as the State Government may appoint in this behalf, or, if so empowered by the State Government, without such sanction, cause it to be destroyed.]

This section has been brought into accord with section 8 of the Glanders and Farcy Act, 1899. A rule-making power to control the action taken under this section is inserted in section 14.- See S.C.R.

1. The word and letter "clause (b)" were repealed by the Dourine (Amendment) Act (8 of 1920), S. 4.

2. Inserted, *ibid*, S. 4.

3. Substituted for the original sub-clause, *ibid*, S. 4.

9. Compensation for horse destroyed, etc :-

When any horse is castrated or destroyed under section 8 , the market value of such horse immediately before it became affected with dourine shall be ascertained; and the ¹ [State Government] shall pay as compensation to the owner thereof-

(a) in the case of a mare which has been destroyed, or of an entire horse which has died in consequence of castration, such market value, and,

(b) in the case of an entire horse which survives castration, half the amount by which such value has been diminished owing to infection

with dourine and castration.

1. Substituted for the words "Provincial Government" by A. L. O., 1950.

10. Settlement of compensation :-

(1) A veterinary practitioner may award, as compensation to be paid under section 9 in respect of each horse castrated or destroyed under section 8 , a sum not exceeding two hundred and fifty rupees.

(2) If, in the opinion of the veterinary practitioner, the amount which should be paid as such compensation exceeds two hundred and fifty rupees, he shall report accordingly to the Collector, who shall decide the amount to be so paid.

11. Committees for hearing appeals :-

(1) The ¹[State Government] shall, by rules published in the ²[Official Gazette], make provision for the constitution of a committee or committees for the hearing of appeals from decisions under section 10 .

(2) Such rules shall provide that not less than one member of any committee constituted thereunder shall be a person not in the ³ [service of the Government] or of a local authority.

1. Substituted for the words "Provincial Government" by A.L.O., 1950.

2. Substituted for the words "local official Gazette" by A. O., 1937.

3. Substituted for the words "service of the Crown" by A. L. O., 1950.

12. Appeals :-

Any owner may, within two months from the date of a decision under section 10 , appeal against such decision to the committee constituted in that behalf by rules made under section 11 , and the decision of such committee shall be final. "We have altered the period allowed for appeal from three months to two. It is important that there shall be no undue delay in the presentation of appeals."- S.C.R.

13. Vexatious entries and searches :-

(

1) Whoever, being an inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building

or other place, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

14. Rules :-

(1) The ¹[State Government] may make rules for the purpose of carrying into effect the provisions of this Act.

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

²[(a) regulate the exercise of the powers conferred on inspectors under section 5 ;]

(b) regulate the action to be taken by veterinary practitioners under section 8 ; ³[*] ³[* * * * *]

(3) All such rules shall be published in the ⁵ [Official Gazette,] and, on such publication, shall have effect as if enacted in this Act.

(4) In making any rule under this section the State Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

1. Substituted for the words "Provincial Government" by A. L. O., 1950.

2. Substituted for the original clause by the Dourine (Amendment) Act (8 of 1920), S. 5.

3. The word "and" at the end of clause (b) and the whole of clause (c) were repealed, *ibid*-

5. Substituted for the words "local official Gazette" by A. O., 1937.

15. Penalties :-

Whoever uses or permits to be used for breeding purposes-

(a) any horse which has not been registered in accordance with the requirements of a notification under section 3 , or

¹ [(b) any horse in respect of which an order under clause (b) or clause (c) of section 5 is in force,]

shall be punishable with fine which may amount, in the case of a first conviction, to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

1. Substituted for the original clauses (b) and (c) by the Dourine (Amendment) Act (8 of 1920), S. 6.

16. Protection to persons acting under Act :-

No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done under this Act.