

GLANDERS AND FARCY ACT, 1899

13 of 1899

[20th March, 1899]

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SCHEDULE 1 :- Enactments repealed

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STATEMENT OF OBJECTS AND REASONS "Sections 5 and 6 of the Glanders and Farcy Act, 1879 (20 of 1879), as interpreted by the Courts, merely empower an Inspector appointed under that Act to enter and search, with a view to seizure, any building or place in which, from personal knowledge or information taken down in writing, he has reason to believe that there is a horse effected with

Glanders or Farcy. They, give such an officer no power to visit places, such as livery stables, for the purpose of ascertaining whether there therein any animal which is so diseased and ought, in the public interests, to be seized and destroyed. The main object of the legislation now proposed-see clauses 5 and 6 of the Bill-is to remove this defect in the law. The expediency of making the Act capable of application, like Bengal Contagious Diseases (Animals) Act, 1880, to diseases among horses, other than Glanders or Farcy, has at the same time been brought to the notice of the Government of India, and a wider meaning has, in consequence, been given to the word "disease" by clause 2(1) of the Bill. These changes involve certain other ancillary amendments in the Act of 1879. Thus, Section 8 is imperative as to the immediate destruction of a horse affected with Glanders or Farcy; but this is not necessary in the case of, say, anthrax, to which the law may hereafter be extended, and clause 8 of the Bill has, therefore, been drawn in a modified form. Again, Section 12 must cease to penalise entry or search without reasonable ground of suspicion, and the corresponding clause now proposed has been altered accordingly. Finally, the Act has already been more or less substantially amended by Acts 12 of 1891 and 15 of 1896 and in these circumstances, it has been deemed desirable to repeal the whole and to re-enact it with the necessary alterations. The measure has thus taken the form of a Bill to consolidate and amend the law relating to Glanders and Farcy."-Gazette of India, 1898, Part V, page 353.

1. Short title and extent :-

(1) This Act may be called The Glanders and Farcy Act, 1899.

(2) It extends to the whole of India except ¹[the territories which, immediately before the 1st November, 1956, were comprised in Part B States.] ²[*]. ³ [3 * * * * *]

Maharashtra:In sub-section (2), after the words "Part B States", add the words "Other than the Hyderabad Area of the State of Maharashtra"- Maha. Act 34 of 1960, Section 3(a) (30-12-1960).

1. Substituted for the words "Part B States". Immediately before the 1st November, 1956, the following were the Part B States in India; Hyderabad, Jammu and Kashmir, Madhya Bharat, Mysore, Pepsu, Rajasthan, Saurashtra and Travancore-Cochin.

2. The word "and "was omitted by the Repealing and Amending Act, 1914(10 of 1914), Section 3 and Schedule II.

3. Sub-section (3) was omitted, by the Repealing and Amending

Act, 1914(10 of 1914).

2. Definition of "diseased" :-

(1) In this Act, unless there is anything repugnant in the subject or context, "diseased" means affected with glanders or farcy or any other dangerous epidemic disease among horses which the ¹[State Government] may, by notification² in the ³[Official Gazette], specify in this behalf ⁴[* * *].

(2) The provisions of this Act relating to horses shall apply also to ⁵ [camels], asses and mules.

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

2. For notifications under this sub-section as amended by Act 11 of 1901, as regards Nainital, Dehra Dun and Saharanpur Districts, see Gazette of India, 1902, Pt. I, p. 30; as regards Bombay City and Poona Cantonment, see Gazette of India, 1904, Pt. I, p. 948, and as regards certain other local areas, see Gazette of India, 1906, Pt. I, p. 205; see also different Local Rules and Orders.

3. Substituted for "Local Official Gazette" by A.O., 1937.

4. Certain words were omitted by the Repealing Act, 1927 (12 of 1927).

5. Inserted by the Glanders and Farcy (Amendment) Act, 1920 (9 of 1920), S. 2.

3. Application of Act to local areas by State Government :-

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(1) The ²[State Government] may, by notification in the Official Gazette, apply this Act or any provision of this Act to any local area, to be specified in such notification, within the State.

(2) In any such notification the ² [State Government] may further direct that the Act or any provision so applied shall apply in respect of-

(a) all or any of the diseases mentioned or specified in a notification under Section 2 , sub-section (1).

(b) all animals or any class of animals mentioned in Section 2 , sub-section (2).]

Section 3A Tamil Nadu: After Section 3, insert the following

1. Substituted for the original section by the Glanders and Farcy (Amendment) Act, 1920 (9 of 1920), Section 3.

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

3A. Power to vaccinate and regulate movement of horses :-

The State Government may, for the purpose of preventing the outbreak or spread of all or any of the diseases specified in a notification under sub-section (1) of section 2, in or from any area in the State, by notification,-

(a) direct that all persons keeping horses in such area shall have them compulsorily vaccinated in accordance with such rules as may be prescribed; or

(b) prohibit or regulate, subject to such restrictions and conditions as may be prescribed, the bringing into the State, otherwise than across a customs frontier as defined by the Central Government, or transport within the State, of any horse which is diseased or which is not vaccinated against South African Horse-sickness or of any product or part or carcass of any such horse or of any fodder, bedding or other thing used in connection with such horse.

(c) Nothing contained in this section shall apply to any animal belonging to, or under the control or possession of, the Armed Forces of the Union." - T. N. Act 36 of 1965, Section 2 (2-2-1966).

4. State Government to appoint Inspectors :-

(1) When this Act has been so applied to a local area, the ¹[State Government] may, by notification in the ² [Official Gazette], appoint . such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of the local area or such portions thereof as it may prescribe, the powers conferred and the duties imposed by this Act on such officers.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of Indian Penal Code, 1860 .

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

2. Substituted for "Local Official Gazette" by A. O., 1937.

5. Power of entry and search :-

Within the local limits for which he is so appointed, any such Inspector as aforesaid may, subject to such rules as the ¹ [State Government] may make in this behalf, enter and search any field, building or other place for the purpose of ascertaining whether there is therein any horse which is diseased.

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

6. Power of seizure :-

Within such limits as aforesaid, the Inspector may seize any horse

which he has reason to believe to be diseased.

7. Horse to be examined by Veterinary Practitioner :-

(1) On any such seizure as aforesaid, the Inspector shall cause the horse seized to be examined as soon as possible by such Veterinary Practitioner as the ¹[State Government] may appoint in this behalf:

Provided that, when the Inspector is also a Veterinary Practitioner so appointed, he may make the examination himself.

(2) For the purposes of the examination, the Veterinary Practitioner may submit the horse to any test or tests which the ¹ [State Government] may prescribe.

"It has been suggested that the law should recognise the mallein test for glanders as being the most reliable at present known; but new and improved tests may be discovered hereafter, and it seems to us inadvisable that the Act itself should lay down any particular one. we have however amplified Cl. 7 of the Bill in order to admit of the application of such tests as the Local Government may from time to time prescribe, and we have at the same time made an addition to the rule-making clause (14) so as expressly to take power for the Local Government to regulate the use of tests and the isolation of horses while subjected to them, and to provide for recovering the expenses incidental to any necessary detention from the owners or persons in charge of the horses tested." -S. C. R.

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

8. Horse to be destroyed if found diseased : otherwise restored :-

(1) If the Veterinary Practitioner certifies in writing that the horse is diseased, the Inspector shall cause the same to be immediately destroyed: Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any rules which the ¹ [State Government] may make in this behalf, be either destroyed or otherwise treated or dealt with as the Veterinary Practitioner may deem necessary.

(2) If, after completing the examination, the Veterinary Practitioner does not certify that the horse is diseased, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

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

9. When horse diseased, place where it has been to be

disinfected, etc :-

(1) When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may 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 ¹ [State Government] may by rule prescribe, destroyed.

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

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

10. Owner or person in charge of diseased horse to give notice :-

The owner or any person in charge of a diseased horse shall give immediate information of the horse being diseased to the Inspector or to such authority as the ¹ [State Government] may appoint in this behalf.

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

11. Prohibition against removal, without license, of horse which has been with diseased horse :-

No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such horse except in good faith for the purpose of preventing infection, or under a license to be granted by the Inspector and subject to the conditions of the license.

12. Vexatious entries, searches and seizures :-

(1) Whoever, being an Inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place, or seizes or detains any horse on the pretence that it is diseased, 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.

13. Penalty for refusing to comply with notice under Section 9, or for removing horse contrary to section 11 :-

Whoever refuses or neglects to comply with any notice issued by the Inspector under section 9 , or removes any horse in contravention of section 11 , shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

14. Power to make rules :-

(1) The ¹[State Government] may make rules to carry out the purposes and objects of this Act.

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

(a) regulate entries, searches and seizures by Inspectors under this Act;

(b) regulate the use of tests and the isolation of horses subjected thereto, and provide for recovering the expense of detaining, isolating and testing horses from the owners or persons in charge thereof as if it were a fine;

(c) regulate the destruction or treatment, as the case may be, of horses certified under section 8 to be diseased, and the disposal of the carcasses of diseased horses;

(d) regulate the disinfecting of buildings and places in which diseased horses have been, and prescribe what things found therein or near thereto shall be destroyed; and

(e) regulate the grant of licenses under section 11 and the conditions on which those licenses shall be granted.

(3) All rules under this section shall be published in the ²[Official Gazette], and, on such publication, shall have effect as if enacted by this Act.

(4) In making any rule under this section, the ¹ [State Government] may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

1. Substituted for "Provincial Government" by A. L. O., 1950.
2. Substituted for "Local Official Gazette" by A. O., 1950.

15. Appointment of same person to be both Inspector and Veterinary Practitioner :-

Any Veterinary Practitioner may be appointed by the ¹ [State Government] to be both Inspector and Veterinary Practitioner for all or any of the purposes of this Act or of any rule thereunder.

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

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.

17. Repeal :-

Repealed by the Repealing and Amending Act, 1914 (X of 1914), section 3 and Schedule II.]

SCHEDULE 1

Enactments repealed

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| [Repealed by the Repealing and Amending Act, 1914 (X of 1914), section 3 and Schedule II.] |
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